

1 Wednesday, 6 December 2023

2 [Open session]

3 [The accused entered the courtroom]

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

5 PRESIDING JUDGE SMITH: Yes, Mr. Roberts.

6 MR. ROBERTS: Good morning, Your Honour. Just very, very  
7 briefly before the witness starts. I was just wondering, in relation  
8 to the decision you issued on Friday, I know my colleague, Mr. Kehoe,  
9 raised an issue in relation to -- about the detention conditions.

10 We note that your decision still hasn't been implemented, and we  
11 were wondering if we could perhaps hear from the Registry at some  
12 point today on when it will be implemented and how quickly and on  
13 what issues have arisen to delay it thus far?

14 PRESIDING JUDGE SMITH: We met with the Registrar yesterday, and  
15 they are working feverishly to get it implemented. By the way,  
16 family calls can be made, but they will be monitored until this new  
17 order is fully implemented.

18 MR. ROBERTS: We understand, Your Honour. But my understanding  
19 is that they haven't been permitted since Sunday. The last family  
20 call that was permitted was Sunday, so, obviously, it's a pressing  
21 issue --

22 PRESIDING JUDGE SMITH: I just asked yesterday, and the  
23 Registrar said merely make the request, and as long as it's  
24 appropriate they can allow it.

25 MR. ROBERTS: Okay. We will --

1 PRESIDING JUDGE SMITH: But --

2 [Trial Panel confers]

3 MR. ROBERTS: And do we have a time scale for when the rest of  
4 the decision will be implemented?

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 I'm trying to remember what she said. It should be within the  
7 next week or so. Yeah. They're trying to get everything set up and  
8 presented so that everyone can understand it, all the ins and outs of  
9 it. So hopefully -- they're working on it. It should be done soon.

10 MR. ROBERTS: Understood. Thank you, Your Honour.

11 PRESIDING JUDGE SMITH: I can't give you an exact date, but I  
12 know they're -- they intend to have it before the Christmas break for  
13 sure.

14 MR. ROBERTS: Okay. I may follow up with some correspondence  
15 directly to the Registrar --

16 PRESIDING JUDGE SMITH: Certainly you can.

17 MR. ROBERTS: -- just to understand and to try and pre-empt any  
18 issues, just to keep you informed.

19 PRESIDING JUDGE SMITH: But as I said, the private calls are  
20 allowable but they will be monitored at least just for now.

21 MR. ROBERTS: That's fully understood. It's just --

22 PRESIDING JUDGE SMITH: But I want everybody to know --

23 MR. ROBERTS: -- to ensure that we -- yeah.

24 PRESIDING JUDGE SMITH: -- they can make their calls if they  
25 want to to their family.

1 MR. ROBERTS: Thank you.

2 MR. EMMERSON: I do apologise. May I just add this from the  
3 Veseli side.

4 Several requests for family calls have been made and refused at  
5 present. So, so far there have been no allowed family calls,  
6 monitored or otherwise.

7 PRESIDING JUDGE SMITH: I will see to that today.

8 MR. EMMERSON: Thank you very much.

9 MR. KEHOE: And, Your Honour, just before we get off the topic,  
10 I will echo what Mr. Emmerson just said with regard to my client.  
11 They have not been allowed.

12 PRESIDING JUDGE SMITH: Okay. I understand that. And if there  
13 has been a misunderstanding, I apologise for it, but we will talk  
14 about it today.

15 [Trial Panel and Court Officer confers]

16 PRESIDING JUDGE SMITH: Now the Court Officer will call the  
17 case.

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

21 PRESIDING JUDGE SMITH: I note that all of the accused are  
22 present in the court today.

23 Madam Court Usher, please bring the witness in.

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: [Microphone not activated].

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10623

1 Good morning, Witness.

2 THE WITNESS: Good morning, Your Honour.

3 PRESIDING JUDGE SMITH: Today we will continue with the SPO's  
4 examination-in-chief. I remind you to please try to answer the  
5 questions clearly with short sentences. If you don't understand a  
6 question, feel free to ask counsel to repeat the question, or tell  
7 them you don't understand and they'll do their best to clarify.

8 Also, please remember to try to indicate the basis of your  
9 knowledge of the facts and circumstances upon which you will be  
10 questioned.

11 I remind you that you are still under an obligation to tell the  
12 truth as stated by you in your solemn declaration.

13 Please also remember to speak into the microphone and wait five  
14 seconds before answering a question, and speak at a slow pace for  
15 interpreters to catch up.

16 If you feel the need to take a break at any time, please let us  
17 know.

18 Madam Prosecutor, you have the floor.

19 MS. MAYER: Thank you, Your Honour.

20 WITNESS: SANDRA MITCHELL [Resumed]

21 Examination by Ms. Mayer: [Continued]

22 Q. Good morning, Witness.

23 A. Good morning.

24 Q. We left off yesterday speaking about "As Seen, As Told"  
25 volume 2, and I'd like to pick back up there.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10624

1 MS. MAYER: If we could pull up SITF00001529 to SITF00001871,  
2 and specifically going to page 1585.

3 Q. Looking at that page, under the subheading (c), "Harassment of  
4 Kosovo Albanians," it identifies "a general atmosphere of fear and  
5 intimidation," and says that it "cannot be confined to one community:  
6 it is pervasive. Not all Kosovo Albanians are affected, but some  
7 segments of the population clearly feel insecure."

8 And the first one identified says:

9 "One target group appears to be LDK members."

10 Can you tell us what your observations were when you were in  
11 Kosovo at that time, and the timeframe again is the timeframe of this  
12 report, which is June to October 1999.

13 A. Thank you. I remember that the LDK was the last elected  
14 political party in Kosovo from the last elections, which had been  
15 some time ago. They were holding many of the bureaucratic positions  
16 in a parallel administration headed by Mr. Rugova, was the head of  
17 the LDK at that time.

18 They had practiced resistance to the Serbian authorities for  
19 many years, and I think it's fair to say -- my impression, anyway,  
20 was that there were members of the UCK in the community at large that  
21 were somewhat frustrated by the lack of progress in expelling the  
22 Serbs from their occupation of Kosovo.

23 After the re-entry into Kosovo after the NATO intervention, we  
24 did get numerous reports - this is an indication of one in the Gjilan  
25 area - where LDK representatives and members were targeted for

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10625

1 harassment, intimidation by members of the UCK who were seeking to  
2 fill the political space that had been occupied by the LDK.

3 Q. And then if we scroll down on that page to the heading under  
4 number 5, which is entitled "Arbitrary arrest and detention," and it  
5 talks about how the UCK does not have lawful arrest powers; that you,  
6 the OSCE, had received numerous reports of men dressed in UCK  
7 uniforms and identifying themselves as UCK members; and that this  
8 appears to be involved in a pattern of arbitrary arrest and  
9 detention, sometimes accompanied by ill-treatment. And, again, you  
10 put the time period.

11 "This has been evident throughout June to October."

12 And we were talking a little bit about that yesterday. The  
13 multiple reports across Kosovo that were consistently describing UCK  
14 individuals identifying themselves or dressed as UCK --

15 MR. KEHOE: Excuse me, Your Honour. I mean, is this a question?

16 MS. MAYER: I am just trying to orient the witness. We're just  
17 picking up from yesterday, Your Honour.

18 PRESIDING JUDGE SMITH: Go ahead with the question, please.

19 MS. MAYER: Thank you.

20 Q. If we go to the top of the next page. It says here:

21 "The first reported case was on 19th June ..."

22 Can you tell us when was that in relation to when you all and  
23 your team entered the country and began monitoring conditions on the  
24 ground again?

25 A. I believe that would have been about a week or so after we

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10626

1 re-entered Kosovo. This would have been June 1999.

2 Q. And --

3 MS. O'REILLY: Excuse me, sorry, just for clarification. You're  
4 saying the top of the next page. Could you clarify which page you're  
5 talking about? I just I can't see it at the moment.

6 MS. MAYER: [Microphone not activated]

7 THE INTERPRETER: Microphone, please.

8 MS. MAYER: It's the next page of the document, which is  
9 SITF00001586.

10 MS. O'REILLY: And the -- sorry, it's the date that I'm looking  
11 for -- oh, the 19th. Okay. Thank you. Sorry about that.

12 MS. MAYER:

13 Q. And then the next heading is entitled "Assessment." And if you  
14 can read that paragraph where it talks about the "UCK alleged  
15 involvement is a consistent feature, particularly early on in the  
16 reporting period." Again, what's the reporting period? When you say  
17 "early," what timeframe would you be talking about?

18 A. I believe we re-entered -- I re-entered Kosovo, I don't remember  
19 the exact date, somewhere between June 10th and maybe 13th. So  
20 this -- the June 19th would have probably been the week after or the  
21 first week when we were there, whenever we got people to Gjilan.

22 Q. Understood. And then in the remainder of that paragraph, again,  
23 we had been talking about Kosovo Serbs but also Kosovo Albanians  
24 involved in detention by the KLA.

25 This paragraph, if you can speak to this assessment of the

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10627

1 affect on Kosovo --

2 A. Okay.

3 Q. -- Serbs versus Kosovo Albanians.

4 A. Well, certainly there was a lot more fear, intimidation, and  
5 harassment befalling the minority communities in Kosovo until that  
6 tapered off with the departure of many. But throughout that time, as  
7 soon as we returned, there was a chilling effect, which can be  
8 interpreted as meaning inhibiting Kosovo Albanians from participating  
9 in public processes, from participating in interethnic issues, and  
10 overall this would have been affecting the Kosovo Albanian population  
11 that either was not supporting the UCK or was not perceived to be  
12 supporting the UCK.

13 MS. MAYER: If we can move to the same document but move ahead  
14 to SITF00001596, please. And if we can start on the bottom half of  
15 that page under the heading D, "Human Rights Patterns ..."

16 Q. Looking just in the second sentence underneath D, it talks  
17 about:

18 "[The] minority groups were accused of collaboration with the  
19 Yugoslav and Serbian forces ..."

20 We talked a little bit about collaboration yesterday. And if  
21 you can just sort of read those couple of sentences and then explain  
22 to the Panel this assessment of the accusations of collaboration and  
23 the fear of retaliation regardless of whether there was actual  
24 collaboration or not.

25 MS. O'REILLY: Your Honour, before the witness answers this

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10628

1 question, I wonder if we can get a basis for this conclusion because  
2 I note there isn't actually anything cited in this paragraph in  
3 support of this opinion evidence.

4 MS. MAYER: Your Honour, I believe what the witness testified to  
5 yesterday in explaining in detail the methodology of this report was  
6 that it was based on her work, her team's work, that they all  
7 triangulated. I'm happy to ask the witness about the difference  
8 between information that's footnoted and not if that would help the  
9 Panel.

10 PRESIDING JUDGE SMITH: No, the objection is overruled.  
11 You may go ahead.

12 MS. MAYER:

13 Q. You can answer the question.

14 A. Throughout my time in Kosovo, both before the NATO intervention  
15 and after, realising that this is after the intervention, Kosovo  
16 Albanians that were perhaps friends with -- had Serbian friends, had  
17 neighbours who may have been of a minority group, these people would  
18 have been considered collaborators under the vernacular that was  
19 being used by the UCK and their supporters at that time.

20 Q. So is that what you mean in the report when you say whether --  
21 irrespective of whether people were actually guilty, they would be  
22 perceived as collaborators?

23 A. Yes.

24 MS. MAYER: If we can switch documents and pull up 013312 to  
25 013334 RED, going to page 013325.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10629

1 MS. O'REILLY: Your Honour, apologies, but this happened  
2 repeatedly yesterday where the witness was brought to her witness  
3 statement. She's not a 154 witness. We have no knowledge of why the  
4 Prosecutor wants to bring her to this statement, whether it's to  
5 refresh recollection or to impeach, and we simply ask that that be  
6 established first before she continues to do this.

7 PRESIDING JUDGE SMITH: Yes.

8 MS. MAYER: Happy to do that, Your Honour. There was some  
9 concerns yesterday, objections about not being specific, and so my  
10 attempt was to aid the witness. Happy to wait until --

11 PRESIDING JUDGE SMITH: Yes.

12 MS. MAYER: -- there's an objection about specificity and  
13 then to --

14 PRESIDING JUDGE SMITH: You're either on a 154 or you're not,  
15 and apparently you're not, so please ask the question directly. If  
16 you need to try to refresh, that's up to you to say so.

17 MR. KEHOE: Well, I mean --

18 MS. MAYER: Understood.

19 MR. KEHOE: -- just on the rule with refreshing recollection,  
20 that's another rule that the Prosecutor said, "Let me refresh your  
21 recollection," when no question was asked --

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. KEHOE: Well, could we -- just on that score. The witness  
24 has gotta say, "I don't remember," and then, "Can I refresh your  
25 recollection," as opposed to what the Prosecution does, which is,

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10630

1 "Well, let me just refresh your recollection of this," and push the  
2 statement in front of her.

3 PRESIDING JUDGE SMITH: Thank you.

4 Go ahead.

5 MR. ROBERTS: Sorry, Your Honour, can we --

6 MS. MAYER: Then with the Court's permission, if we can take  
7 that down.

8 Q. Witness, speaking of Albanian -- you were discussing Serbians  
9 and Serbian neighbours *vis-à-vis* their Albanian neighbours, so I'd  
10 like to ask you about that.

11 Do you recall instances where Serbians who had protected their  
12 Albanian neighbours, and vice versa, where there was retaliation when  
13 you all returned between June and October 1999?

14 A. Yes.

15 Q. Please explain to the Panel what you recall about that.

16 A. The geographical area that I recall the best was in the Prizren  
17 area, in south of Prizren, where members of the Dragash minority or  
18 the Muslim Slavs had stayed during the NATO campaign, had reported to  
19 us that they had been taking care of either their neighbour's land or  
20 herds, crops, and had somehow tried to protect their Albanian  
21 neighbours.

22 After the conflict when others returned, these individuals at  
23 times - and this is in the report under the Prizren section -  
24 reported harassment coming from the Kosovo Albanian community, not  
25 necessarily their neighbours. We did go to several instances where

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10631

1 elderly Serbs in that region had been killed, bound and executed.  
2 And in following up on that, it was clear that those particular  
3 individuals had not done anything to be the victim of a retaliation.  
4 Q. And in connection with those, did you get reports about whether  
5 it was local KLA members or KLA from other parts or other  
6 communities?

7 A. Often it would be Kosovo Albanians that were not from that  
8 particular community that were not recognised. These were very small  
9 villages, so people would know each other and know their extended  
10 families, and it was often reported that they were Kosovo Albanians  
11 not from the community. They may or may not have been wearing UCK  
12 uniforms. It would really depend on each particular case.

13 MS. MAYER: If we can pull back up "As Seen, As Told" volume 2,  
14 which is SITF00001529 to 00001871 and going to page SITF00001597,  
15 please.

16 Q. And we start on the third paragraph -- or the second full  
17 paragraph on that page, that starts "Individual interventions ..."  
18 Here in this report it says in that paragraph:

19 "... no official UCK attempt to stop the overall pattern of  
20 harassment and intimidation, nor to condemn [it] in all ... forms."

21 And then you give a specific example:

22 "The OSCE asked the UCK Zone Commander ... specifically about  
23 incidents ..."

24 And it lists the responses that were given to the OSCE raising  
25 these concerns with the zone commander, and they include concerns

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10632

1 about -- and, again, you can read them. It says:

2 "How can you expect me to do anything as long as my people do  
3 not have roofs over their heads?

4 "We no longer have policing powers ..."

5 Which is something you mentioned yesterday.

6 "... KFOR will have to deal with this."

7 But I want to ask you about number 3:

8 "I will not make a public statement against any revenge action  
9 unless directed to do so by Agim Ceku."

10 MR. KEHOE: Excuse me, Your Honour, can we have a clarification  
11 as to who this zone commander is?

12 MS. MAYER: Your Honour, again, I -- this is footnoted in the  
13 report, and this is how the report is written. And I would ask the  
14 Court's permission to allow me to ask the questions as I'm doing  
15 them. I haven't even finished my question, so my colleague has no  
16 idea what my next question is going to be.

17 If you could let me finish the question. When I'm done with  
18 this topic, if I haven't gotten everything, I'm sure my colleague  
19 will remind me.

20 MR. KEHOE: Your Honour, they're being called upon to recite a  
21 series of questions from some KLA zone commander in Dukagjin, and the  
22 simple question that we all want to know is who's this conversation  
23 with?

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 I'm sorry, on the record. We need to make this known.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10633

1 MS. MAYER:

2 Q. Witness, do you know -- I see here that:

3 "... OSCE asked the UCK Zone Commander for Dukagjin ..."

4 Footnoted to footnote 14. Can you take a look at that at the  
5 bottom of the page?

6 MS. MAYER: Can we scroll down to see that so the witness can  
7 see it.

8 Q. Can you tell us what the authority for this is?

9 A. I don't know who the specific individual was. The individual  
10 would have been named in the OSCE meeting notes of September 1st,  
11 1999, from which this statement was given. So one would have to go  
12 back to those notes.

13 Q. And you mentioned yesterday in your testimony that the OSCE KVM  
14 had liaison officers and dealt with zone commanders. They had  
15 connections. When you all came back in, in June through October  
16 1999, did you maintain connections with the KLA leadership?

17 A. Yes, but not in the same structure that you had in KVM. OMiK  
18 did not -- was not a quasi-military operation, so we did not have  
19 dedicated liaisons to any of the authorities at that point in time.  
20 So human rights officers would be speaking to whoever was the -- held  
21 themselves out to be the authorities in a particular area. Meeting  
22 notes would also be taken with representatives of KFOR, the UN,  
23 et cetera.

24 Q. All right. So understanding that you don't know the name of who  
25 the zone commander was, I want to focus you on item number 3.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10634

1 MS. MAYER: If we can go back up to the top -- or middle, I  
2 should say.

3 Q. And one of the responses is:

4 "I will not make a public statement against any revenge action  
5 unless directed to do so by Agim Ceku."

6 So first there's an acknowledgement that there is a revenge  
7 action, but the authority there is Agim Ceku. You mentioned him  
8 yesterday. Who was he?

9 MS. O'REILLY: Excuse me, Your Honour. There's not an  
10 acknowledgement of a revenge action. It's saying "any revenge  
11 action." It's quite clear that there is no admission that there has  
12 been revenge.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Just ask exactly what's in the quote. Don't add extra material  
15 that isn't necessary. Okay? There's no admission that there was  
16 revenge. He's merely saying he won't issue a statement about it.

17 MS. MAYER: Understood, Your Honour.

18 PRESIDING JUDGE SMITH: All right.

19 MS. MAYER:

20 Q. Who is Agim Ceku? You mentioned him yesterday.

21 A. Agim Ceku was the commander of the UCK.

22 Q. During this time period when you were back in Kosovo in June to  
23 October 1999?

24 A. Yes.

25 MS. MAYER: If we can move ahead in the document that's on the

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10635

1 screen to SITF00001606, please. And looking towards the top of the  
2 page, that first -- the second full paragraph, rather -- if we can  
3 just zoom in a little bit. Thank you.

4 Q. It says:

5 "Violations of the right to life and violations of physical  
6 integrity ..."

7 Can you just explain what those terms mean in this report?

8 A. These are phrased as -- with human rights languages. So the  
9 right to life is, of course, your right to be alive and not to be  
10 killed and not to have your life threatened to an extent that you may  
11 feel death is imminent.

12 Violations of physical integrity would have been attacks to your  
13 physical body whether or not they were violations directly person to  
14 person or through some sort of an instrument. A gun, for example.

15 Q. Understood. And then in that paragraph it goes on to talk about  
16 this chilling effect that you've already mentioned today on people's  
17 willingness to give statements or evidence, so not just a general  
18 chilling effect but here you're focusing on their willingness to  
19 provide information about such instances.

20 And in the middle paragraph, you're talking about statements  
21 being withdrawn or individuals not feeling safe to name perpetrators.  
22 Was that something, again, that you had reports of or observed in one  
23 particular area or throughout the -- throughout Kosovo during this  
24 time period of June to October 1999?

25 A. The report's replete with these similar types of statements of

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10636

1 individual civilians being very afraid to give statements against  
2 fellow Kosovo Albanians. And at times - this is one of those  
3 instances - somebody may come back to the OSCE field office and ask  
4 that their statement be withdrawn or that their complaint not be  
5 followed, taken forward.

6 Q. And were there also instances, if we go down to the next  
7 paragraph, where witnesses after having seen -- being rounded up by  
8 the UCK police subsequently disappeared?

9 A. Yes. And, again, this is something that's throughout the  
10 report, throughout the regions, and was throughout the time period  
11 too. Initially, there was a focus on minorities and, as I said,  
12 until the minority population left in a significant part, and then we  
13 were able to see that these were also going on with regards to some  
14 of the Kosovo Albanian population.

15 Q. In this report, it goes -- in that sentence we're looking at, it  
16 has the word "police" for UCK police in quotes. Can you explain  
17 that?

18 A. Again, there's throughout the report where individuals either  
19 dressed with UCK uniforms or held them out -- when they met somebody,  
20 they introduced themselves as being part of the UCK police. "Police"  
21 is in italics because the UCK did not have lawful policing  
22 authorities under the Security Council resolution, nor were they an  
23 elected body.

24 MS. MAYER: If we can go to the next page -- sorry, if we can  
25 move ahead to SITF00001657, please. The bottom half of the page.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10637

1 Q. And I just want to focus on this bottom entry where it's -- the  
2 subheading is "The Missing - post K-Day," and it describes that:

3 "There were rumours that some of those [who had been] taken had  
4 been members of the Serbian security forces or were related to such  
5 people," and "others had no demonstrable link with any security  
6 forces ... or government authority."

7 And then in the next paragraph, it talks about an individual who  
8 was taken from his home, a deaf and mute Roma man who was "alleged to  
9 be part of a family that had cooperated with former authorities."

10 So I just want to ask you is that an example of what you were  
11 telling us, in broad strokes, about the definition of collaboration  
12 including people who either had no demonstrable link to security  
13 forces or authority or were alleged to be part of a family, not even  
14 themselves that had done anything, but had been part of a family that  
15 had cooperated with authorities?

16 MS. O'REILLY: Objection. That's an incredibly compound  
17 question. You can see from the transcript that the Prosecution was  
18 simply reading there for quite a long time. There are at least two  
19 incidents in there, and I wonder if we might be better off --

20 PRESIDING JUDGE SMITH: Sustained.

21 MS. O'REILLY: -- just taking them one by one.

22 MS. MAYER:

23 Q. Taking the first one, where it talks about individuals being  
24 taken either who were part of the security forces or were related to  
25 such people, is that an example of the collaboration that you were

1 telling us about earlier in your testimony?

2 A. Yes.

3 Q. And for the second example, the June 12th, that a deaf and mute  
4 Roma man was taken from his home and being -- alleged to being part  
5 of a family that had cooperated. So no mention of security forces or  
6 being part of authorities. Was that also an example of collaboration  
7 that you observed?

8 A. Yes, but I would just like to correct what was said before. If  
9 somebody was a member of the Serbian security force, a police  
10 officer, an army, or something like that, then that would have been a  
11 combatant, and the, quote, collaboration I would not have applied to  
12 that particular instance. But family members or friends, things of  
13 this nature is really what we would have been using the word  
14 "collaboration" for.

15 Q. Thank you for that clarification. Speaking of which, did the  
16 KLA, in your meetings with them, ever acknowledge taking Serbian  
17 civilians during this time period? Not security forces or VJ, as  
18 you've just mentioned.

19 A. I really -- I don't remember. There's so much reporting in here  
20 that I -- I'd really have to look through it. I can't remember  
21 anything specific to stand out.

22 Q. All right. If I have the specific part of the report that  
23 addresses that, I'll be happy to show it to you.

24 MS. MAYER: If we can move ahead to SITF00001698, please.

25 Actually, my apologies. I skipped over one. If we can go to

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10639

1 00001674, please, under the heading of "18th June."

2 Q. And I'd ask you to look at the last bullet there, which is  
3 talking about -- first of all, let me ask if you recognise this part  
4 of the report. If we go back to the page before, which is -- or,  
5 sorry, it's -- yeah, it's the page before, SITF00001673, to the top  
6 of that page. And the first entry on that page is the Annex 1, the  
7 chronology of events. And you mentioned yesterday that there were  
8 several annexes, this being the first one.

9 So as we move into this, do you recognise this as the first  
10 annex of the report?

11 A. Yes.

12 MS. MAYER: And if we can go back to the bottom of page  
13 SITF00001674. That last entry.

14 Q. And it notes that KFOR soldiers entering a Prizren police  
15 station, and it says:

16 "They relieved the UCK of their weapons and took over the  
17 building."

18 Do you know what that means when it says "they relieve the UCK  
19 of their weapons"?

20 A. Yes. When KFOR came into Kosovo and they would go to the police  
21 stations, the UCK may have been doing the local policing in that area  
22 and using the facility. The UCK would have surrendered their weapons  
23 at the request of KFOR and then exited the building, and KFOR would  
24 have then assumed control over the facility by posting guards and  
25 perhaps using the building for its intended purpose.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10640

1 Q. And when it says "they relieved the UCK," it means they took --

2 A. Yes.

3 Q. -- their weapons; right?

4 A. Yes.

5 Q. And it says they found and released 15 detainees but one was  
6 dead. And it says:

7 "The UCK claimed that he died of a heart attack."

8 Did you all look into that or investigate that if that was the  
9 cause of death?

10 A. Could I just -- is there a footnote that goes with this on the  
11 next page?

12 Q. We're going to move to the top of the next page so you can see.

13 MS. MAYER: It's the top of page SITF00001675.

14 Q. And it's a continuation of that sentence. And there's -- as you  
15 can see --

16 A. Okay.

17 Q. -- there's no footnote there.

18 A. If there's not a footnote, then we most likely did not open up a  
19 case for further review. And instead, this would have been taken  
20 from a meeting that the OSCE would have attended with KFOR, who would  
21 have reported on this. And then we may have spoken to KFOR a little  
22 bit more about it. But as it doesn't have a specific case number, I  
23 don't think that we would have followed up. No.

24 Q. Okay. And then continuing in that same paragraph, it notes that  
25 there were reports of -- it says three of the released men were

1 claimed to have been arrested by UCK, brought to the police station,  
2 and severely beaten for 48 hours.

3 Again, is that something that you all would have separately  
4 investigated or this was, of the individuals released, a report  
5 coming from KFOR?

6 A. I don't think that at this particular early stage, this would  
7 have been the first week of arriving, that we would have had the  
8 capacity to follow up on something like this. This would have been  
9 taken from discussions with KFOR.

10 Q. All right.

11 MS. MAYER: If we can move ahead now to SITF00001698, please.

12 Q. And looking at the top of that page, it looks like the last  
13 bullet entry from a previous date, so it's before the entry 21st  
14 July. And it says here again that the OSCE visited Rahovec UCK  
15 commander. Do you know who the commander was that's being identified  
16 in this bullet point?

17 A. No, I don't.

18 Q. And then the -- it says their discussions centred on the  
19 question of missing people.

20 "The Commander said the UCK were not involved and that anyone  
21 could buy UCK uniforms and pretend to be members."

22 Again, that's just -- because that's a specific example, is that  
23 consistent with the explanations that you got from the KLA when your  
24 teams would meet with them in response to your raising allegations of  
25 missing persons or reports of persons being abducted?

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10642

1 A. Yes.

2 MS. MAYER: If we can move ahead in the report to SITF00001701,  
3 please.

4 Q. And if we go to top half of the page, the fifth bullet point  
5 down. Looking at that large paragraph there, again, it's an OSCE  
6 representative with the Rahovec UCK local commander, who you've just  
7 told us you don't know their identity, raising the issues of  
8 kidnapped Serbians.

9 And going down, it specifically says that in this instance the  
10 commander was asked whether an order had been given to kidnap these  
11 Kosovo Serbs or whether there were undisciplined elements within  
12 their ranks because eyewitnesses had seen these assailants wearing  
13 UCK uniforms. And the answer was that the commander denied any  
14 knowledge but said that he would pass any information on that was  
15 received.

16 You had testified yesterday that you had never received any  
17 answers. If you had received answers in response to that specific  
18 inquiry, would you have included that in this report?

19 A. Yes.

20 MS. MAYER: If we can move ahead to SITF00001706, please.

21 Q. And towards the top of that page, the second bullet point.

22 MR. KEHOE: Just one matter, Judge. Can we have a page -- a  
23 date clarification as to what this is referring to? I'm sure that if  
24 we scroll back a page or so, it will have a date there. It doesn't  
25 have one here.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10643

1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           MS. MAYER: On the previous page, it's the bottom of the  
3 previous page at SITF00001705. It's under the heading "29th July."

4           MR. KEHOE: Thank you.

5           MS. MAYER: And that was just shown on the screen.

6           Q. Could you see that, Witness?

7           A. Yes.

8           Q. This second bullet point mentions an OSCE human rights team --  
9 that your OSCE human rights team in Gjilan had a meeting with the UCK  
10 zone commander. Do you know who that was?

11          A. No, I do not.

12          Q. And it specifically talks -- describes the conversation, and it  
13 mentions the arrest of LDK representatives. And the response back,  
14 and this is in quotes:

15                 "... 'the LDK did not contribute to the liberation of the  
16 Albanian people during the conflict, that it was an outdated  
17 political party and did not have a place in the future of Kosovo.'"

18          So a couple of things. First of all, it's in quotes here. So  
19 would that have been something that would have been documented in the  
20 report of your staff as the words directly from the UCK zone  
21 commander?

22          A. Yes, it would.

23          Q. And you had mentioned earlier today in your testimony this  
24 difference between the LDK and the KLA. Had you heard this view  
25 expressed in other meetings with the KLA about their view of the LDK

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10644

1 and its contribution to the liberation of the Albanian people during  
2 the conflict?

3 MR. KEHOE: Again, Your Honour. Just to identify who she  
4 allegedly had these conversations with as opposed to globally through  
5 the KLA.

6 MS. MAYER: I would just let --

7 MR. KEHOE: Excuse me. Could we just have a name?

8 MS. MAYER: I'm asking her if she actually even had it. I don't  
9 know if she did. And so if she did, then I will certainly ask her  
10 who they were with.

11 MR. KEHOE: Well, that's fine. The question wasn't structured  
12 that way. But if that's the way we can go, that's fine.

13 PRESIDING JUDGE SMITH: [Microphone not activated]

14 MS. MAYER:

15 Q. You can answer the question.

16 A. I don't remember the names of specific individuals.

17 Q. Okay. Understanding that you don't remember the names of  
18 specific individuals, do you recall whether this view was shared with  
19 you or not?

20 A. Yes.

21 Q. Just so our record is clear. Having recalled that, was this  
22 view shared with you or not?

23 MR. KEHOE: Judge, I object to the foundation of this. We are  
24 putting something out there without any identification as to who this  
25 is coming from, and the SPO wants to posit this piece of evidence to

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10645

1 use down the line but not any attribution to anybody, as if it's all  
2 of the KLA --

3 MS. MAYER: Your Honour, this goes to the weight, not the  
4 admissibility.

5 MR. KEHOE: Of course --

6 MS. MAYER: She's saying that she has a recollection of meeting  
7 with KLA commanders but doesn't know who specifically.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 The objection is overruled. You may go ahead. This is an OSCE  
10 official document. The commander is identified as the Gjilan zone  
11 commander. That's enough identification.

12 MS. MAYER:

13 Q. You can answer the question.

14 MR. KEHOE: Excuse me, Your Honour. With regard to  
15 Your Honour's just prior ruling. The prior question was: Did you  
16 have conversations with other KLA members elsewhere? Not the Gjilan  
17 zone commander.

18 PRESIDING JUDGE SMITH: It's still part of the report that was  
19 accumulated by the OSCE, and she is testifying to it, and your  
20 objection is overruled.

21 MR. KEHOE: No -- and -- I understand, Judge. And just so I can  
22 put on my objection for the record for future review.

23 What we have done here is the witness, understandably -  
24 understandably, it's a long time ago - can't identify this person,  
25 and we now have a series of questions where the Prosecution is trying

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10646

1 to paint the entire KLA with some idea that the LDK is not to be  
2 involved in the government or in some other pejorative comments  
3 without any attribution to anybody but just saying, "Oh, isn't this  
4 consistent with comments you've had elsewhere?" "Yes."

5 PRESIDING JUDGE SMITH: That's plenty of explanation. I  
6 understand your objection --

7 MR. KEHOE: Okay. And that's --

8 PRESIDING JUDGE SMITH: -- and I overruled it.

9 MR. KEHOE: That's -- I just want to place on the record that  
10 this is the issue. That's all.

11 PRESIDING JUDGE SMITH: Go ahead, Madam Prosecutor.

12 MS. MAYER: Thank you, Your Honour.

13 Q. You can answer the question, Witness.

14 A. I think throughout the report and throughout the documentation,  
15 the meetings that were attended by human rights officers and others  
16 in the OSCE, that it was commonly spoken to them by UCK  
17 representatives, whether those representatives may have been mayors  
18 appointed by the provisional authority or UCK in uniform, that the  
19 LDK did not do enough to help liberate Kosovo during the Serbian  
20 occupation.

21 MS. O'REILLY: Sorry for the interruption. My transcript is  
22 frozen. I don't know if others are in the same position.

23 PRESIDING JUDGE SMITH: [Microphone not activated]

24 MS. O'REILLY: Transcript frozen.

25 PRESIDING JUDGE SMITH: [Microphone not activated]

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10647

1 MS. MAYER: The transcript on the screen is frozen, Your Honour,  
2 and so my colleague couldn't follow along. So I think she was asking  
3 for a pause.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 MR. KEHOE: Your Honour, the lights have gone out on mine, so if  
6 I can just have a moment to reboot myself.

7 PRESIDING JUDGE SMITH: [Microphone not activated]

8 MR. KEHOE: Okay. But I think it's not only running, but the  
9 light went out as well.

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 [Trial Panel and Court Officer confers]

12 PRESIDING JUDGE SMITH: Testing. It seems to be working.  
13 You may proceed.

14 MS. MAYER: Thank you, Your Honour.

15 If we can move ahead to SITF00001718, please. And towards the  
16 bottom of the page.

17 Q. And I'll just note from the previous page, SITF00001717, middle  
18 of that page, there is a heading, "10th August." So this  
19 continuation on the next page is from that date, 10 August 1999.

20 That second-to-last bullet says:

21 "... Gjakove KFOR raided reported UCK detention facilities and  
22 arrested 12 UCK members and confiscated their weapons."

23 So, again, that appears to be a report that there was a reported  
24 UCK detention facilities in August 1999. Is that consistent with the  
25 information that you were receiving while you were on the ground,

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10648

1 that there were still detention facilities?

2 A. Yes.

3 Q. And, again, I think my question left out a word, that they were  
4 KLA detention facilities in that timeframe.

5 A. That's correct.

6 MS. MAYER: If we can move ahead to SITF00001726, please.

7 Q. And this is towards the bottom of the page, the bullet that  
8 starts "At 16:00 ..." And this is under the heading "21st August."  
9 And it describes that a Catholic Albanian male disappeared from  
10 Kline. And then it talks about that:

11 "Two weeks [before the] disappearance, it was reported that UCK  
12 'police'," again in quotes, "had called him in for 'informative  
13 talks.'" He was never seen again."

14 My question is again, the UCK police, that's -- just so we're  
15 clear, that's in quotes throughout the report because they didn't  
16 have actual policing authority, is that right, not because it was  
17 unclear whether someone was saying it was UCK police that they saw or  
18 that that was in the report?

19 A. I think that when -- I think when -- my best recollection is  
20 that when "police" is used, it's because they were identified as  
21 being police, either themselves or in the manner in which they  
22 behaved. Asking people for an informative talk would have been  
23 something that the police in the region would do and the kind of  
24 language that was used.

25 Q. And, again, "informative talk" is this term of art that you told

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10649

1 us about yesterday. And, again, this is still something that's going  
2 on in 21 August 1999; is that right?

3 A. Yes.

4 MS. MAYER: If we can pull up SPOE00198098 to SPOE00198366,  
5 which is "As Seen, As Told" volume 1. And if we can go to page  
6 SPOE00198304, please.

7 Q. And if we start at the heading which is towards the top of your  
8 screen, "Abductions by the UCK." In this section of the report, it's  
9 a different timeframe because it's volume 1, so it's talking about,  
10 in that second paragraph that you can see --

11 MS. MAYER: And if we can just back out a little so we can see  
12 the majority of the page if that's possible. Great.

13 Q. And, Witness, let us know if you can't read that well enough  
14 with the level of magnification on the screen. But it says there  
15 that this timeframe is early December, and then in the middle of that  
16 paragraph it identifies that Ambassador Walker, there were meetings  
17 between December 1998 and March 1999 about the missing. So this is  
18 part of a different timeframe in terms of when this part -- volume 1  
19 of the report; is that right?

20 A. Yes.

21 Q. But there are still reports, and the heading is "Abductions by  
22 the UCK," so there were reports during that timeframe?

23 A. Yeah.

24 Q. Or were there reports during that timeframe?

25 A. Yes.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10650

1 Q. And then it mentions in the next paragraph that the OSCE KVM  
2 Coordination Centre under Prizren Regional Centre dealt extensively  
3 with this issue and with abductions by the UCK. And it goes down in  
4 two paragraphs where it says -- and it gives a number of 157 Serb  
5 civilians had gone missing since the previous February. So would  
6 that be February 1998?

7 A. Yes.

8 Q. In terms of the reporting that you were receiving, was this an  
9 issue that you all were engaging on during this time? And when I say  
10 "this time," I mean from when you all entered in the country, so from  
11 November 1998 until when you all withdrew in March 1999.

12 A. Yes. And this specifically deals with the -- with Rahovec,  
13 which is an area very -- with very bad combat during 1998 prior to  
14 the arrival of KVM. When we arrived, the issue of missing persons,  
15 missing Serbs, missing Roma, was a huge, huge issue for  
16 Ambassador Walker. There were regular demonstrations by the family  
17 members outside the office, and there was a lot of effort - as you  
18 can see, ICRC was involved, and others - in trying to at least  
19 document the missing persons and determine their outcomes.

20 Q. And also in this paragraph -- in this section, rather, in the  
21 paragraph that starts:

22 "The precise number of people held by the UCK was difficult to  
23 determine, since the UCK did not provide public information on those  
24 in its custody."

25 I want you to read the next sentence, as we were speaking before

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10651

1 about Serb civilians and you said there might be something that could  
2 refresh your memory. If you can read that next sentence.

3 A. "In particular, they," UCK, "consistently denied to OSCE-KVM  
4 ever having detained or otherwise held Kosovo Serb civilians."

5 Q. And that is footnoted to something; is that right?

6 A. Yes.

7 MS. O'REILLY: Excuse me, would it be okay if we just went down  
8 the page to see what it is, in fact, footnoted to?

9 MS. MAYER: It's not actually on this page. I believe these are  
10 end notes, so it will be at the end of the chapter. But I'm happy to  
11 advance for the witness to get that page, if that's helpful.

12 If we go forward to SPOE00198311, I believe those are the end  
13 notes for this chapter or this section and you can take a look. I  
14 believe -- I'll flip back. It was footnote 12.

15 Q. And do you see here, Witness, the citation for this  
16 representation that the UCK denied having ever detained Kosovo Serb  
17 civilians, that that's cited to a meeting with Adem Demaci, political  
18 representative for the UCK, December 1998?

19 A. Yes.

20 MS. MAYER: If we can, in the same document, go to SPOE00198220,  
21 please.

22 MR. KEHOE: Excuse me, could we make that a little larger,  
23 Judge?

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 MR. KEHOE: Could we make this page a little larger. I mean,

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10652

1 magnify it a bit.

2 MS. MAYER: And if we can start -- we can scroll up so the whole  
3 -- the bottom of the page can be seen, starting with the heading  
4 arrest, detention by the UCK. Well, if we can back out a little bit  
5 so that the witness can just see everything under that heading.

6 Q. And, again, this is a heading -- a title, "Arbitrary detention  
7 by the UCK." And in that first paragraph, it says:

8 "Through this exercise the UCK tried to justify what amounted to  
9 [the] abductions of civilians ..."

10 Can you explain again in your report the -- why that is  
11 described this way?

12 A. As I mentioned, the UCK held territory in Kosovo. Again, this  
13 is prior to the NATO invasion, so it would have been under the  
14 Serbian control. And within that, UCK would have had pockets of  
15 control around villages.

16 In their areas of control, they endeavoured to provide  
17 government services, traditional government services. And this  
18 included a judicial system, policing authorities, so they were doing  
19 policing, and they told us that they had judges and a process in  
20 place. "They" being the UCK representatives that were being spoken  
21 to in the various areas. At this timeframe, it was mostly  
22 [Overlapping speakers] ...

23 MR. KEHOE: Again, do we have any identification of any of these  
24 individuals?

25 PRESIDING JUDGE SMITH: [Microphone not activated]

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10653

1 MS. MAYER: Your Honour --

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 MS. MAYER: Thank you, Your Honour.

4 Q. Were you done with your answer?

5 A. Yes.

6 Q. And in the next sentence, it again just talks about individuals  
7 or small groups often being accused as traitors or collaborators  
8 being forcibly taken.

9 Again, when you say "amounted to abductions of civilians," it  
10 isn't worded as exercising policing authorities, so I'm just asking  
11 for your explanation as to why the report is written this way or why  
12 the information is presented this way. If you can explain the  
13 assessment -- what it -- it looks like an assessment that it amounted  
14 to an abduction of civilians.

15 MR. KEHOE: I object to that question, Judge. I mean, just ask  
16 a simple question as to what it says. It says what it says. I  
17 mean --

18 PRESIDING JUDGE SMITH: [Microphone not activated]

19 MS. MAYER:

20 Q. You can answer.

21 A. Because the UCK lacked elected authority or appointed authority  
22 under a Security Council resolution, when they were doing policing,  
23 it was not legitimate under international or domestic law. And as a  
24 result, it was, in effect, kidnapping or abductions.

25 MS. MAYER: And if we go to the next page, which is

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10654

1 SPOE00198221.

2 Q. In the middle of the page, the report says:

3 "An illustrative example of detention by the UCK occurred on  
4 11 February 1999 in Racak ..."

5 And you told us about Recak yesterday. Do you remember this  
6 incident that's described here with the UCK abducting nine Kosovo  
7 Albanians in Recak?

8 A. Yes, very well. Ambassador Walker was at the funeral. The  
9 abductions happened at the funeral or thereafter, but certainly with  
10 the presence and the knowledge of the ambassador that this was going  
11 on. So he was quite perturbed that this behavior was taking place  
12 following the funeral of Recak.

13 Q. And staying with this particular incident, it talks about that  
14 the reasons for detention, and this is in quotes, "'having a brother  
15 working with the police and being suspected of having weapons;  
16 drinking with Serbs and having Serb friends; having a police officer  
17 as a friend.'"

18 So, again, are those -- again, those specific examples, are  
19 those consistent with other reports that you had received as  
20 allegations of -- or as a basis for detention?

21 A. Yes.

22 MS. O'REILLY: Apologies. I would just like to seek clarity on  
23 other reports from whom in that last question, if that's okay.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 MS. MAYER:

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10655

1 Q. Sure. As we were talking about yesterday, and you've mentioned  
2 it across this report and across your time in Kosovo, my question is  
3 simply whether this specific example is consistent with the other  
4 information you're receiving across the time that you were there.  
5 I'm not asking for more specific incidents. Was this consistent?

6 A. Yes, and --

7 MR. KEHOE: [Microphone not activated] ... question. I mean, the  
8 question -- the questions by the Prosecutor left off the significant  
9 part that -- to be read, that these people were released the next  
10 day. I mean, at item --

11 PRESIDING JUDGE SMITH: [Microphone not activated] ... perfectly  
12 appropriate for cross-examination, and you won't be stopped if you  
13 ask that question.

14 MR. KEHOE: Yes, Your Honour.

15 THE WITNESS: Did you want me to answer?

16 MS. MAYER:

17 Q. You can answer.

18 A. Yes, this is consistent and the report is peppered with similar  
19 statements being made to OSCE representatives by members of the UCK.

20 MS. MAYER: All right. You can take that document down. I'm  
21 done with that document. Thank you.

22 Q. We were talking yesterday and a little bit today about the issue  
23 of imposters and individuals holding themselves out as KLA and the  
24 KLA's response saying that, well, anyone can buy a uniform, or that  
25 wasn't us. And you spoke to us about your assessment of that.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10656

1 Did you ever ask the KLA, in your meetings with the KLA zone  
2 commanders that you talked to us about yesterday, either with Ramush  
3 Haradinaj or Commander Drini or Commander Remi or Mr. Thaci or  
4 Mr. Ceku, so in all of your personal meetings, did you ever ask them  
5 to denounce this or to take steps to publicly explain why this  
6 behaviour was unacceptable?

7 A. Yes.

8 Q. And what was the response, the reaction that you got?

9 A. Generally, there would be -- depending on the level, the  
10 hierarchy, if this was requests that were made at the field level, on  
11 the ground in villages or in the regional centres, there may have  
12 been some effort to make some statements, very localised. There were  
13 also many, many occasions where it was just simply refused because  
14 the position was these were not members of the UCK, so why make a  
15 public statement.

16 At other times, statements were made by Mr. Thaci, and perhaps  
17 by Mr. Ceku, depending on the level of severity of the critical  
18 incident, the mob, the violence that was occurring.

19 Q. And in those instances, were those statements made to the local  
20 Kosovo media as far as you understood or to the international media?

21 A. It could be both.

22 Q. Do you recall having said that it was -- they were not made  
23 to -- statements -- that these were not -- these didn't appear in the  
24 local media?

25 A. Sometimes they didn't. Sometimes statements were made in

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10657

1 English, and so they were reported only in the English newspapers and  
2 they would not be translated.

3 PRESIDING JUDGE SMITH: Madam Prosecutor, you're quite a ways  
4 past your estimate. I wonder when you are going to finish.

5 MS. MAYER: [Microphone not activated]

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 MS. MAYER: I apologise, Your Honour. The documents just took a  
8 little bit longer than I expected. I do have a few more documents  
9 that I'm going to go through very, very quickly, and just a couple of  
10 questions. I'm on the questions now, and then I probably have five  
11 background documents that she mentioned yesterday that I'm not going  
12 to ask questions about. I just want to show them to her. And about  
13 five more documents that I want to show.

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 MS. MAYER: I would say till the 11.00 break. I'll try to be  
16 done before then.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 You're about an hour and a half over estimate now. Anyway, go  
19 ahead. Go as quickly as you can.

20 MS. MAYER: I will. And I apologise. I appreciate the Court's  
21 indulgence.

22 Q. Just before we turn back to the documents, and I will endeavour  
23 to go quickly. In this July 1999 time period, July to August 1999  
24 time period, which was some of the period covered by "As Seen, As  
25 Told" volume 2 that we were just speaking about, were there concerns

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10658

1 that led to the creation of a task force, a joint task force on  
2 minorities?

3 A. Yes.

4 Q. And can you tell us who was involved in that? Again, very --

5 A. Sure.

6 Q. -- briefly.

7 A. Sure. We were picking up overwhelming reporting on the  
8 situation of minorities, this being Serbs at that particular time,  
9 Roma, Muslim, Slavs, et cetera. They were departing Kosovo sometimes  
10 under KFOR escort. This was impacting returnees. UNHCR started  
11 tracking the issue very much. And rather than have duplicate  
12 efforts, we tried to work together.

13 So UNHCR - Dennis McNamara was the head of UNHCR at the time -  
14 formed a joint task force on minorities. This was probably one of  
15 the best intra-agency exercise I had ever been in, and have ever been  
16 in, where HCR and OSCE staff in the field worked hand in glove on  
17 documenting and reporting the situation of minorities. These were  
18 then compiled jointly by OSCE and UNHCR.

19 Other members of the task force included Bill O'Neill who was  
20 the human rights adviser to the SRSG, Bernard Kouchner, KFOR  
21 attended, ICRC attended, other UN agencies also attended and some of  
22 the big NGOs.

23 Q. And what was your focus in terms of incidents that were related  
24 to state or state actors on the Kosovo side? Let me ask that again.  
25 I don't think --

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10659

1 A. Thanks.

2 Q. -- that was a clear question. I can see by your facial  
3 expression. Let me ask it this way: Did you have a focus of this  
4 task force of what you were looking at when you were in Kosovo during  
5 this time period?

6 A. Yes. The focus was on the minority population, how they were  
7 being treated, why they were leaving, and what could be done to  
8 improve the situation so that they did not leave.

9 Q. And was there a focus on the perpetrator side of whose  
10 activities you were looking at?

11 A. I wouldn't say there was a focus. I would say that we were just  
12 gathering information and reporting on the information, and that  
13 information included widespread reporting of UCK or people dressed as  
14 UCK applying pressure to these communities, leading to their  
15 departure.

16 Q. And can you recall, as you sit here today, can you give us an  
17 example of how the joint task force operated when you were doing this  
18 work?

19 A. One example is we were receiving reports in Prizren in the Zupa  
20 valley, I believe it's called, of Serbs -- mostly elderly Kosovo  
21 Serbs being harassed, gunfire, things to scare them. Bill O'Neill,  
22 the SRSG's representative for human rights was on the task force and  
23 he took KFOR to the area. He met with the local representatives. It  
24 was determined that KFOR -- a presence of KFOR at the roads in and  
25 out of the area, a checkpoint could deter this violence. So he urged

1 Kouchner, who did, in fact, make the request to KFOR, the checkpoints  
2 were set up, and the violence did slow down. I think it eventually  
3 it did stop. And those individuals were then able to continue. And  
4 that was an example of reporting that came in on the minority  
5 population where there was an effort to put an intervention in place,  
6 and that one was somewhat successful.

7 Q. And can you -- do you recall a time where as part of this task  
8 force there was a discovery of computers and then information was  
9 transmitted to you?

10 A. Yes. In the Gjilan region, KFOR had recovered computers from a  
11 building that had been used by the UCK. In searching the computers,  
12 there were lists of names. Those lists were eventually handed over  
13 by KFOR to -- I believe it would have been Alison Jolly in Gjilan.  
14 Conversations were had with the local UCK commander. They asked for  
15 the computers back eventually, and it was believed that the lists  
16 were of members of the Serbian security forces.

17 PRESIDING JUDGE SMITH: Witness, could I direct you to listen to  
18 the question. That called for a "yes" or "no" answer, and we got a  
19 fairly long --

20 THE WITNESS: Okay.

21 PRESIDING JUDGE SMITH: -- paragraph from you.

22 THE WITNESS: Sorry.

23 PRESIDING JUDGE SMITH: So please listen --

24 THE WITNESS: Okay.

25 PRESIDING JUDGE SMITH: -- to the question and answer it. If

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10661

1 she wants to follow up, she will.

2 THE WITNESS: Okay.

3 MS. MAYER:

4 Q. And just as a follow-up to the Judge's point, so you said the  
5 KLA local commander wanted the computer back. So did you take that  
6 as an acknowledgement that it was their computer?

7 A. Yes.

8 Q. And you mentioned there were lists of Serbian names on the  
9 computer. What, if anything, did you all do with the lists?

10 MR. KEHOE: Excuse me, that's not what the witness said. The  
11 witness said that there was a list of Serbs who were members of the  
12 Serb security forces. That's what the witness said.

13 MS. MAYER:

14 Q. I'm sorry if I misstated. Can you tell us what was found on the  
15 computer?

16 PRESIDING JUDGE SMITH: Yes, use the exact -- well, I think she  
17 already did.

18 THE WITNESS: That's what -- that's what we were told. Yeah.

19 MS. MAYER:

20 Q. Who told you that?

21 A. I think -- I can't remember.

22 Q. If you look at your prior statement, would that refresh your  
23 memory about this issue?

24 A. Yes.

25 MS. MAYER: If we can pull up 013312 to 013334 RED and go

1 specifically to page 013327, please, paragraph 46. And the Albanian  
2 version, it's the same page.

3 Q. And, Witness, if you can read paragraph 46 to yourself and then  
4 look up at me when you're done. So does that refresh your memory as  
5 to who told you that these lists were of members of Serbian security  
6 forces?

7 A. Yes.

8 Q. Who told you that?

9 A. The representative of the KLA.

10 Q. And did you try to do anything with these lists of information  
11 or these Serbian names?

12 A. Yes.

13 Q. What was that?

14 A. The Gjilan team attempted to compare the names against those  
15 names that we were -- they were given as individuals that were  
16 missing.

17 Q. And were you able -- was there any success in that effort?

18 A. No.

19 Q. Can you explain why?

20 A. We just wouldn't have had the resources to track that kind of  
21 information down. And it also says that some of the individuals may  
22 have left.

23 Q. And when you say "it says," that's your prior statement?

24 A. Yeah.

25 Q. So you said that?

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10663

1 A. Yes.

2 Q. All right.

3 MS. MAYER: If we can go to SITF40008582 to 40008582, so a  
4 one-page document. Thank you.

5 Q. And, Witness, I'm going to move quickly, as quickly as I can,  
6 through these documents, but this is on letterhead OSCE mission in  
7 Kosovo. And it looks like there the "from" line is from you to  
8 Ambassador Everts, 11 July 1999. Do you recognise this as being a  
9 memo that you wrote?

10 A. Yes.

11 Q. And, specifically -- it's a short memo, but it talks about KLA  
12 detention facilities. And in the memo, it says that you're trying to  
13 verify -- this is the third bullet. That OSCE has been unable to  
14 verify the existence of local detention facilities, but that you all,  
15 in February 1999, did, in fact, verify the existence of a facility  
16 with these dossiers that you've already testified about.

17 MR. KEHOE: Excuse me, Judge. Please. Can we just ask  
18 questions as opposed to a preliminary speech?

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 We need to have questions asked and then answers given as asked.

21 MS. MAYER: Understood, Judge. I'm just trying to orient her to  
22 the document rather than have her read the whole thing, but I'm happy  
23 to just ask a question.

24 MR. KEHOE: With all due respect, that was not orienting to this  
25 document. That was a speech.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10664

1           PRESIDING JUDGE SMITH: Well, we're all a little guilty of that  
2 here in this room, so ...

3           MR. KEHOE: Except the Defence counsel, Judge. We never do  
4 that.

5           PRESIDING JUDGE SMITH: Go ahead, Madam Prosecutor. Please  
6 let's try to --

7           MR. KEHOE: [Microphone not activated]

8           PRESIDING JUDGE SMITH: -- wrap this up. We're losing time.

9           MS. MAYER:

10          Q. In the last bullet, it talk about -- it has this date of  
11 February 1999. Can you tell us about that date of February 1999 -- I  
12 mean, sorry, 1998.

13          A. February 1998, I believe, was the date that we -- that ICRC and  
14 others had been tracking missing from.

15          Q. And not just missing, does it also relate to detention  
16 facilities since 1998?

17          A. Yes.

18          Q. All right.

19          MS. MAYER: If we can move to SPOE00127733 to 00127734.

20          Q. Do you recognise this document that's an OSCE document with a  
21 date on the top left of 1 September 1999?

22          A. Yes.

23          Q. What is this document?

24          A. It appears to be an insert for a larger report.

25          Q. Do you recall who drafted this document?

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10665

1 A. No.

2 Q. Do you recall whether or not you would have reviewed this  
3 document or signed off on this document?

4 A. Yes, I may have read it. I can't remember. But, yes, I would  
5 have signed off on this document.

6 Q. And I want to point you to the third paragraph on the first  
7 page. If you can read that to yourself, and then I have a question  
8 for you.

9 So in September 1999, the concern about human rights abuses on  
10 the Albanian population being difficult to catalogue because of the  
11 reprisals. Was that something that was still going on in September  
12 1999?

13 A. Yes.

14 Q. And when you say "an insert," do you know what this would have  
15 been inserted into?

16 A. I believe, to the best of my recollection, given the date is  
17 early in the month, this would have been a submission to a UN report.

18 MS. MAYER: If we can pull up SITF40008715 to 40008727, please.

19 Q. Do you recognise this document?

20 A. Yes.

21 Q. What is it?

22 A. This document appears to be a summary of the situation in Kosovo  
23 as of July 19th. That's my writing. The situation on the ground.

24 Q. And, again, it's a multipage document. It's not all on the  
25 screen right now, but did you have a chance to review this document

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10666

1 prior to your testimony just in the last week or so?

2 A. Yes.

3 Q. And are you familiar with the contents of the document, again,  
4 even though it's not all on the screen right now?

5 A. Yes.

6 Q. And is this a document that you prepared or that you signed off  
7 on?

8 A. Yes.

9 Q. And as you said, this is a document that describes the situation  
10 in Kosovo in July 1999?

11 A. Correct.

12 MS. MAYER: If we can move on to SPOE000060118 to 000060123,  
13 please.

14 Q. And this is, again, a multipage document. The first page, it  
15 looks like it's a note to Fredrik to Sandra. Do you recognise that?

16 A. Yes.

17 Q. Is the Sandra you?

18 A. Yes.

19 Q. And what is this package of documents?

20 A. Fredrik is -- Frederick Swinnen I believe is his name. He  
21 worked at the OSCE headquarters in the conflict prevention centre,  
22 which was our point of contact at headquarters. And this would have  
23 a fax cover sheet with a series of sitreps, situation reports,  
24 attached.

25 Q. And if we can just go to the second page of that document, which

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10667

1 is SPOE00060119. And it looks like at the top there that's, again, a  
2 memo from you to Ambassador Everts. And the pages that follow again.  
3 Did you have a chance to review this document, even though all the  
4 pages aren't up on the screen, did you have a chance to review this  
5 document before your testimony --

6 A. Yes.

7 Q. -- today? And do you recognise this as information that you  
8 would have compiled?

9 A. Yes.

10 Q. Related to the situation in Kosovo in July 1999?

11 A. That's correct.

12 Q. All right.

13 MS. MAYER: If we can move to SITF40008439 to 40008441.

14 Q. And this mentions a human rights core group meeting from  
15 13 September 1999. And participants, you're listed there. Can you  
16 tell us what this document is?

17 A. This is a summary of a meeting of human rights organisations.

18 Q. And it includes the discussions that you had or issues that you  
19 covered during the meeting. Would that be accurate?

20 A. Yes.

21 MS. MAYER: If we can move on to IT-05- -- I'm going to start  
22 again. IT-05-87 P00432.

23 Q. You mentioned yesterday that there was an agreement about the  
24 OSCE Kosovo Verification Mission. Do you recognise this document?

25 A. Yes.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10668

1 Q. Is that the agreement that you had mentioned yesterday in your  
2 testimony?

3 A. Yes, it is.

4 Q. And only the first page is on the screen, but it's a multipage  
5 document. Did you have a chance to review it before your testimony  
6 today?

7 A. Yes, I did.

8 Q. And is it the agreement that was governing you that you  
9 mentioned in your testimony yesterday?

10 A. Yes, it is.

11 MS. MAYER: All right. If we can go to IT-05-87 P00456.

12 Q. You also mentioned in your testimony yesterday a UN Security  
13 Council resolution. Do you see the document on your screen?

14 A. Yes.

15 Q. Is that the UN Security Council resolution that you mentioned  
16 yesterday?

17 A. This is the security -- I mentioned two yesterday, I believe.  
18 This is the one relating to the KVM, yes.

19 Q. And, again, only the first part of the first page is on your  
20 screen, but it's a multipage document. Did you have a chance to  
21 review it before your testimony?

22 A. Yes.

23 Q. And is the multipage document the Security Council resolution  
24 dealing with the KVM?

25 A. Yes.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10669

1 MS. MAYER: If we can move to IT-05-87 P00766. You know, I  
2 jumped ahead. I'm sorry. Can we go to -- it will make more sense if  
3 we do this in the right order. Can we go to IT-05-87 P00761, I  
4 think. Yes.

5 Q. Do you recognise this document?

6 A. Yes.

7 Q. What is it?

8 A. It is one of the original documents describing what the human  
9 rights department of the Kosovo verification would be doing, how they  
10 would be operating, what the methodology would be.

11 Q. And were you involved in preparing this document?

12 A. Yes, I was.

13 Q. And were you involved in the final sign-off of this document?

14 A. Yes.

15 Q. Did you approve it?

16 A. Yes.

17 Q. And understanding that only the first page is on the screen and  
18 this a multipage document, did you have a chance to review the entire  
19 document before your testimony today?

20 A. Yes.

21 Q. And is that the overview that you signed off on governing the  
22 Human Rights Division's work as part of KVM?

23 A. Yes.

24 MS. MAYER: If we can move to IT-05-87 P00763.

25 Q. Do you recognise this document dated December 17th, 1998, and

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10670

1 entitled "OSCE Kosovo Verification Mission Human Rights Division  
2 Operational Plan"?

3 A. Yes.

4 Q. Again, understanding it's a multipage document and only the  
5 first page is on the screen, do you recognise the document?

6 A. Yes.

7 Q. Did you have a chance to review the entire document, all the  
8 pages, prior to your testimony?

9 A. Yes.

10 Q. And is this a document that you signed off on or approved before  
11 it was issued?

12 A. Yes.

13 Q. And, again, as it's entitled, does it govern the Human Rights  
14 Division's work as part of KVM that you were doing when you entered  
15 Kosovo -- or maybe not on day 1, but during the timeframe that KVM  
16 was doing their human rights work in Kosovo from November 1998  
17 through when you left?

18 A. Yes.

19 Q. All right.

20 MS. MAYER: Now if we can go to IT-05-87 P00766.

21 THE INTERPRETER: Interpreter's note: The speakers are kindly  
22 noted to make short pauses between question and answer. Thank you.

23 MS. MAYER:

24 Q. Do you recognise this document?

25 A. Yes.

1 Q. And it's entitled at the top --

2 MS. MAYER: If we can scroll down just so the witness can see  
3 the very top of the page.

4 Q. -- "Guidelines on Classification," it has, in parentheses  
5 underneath, "(DRAFT)," and then the first line says:

6 "KVM human rights incident classification ..."

7 Is this a document that you reviewed prior to your testimony  
8 today?

9 A. Yes.

10 Q. And, again, it's a multipage document. Only the first page is  
11 on the screen. Did you review all the pages prior to your testimony?

12 A. Yes.

13 Q. And is this a document that you approved?

14 A. Yes.

15 Q. And do you see the handwriting in the top right-hand side? Do  
16 you recognise that handwriting?

17 A. Yes.

18 Q. Whose handwriting is that?

19 A. That's mine.

20 Q. And, again, is that a document that you used as part of your  
21 work in the KVM human rights work that you did in Kosovo?

22 A. Yes.

23 MS. MAYER: If we can move to IT-05-87 P00765.

24 Q. Do you recognise this document on the screen?

25 A. Yes.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Examination by Ms. Mayer (Continued)

Page 10672

1 Q. Can you tell the Panel what it is?

2 A. This is a template used by OSCE staff working in the refugee  
3 camps in Macedonia, you'll note the large M at the top in the box, to  
4 collect information from refugees.

5 Q. So in your testimony yesterday when you were describing how you  
6 would collect information from refugees, either in the refugee camps  
7 or with host families, is this a tool that you used for that purpose?

8 A. Yes.

9 Q. And, again, understanding that it's a multipage document and  
10 only the first page is on the screen, did you review all pages of  
11 this document prior to your testimony?

12 A. Yes.

13 MS. MAYER: And if we scroll to the fourth page of the document.

14 Q. It looks like the beginning of another page, so it has, again, a  
15 new title, with "Refugee Monitoring Form," so it looks like there are  
16 two forms as part of this document. Can you explain the difference?

17 A. One form was used for refugees in camps, and the other was used  
18 for refugees with host families.

19 Q. All right.

20 MS. MAYER: With that, I appreciate the Court's indulgence. I  
21 am done with the documents and have no more questions.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MS. MAYER: Yes, I do, Your Honour. I would like to tender the  
24 following documents.

25 MR. KEHOE: And when we're tendering these, Judge, with the

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10673

1 numbers, can we just have an idea of what the documents are? With  
2 all of these numbers, it's a little difficult to keep track of it  
3 all.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 MS. MAYER: In an effort to be speedy, I am not going to go in  
6 the order I showed them to the witness. I'm going to go in the order  
7 that they're on my little list.

8 The first is --

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 MS. MAYER: Do you want me -- should I go in the order I used  
11 them with the witness for the Court?

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 If you have it that way, I think it would be more -- it would be  
14 easier to follow.

15 MS. MAYER: I will do that then.

16 There are one or two documents that I used that already have a P  
17 number, so those will be skipped -- or they have a D number, they're  
18 already in evidence. So those will not be included.

19 PRESIDING JUDGE SMITH: All right.

20 MS. MAYER: The first is SITF00001529 to 00001871, which is  
21 volume 2 of the "As Seen, As Told" report.

22 PRESIDING JUDGE SMITH: No, it's its table of contents.

23 MS. MAYER: That page range is the whole document, Your Honour.  
24 So it's 1529 to 00001871.

25 PRESIDING JUDGE SMITH: That is the entire document?

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10674

1 MS. MAYER: That's the entire document.

2 PRESIDING JUDGE SMITH: Any objection?

3 MR. KEHOE: [Microphone not activated] ... admitted with -- this  
4 is volume 2. This is a compendium together.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 Do you intend to tender 1 also, I take it?

7 MS. MAYER: I do. I'm doing them in the order --

8 PRESIDING JUDGE SMITH: Yeah.

9 MS. MAYER: -- that I used them with the witness.

10 MR. KEHOE: That was just asking what my objection is. I have  
11 no objection if both of them come in.

12 PRESIDING JUDGE SMITH: Okay.

13 Anybody else?

14 MS. O'REILLY: Yeah, we definitely have objections to tendering  
15 the whole report. And in the decision that Your Honour has rendered  
16 on the admissibility of this report as an exhibit or a 154 statement,  
17 there were also serious concerns expressed, which maybe would be  
18 better explained outside the presence of the witness. But, yes, we  
19 object. And if it expedites things, we're going to object to quite a  
20 lot of these things. So it may be we want to deal with it in  
21 writing.

22 MS. MAYER: Your Honour, the concern with dealing with it in  
23 writing is that I am not going to be finished with this witness  
24 unless I know what's coming in evidence, and that's the appropriate  
25 way to do this. These documents were shown to the witness. There's

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10675

1 enough of a basis for a ruling.

2 I'm happy to speak to the excerpts as well.

3 And in the 154, I'll just note the Defence did not object at the  
4 time. The Court did not preliminarily admit the reports but left it  
5 open, that if they were shown to the witness, the Court's concerns  
6 were the methodology, the underlying information, and that has all  
7 been covered with this witness now in court.

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 MR. ELLIS: Yes, Your Honour. We object. This is a 343-page  
10 report. Just trying to do a quick count whilst we were listening, I  
11 think some 15 pages or so were shown to the witness. Maybe a bit  
12 more than that. But there are hundreds of pages that weren't shown  
13 to the witness.

14 And more than that, Your Honours did consider this in the  
15 Rule 154 motion. It was filing 1380, paragraph 87. The concerns  
16 there identified, in my submission, remain.

17 I would like to go into those, but I hear the point made by  
18 counsel for Mr. Veseli, that it should perhaps be in the absence of  
19 the witness for this tendering exercise.

20 [Trial Panel confers]

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 1 and 2 will be marked for identification. I'm sorry, those  
23 two, volume 1 and volume 2.

24 MR. KEHOE: And in that line, Your Honour, with my colleagues, I  
25 will withdraw my no objection and I will -- no, I will just, you

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10676

1 know, operate in concert --

2 PRESIDING JUDGE SMITH: I understand.

3 MR. KEHOE: -- with my other counsel with objecting.

4 PRESIDING JUDGE SMITH: No, I understand. I understand. We'll  
5 determine those two and take a look at it.

6 Go ahead.

7 MS. MAYER: All right. Well, let me just go ahead and give  
8 you -- I've only given you the ERN for volume 2, which was the first  
9 document I used.

10 PRESIDING JUDGE SMITH: Right.

11 MS. MAYER: So let me go ahead and give the Court the ERN for  
12 volume 1, which was SPOE00198098 to 00198366. And, because it's  
13 split into two documents, the second part of that is -- begins with  
14 SPOE00198367 -- I apologise, I don't have the end number. Oh, sorry,  
15 367 to 001988834. It's just split up into two ERNs, but that is the  
16 total of volume 1. Only the first half of that was shown to the  
17 witness. So that would be, I believe in the Court's identification,  
18 volume 1 for the second thing that's going to be MFI'd.

19 And I can stop there if there are MFI numbers, or do you want me  
20 to keep going with the documents?

21 PRESIDING JUDGE SMITH: Go to the documents.

22 MS. MAYER: All right. The next is SITF40008582 to 40008582.  
23 That is the OSCE memo from July 1999 related to KLA detention  
24 facilities.

25 PRESIDING JUDGE SMITH: Objection to that?

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10677

1 MR. KEHOE: [Microphone not activated].

2 If I can just take a quick look at these documents and reserve  
3 at this time and just give it an MFI. I just want to take a review  
4 of it. There were a lot of documents coming across the transom here.

5 MS. MAYER: Your Honour, again, we would ask -- these are not  
6 difficult matters. I understand the difference of the volume where  
7 only 15 pages were shown. All the other documents we're talking  
8 about are short documents that the Defence has had notice of. They  
9 were either listed in her 154 filed months ago. They've been  
10 provided to the Defence that they were known to be used with this  
11 witness, and there -- in order to be finished questioning this  
12 witness, we would ask the Court for a ruling. Otherwise, we don't  
13 know what evidence is coming in.

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 MR. KEHOE: I'm just asking for a little common courtesy, just  
16 for a couple of minutes to look at this stuff.

17 PRESIDING JUDGE SMITH: [Microphone not activated]

18 MR. KEHOE: No, no, I -- if -- if I recognise the document --  
19 for instance, the forms --

20 PRESIDING JUDGE SMITH: [Microphone not activated]

21 MS. MAYER: This is a one-page -- the one I just identified is a  
22 one-page document that I used within the last hour with this witness.

23 MR. ROBERTS: Your Honour, she did use multiple documents within  
24 the last hour. Maybe if we can just put it up on the screen, that  
25 might make it easier for everybody.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10678

1 MR. KEHOE: [Microphone not activated]

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 MS. MAYER: I leave that to the Court.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 MR. KEHOE: No objection, Judge.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 8582 is admitted.

8 MS. MAYER: Okay. The next document is SPOE00127733 to  
9 00127734, and it is a report dated -- OSCE report dated 1 September  
10 1999. It's dealing with the human rights situation in Kosovo.

11 MR. KEHOE: There was a discussion about a minor portion of  
12 this, not this whole document. If we admit what was talked about,  
13 that's fine.

14 MS. MAYER: Your Honour, this is a document that the witness  
15 identified as a document that she signed off on, that described the  
16 situation on the ground. If the Court's position is that I need to  
17 talk about every single thing in the document -- I believe there were  
18 multiple objections to reading the document --

19 PRESIDING JUDGE SMITH: No.

20 MS. MAYER: -- so I think the document speaks --

21 PRESIDING JUDGE SMITH: The document --

22 MS. MAYER: -- for itself.

23 PRESIDING JUDGE SMITH: The document is admitted.

24 MS. MAYER: The next document is SITF40008715 to 40008727. And  
25 this is another memo about the situation on the ground dated 19 July

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10679

1 1999 that the witness testified that's her handwritten date on the  
2 right and this is a memo that she drafted or approved from OSCE.

3 PRESIDING JUDGE SMITH: Any objection?

4 MR. KEHOE: I'm sorry, Judge. I know that that's her signature  
5 up in the right-hand corner, but I don't clearly recall her saying  
6 that she drafted this. I may be mistaken in that regard.

7 PRESIDING JUDGE SMITH: She said she signed off on it.

8 MR. KEHOE: Well, again, the same objection with just the  
9 aspects of it that were discussed. Not all of it.

10 PRESIDING JUDGE SMITH: That exhibit is admitted.

11 MS. MAYER: The next document is SPOE00060118 to 00060123. And,  
12 again, it is an OSCE memo. It's dated 24 July 1999. Sorry, that's  
13 the date on the first page after the first cover page. It's a series  
14 of memos that this witness testified that she compiled and the fax  
15 cover sheet she sent.

16 PRESIDING JUDGE SMITH: Objections?

17 MR. KEHOE: [Microphone not activated]

18 MS. O'REILLY: Your Honour, I also have an objection on this  
19 one. I would just like to read what the trial --

20 PRESIDING JUDGE SMITH: Could you get a little closer to your  
21 microphone.

22 MS. O'REILLY: Yeah, sorry. Is that better?

23 PRESIDING JUDGE SMITH: Yeah.

24 MS. O'REILLY: Okay. So this is from decision F1380 at  
25 paragraph 90 in respect of this document:

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10680

1 "The Panel will not therefore admit this document at this point.  
2 If the SPO feels that the witness is able to provide additional  
3 evidence in respect of the content of this document, it should  
4 question the witness on these during her *viva voce* testimony."

5 PRESIDING JUDGE SMITH: The exhibit is admitted.

6 MS. MAYER: The next document is SITF40008439 to SITF40008441.  
7 And this is minutes of an organisation -- an OSCE human rights core  
8 group meeting that the witness testified she attended.

9 PRESIDING JUDGE SMITH: No objection?

10 MR. KEHOE: The same objection.

11 PRESIDING JUDGE SMITH: The exhibit is admitted -- or the  
12 document is admitted.

13 MS. MAYER: The next document is IT-05-87 P00432. This is the  
14 Agreement on the OSCE Kosovo Verification Mission dated 19 October  
15 1998.

16 MR. KEHOE: No objection.

17 PRESIDING JUDGE SMITH: That document is admitted.

18 MS. MAYER: The next one is IT-05-87 P00456. It's the UN  
19 Security Council Resolution 1199 (1998) regarding KVM.

20 PRESIDING JUDGE SMITH: Any objection?

21 MR. KEHOE: No objection, Judge. My only question with regard  
22 to the resolution. I seem to recall that we admitted that at some  
23 other place at some other time. 1199? I know 1244 has been -- has  
24 been bandied about, but I thought that --

25 PRESIDING JUDGE SMITH: Yeah, 1244 has been mentioned a lot.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10681

1 MR. KEHOE: Yeah.

2 PRESIDING JUDGE SMITH: But I don't remember this one before.

3 MR. KEHOE: Okay. It may have been or not have been. I can --

4 PRESIDING JUDGE SMITH: Maybe the Court Officer can verify that,  
5 but we will admit the document pending that verification.

6 MS. MAYER: The next document is IT-05-87 P00761. This is the  
7 Kosovo Verification Mission's human rights task overview that the  
8 witness identified.

9 MR. KEHOE: No objection.

10 PRESIDING JUDGE SMITH: The document is admitted.

11 MS. MAYER: The next document is IT-05-87 P00763. And this is  
12 the Human Rights Division Operational Plan that the witness testified  
13 that she signed off on.

14 MR. KEHOE: No objection.

15 PRESIDING JUDGE SMITH: The document is admitted.

16 MS. MAYER: The next is IT-05-87 P00766. This is the guidelines  
17 on classification that, again, the witness testified she would have  
18 signed off on.

19 PRESIDING JUDGE SMITH: Anything? Any objection?

20 MR. KEHOE: No objection, Judge.

21 PRESIDING JUDGE SMITH: The document's admitted.

22 MS. MAYER: The next is IT-05-87 P00765, which are the refugee  
23 monitoring forms.

24 PRESIDING JUDGE SMITH: For the record, there's two forms;  
25 correct?

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10682

1 MS. MAYER: Yes, Your Honour. In the same document.

2 PRESIDING JUDGE SMITH: Any objection to the forms?

3 MR. KEHOE: No objection.

4 PRESIDING JUDGE SMITH: The document is admitted, both forms.

5 MS. MAYER: Those are all of the documents. However, given that  
6 the Court has MFI'd the "As Seen, As Told," I think it would be  
7 prudent to put on just a list of the excerpts that I went over with  
8 the witness. If the Court --

9 PRESIDING JUDGE SMITH: Yes.

10 MS. MAYER: -- wants me to. Okay. So for volume 2, which was  
11 SITF00001529 to 00001871, the excerpts used with the witness were as  
12 follows: SITF00001571. SITF00001581 to SITF00001582. The next was  
13 SITF00001585 to SITF00001586. The next was SITF00001596. The next  
14 was SITF00001597. The next was SITF00001606. The next was  
15 SITF00001657. The next was SITF0000164 [sic] to SITF00001675. The  
16 next was SITF00001698. The next was --

17 MR. KEHOE: Counsel, excuse me. I think you left off a number  
18 in the last one.

19 MS. MAYER: 74 to 75, was that? The one after that was 1698.

20 MR. KEHOE: That's fine.

21 PRESIDING JUDGE SMITH: That's what I have. Do you have another  
22 number?

23 MR. KEHOE: [Microphone not activated]

24 MS. MAYER: 1674 to 1675 is what I said, if that's not  
25 captured --

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10683

1 MR. KEHOE: You did say that. I'm just saying it comes up here  
2 as 164 as opposed to 1674. Do you see that?

3 MS. MAYER: I appreciate that. I can't follow it and read this  
4 at the same time.

5 MR. KEHOE: I understand. I'm not being critical. It should  
6 read --

7 PRESIDING JUDGE SMITH: You're correct. On the transcript it  
8 should say 1674.

9 MR. KEHOE: Right. That's all.

10 MS. MAYER: All right. So we've got 1698? I can go to the  
11 next?

12 PRESIDING JUDGE SMITH: Yes.

13 MS. MAYER: Okay. The next is SITF00001701. The next is  
14 SITF00001705 to 1706. The next is SITF00001717 to 1718. Just for  
15 clarity, those last two, we pulled the page before for the date, but  
16 the content was on the second page.

17 And the last in volume 2 is SITF00001726.

18 That's everything for the first document.

19 For volume 1, a much shorter list. Only two specific things  
20 that I used with this witness. The first was SPOE00193 -- I'm sorry,  
21 198304, but we did then go to the end to get the footnote, and that  
22 was SPOE00198311. That was the first example. Second was  
23 SPOE00198220 to SPOE00198221.

24 Those are all the specific examples that I have.

25 PRESIDING JUDGE SMITH: All right.

1 MS. MAYER: Apologies that we went so far over.

2 PRESIDING JUDGE SMITH: We will break now for --

3 MR. ELLIS: Your Honours, just on the MFI point. It may well be  
4 that cross-examination touches on matters relevant to the question of  
5 admissibility, so I don't know when Your Honours were planning to  
6 rule on the two documents that were MFI'd, but I would propose that  
7 be deferred until after the end of cross.

8 PRESIDING JUDGE SMITH: We will -- we may make a decision right  
9 away.

10 We will come back at 20 minutes until 12.00, I guess. Yes, 20  
11 minutes till 12.00. We're adjourned till then.

12 Please take the witness out. I forgot about her.

13 [The witness stands down]

14 PRESIDING JUDGE SMITH: Okay.

15 --- Recess taken at 11.09 a.m.

16 --- On resuming at 11.44 a.m.

17 PRESIDING JUDGE SMITH: We're not quite ready. You can be  
18 seated --

19 MR. KEHOE: [Microphone not activated]

20 PRESIDING JUDGE SMITH: -- just for a bit. The 1191, by the  
21 way, does not appear anywhere else.

22 MR. KEHOE: [Microphone not activated]

23 PRESIDING JUDGE SMITH: Yeah, it's okay.

24 MR. KEHOE: [Microphone not activated]

25 PRESIDING JUDGE SMITH: Best to check.

1 I had a discussion with the Registrar, we all did, and she has  
2 assured me that, first of all, as to Mr. Selimi, he has properly  
3 requested phone calls with his family. And since the time of the  
4 temporary order went into effect, he's had 11 such phone calls. So  
5 those are being received.

6 As to Mr. Thaci and Mr. Veseli, there have been absolutely no  
7 requests for family phone calls from them. And you've all stood up  
8 and said you've made requests, and that's -- you need to know whether  
9 or not that's true. We don't need to be sitting in the courtroom and  
10 getting information from you that something didn't happen when, in  
11 fact, it did happen or vice versa.

12 It is quite clear that they did not request any, in any way, to  
13 the Registrar, a family call. If they want to, they may do so.  
14 It'll be monitored until it's fully implemented, which should happen  
15 soon. But it's a little upsetting to have this kind of information  
16 come out in the courtroom, on the record, that is wrong, that is just  
17 plain wrong. That's all I'm going to say.

18 Please check with your clients before you make a statement in  
19 the courtroom to that effect. Mr. Veseli stood and said that they'd  
20 made three requests for -- I mean, Mr. Emmerson stood and said they'd  
21 made three requests for a personal call. That didn't happen.

22 MS. O'REILLY: Your Honour, I am not briefed on this matter. If  
23 I could have a moment to --

24 PRESIDING JUDGE SMITH: I'm not asking you --

25 MS. O'REILLY: -- speak to my client.

1           PRESIDING JUDGE SMITH: -- to be briefed. I'm just making a  
2 statement.

3           MS. O'REILLY: It may be the case that requests were made within  
4 the detention unit that were not transferred to the Registry.

5           PRESIDING JUDGE SMITH: They are all made to the detention unit  
6 and they are all transferred to the Registrar automatically.

7           MS. O'REILLY: Okay.

8           MR. ROBERTS: Your Honour, if I just may respond very briefly to  
9 that. I didn't actually state on the record, and please correct me  
10 if I'm wrong, that he'd made any requests since Sunday. I said his  
11 last phone call was Sunday, and that I was requesting information on  
12 the implementation of your decision.

13           But unless I'm mistaken, I don't believe I'd said that  
14 Mr. Selimi had requested some since the decision was issued last  
15 Friday. I was simply seeking information on the implementation of  
16 your decision.

17           PRESIDING JUDGE SMITH: Thank you.

18           All right. Bring the witness in, please.

19           Ms. O'Reilly, your client is raising his hand. You might want  
20 to talk to him.

21           Yes. I'm sorry. The second part of this is we will admit out  
22 of volume 1 and volume 2, both parts, the excerpts only that the  
23 Prosecutor very properly read off, and so the Court Officer will  
24 assign numbers. This will take a bit longer also. She's got to go  
25 through all the numbers.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10687

1 THE COURT OFFICER: Thank you, Your Honours.

2 So for the first one that was tendered -- or, actually, I will  
3 go volume 1, volume 2, Your Honours, if you don't mind.

4 [The witness takes the stand]

5 THE COURT OFFICER: For volume 1, SPOE00198098 to SPOE00198366,  
6 the excerpts that were tendered from that will be Exhibit P743.1.

7 The second part for volume 1, which has SPOE00198367 to 198834,  
8 will be Exhibit P743.2.

9 And then the excerpts tendered from volume 2, which are within  
10 SITF000015929 to 00001871, will be Exhibit P743.3.

11 And then, Your Honours, the next document, SITF40008582 to  
12 40008582 will be Exhibit P744.

13 SPOE00127733 to 00127734 will be Exhibit P745.

14 SITF40008715 to 40008727 will be P746.

15 SPOE00060118 to 00060123 will be P747.

16 SITF40008439 to 40008441 will be Exhibit P748.

17 IT-05-87 P00432 will be assigned Exhibit P749.

18 IT-05-87 P00456 will be Exhibit P750.

19 IT-05-87 P00761 will be Exhibit P751.

20 IT-05-87 P00763 will be Exhibit P752.

21 IT-05-87-P00766 will be Exhibit P753.

22 And the last one, IT-05-87 P00765 will be Exhibit P754.

23 And, lastly, Your Honours I note that all of these are marked as  
24 confidential. If we can clarify their classification.

25 PRESIDING JUDGE SMITH: Do they need to remain as confidential?

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10688

1 MS. MAYER: No, Your Honour. They can all be made public. I  
2 would just also note for the Court's benefit, I don't believe that we  
3 offered an excerpt from what is now in evidence as 743.2, the second  
4 half of volume 1. I believe the only excerpts, the two excerpts that  
5 we used were from the first part of the PDF which is in evidence as  
6 743.1.

7 I don't know if that affects the numbering for the Court, but  
8 just so you're aware.

9 PRESIDING JUDGE SMITH: Thank you.

10 Any objection to the reclassification?

11 MR. KEHOE: [Microphone not activated]

12 PRESIDING JUDGE SMITH: No objection being heard, the documents  
13 will be reclassified as public.

14 [Trial Panel and Court Officer confers]

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 Nothing from part 2 of volume 1; is that correct?

17 MS. MAYER: That's correct. The two excerpts that I used --

18 PRESIDING JUDGE SMITH: Okay.

19 MS. MAYER: -- were both from volume 1, part 1 of the --

20 PRESIDING JUDGE SMITH: Yes, okay. All right.

21 THE COURT OFFICER: Your Honours --

22 PRESIDING JUDGE SMITH: So we can correct that?

23 THE COURT OFFICER: Yeah, in that case, if I can correct the  
24 numbering. For volume 1, it will be P743.1, the excerpts thereof.  
25 And what was assigned to part 2 of volume 1 will now be reassigned to

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10689

1 volume 2, so volume 2 will be Exhibit 743.2, and the number 743.3  
2 will be freed up. Thank you.

3 PRESIDING JUDGE SMITH: Now you can -- you're still under the  
4 obligation to tell the truth. Mr. Kehoe will be having some  
5 questions for you.

6 Yes, Ms. O'Reilly.

7 MS. O'REILLY: Your Honour, just one moment before we continue.  
8 On this matter, we would propose to come back to it tomorrow morning  
9 when we've had a proper opportunity to consult with our client  
10 because the preliminary information that I'm getting is that there is  
11 a miscommunication about what constitutes a request. But I would  
12 like to address it tomorrow, if the need arises, once we've had a  
13 further opportunity to consult.

14 PRESIDING JUDGE SMITH: Just -- I'm sorry to keep interrupting  
15 you, Mr. Kehoe.

16 MR. KEHOE: [Microphone not activated]

17 PRESIDING JUDGE SMITH: There's a proper form that is filed, and  
18 it is not on file from your client. And I see no reason to come back  
19 to this tomorrow morning.

20 MS. O'REILLY: Your Honour, we're going to try to avoid the need  
21 to come back to it tomorrow morning, but I can't accept that without  
22 having talked to him.

23 PRESIDING JUDGE SMITH: Well, I'm just telling you that will be  
24 a -- it will be --

25 MS. O'REILLY: Okay, Your Honour.

1           PRESIDING JUDGE SMITH: -- something that will have to be  
2 decided tomorrow morning.

3           MS. O'REILLY: Yeah.

4           PRESIDING JUDGE SMITH: Now, Mr. Kehoe. You may commence.

5           MR. KEHOE: Thank you, Your Honour.

6                               Cross-examination by Mr. Kehoe:

7           Q. It's still the morning, Ms. Mitchell.

8           MR. KEHOE: Whoops, they want me to use two mics here.

9           Q. Good morning, Ms. Mitchell. My name is Gregory Kehoe. I  
10 represent President Thaci. I haven't had the pleasure. But I will  
11 just be asking you a couple of questions for a bit, but they are  
12 going to go into various areas, so I'll try to -- bear with me if I  
13 go into one area and there is an immediate segue into another,  
14 because I'm not going to cover everything that you talked about.

15           But, again, as Judge Smith discussed with you when you  
16 testified, if you don't understand a question that I ask, please just  
17 ask me to rephrase it.

18           And, lastly, in the spirit of being polite. Sometimes -- we  
19 speak English, and I have a tendency to - or I do, in any event - run  
20 over not only for the translators but I don't intend to cut your  
21 answers off at all. If I do at any point, I apologise ahead of time.  
22 Let me know and just tell us you're not finished, okay, because,  
23 obviously, the Court wants your complete answers to everything.  
24 Okay?

25           A. Yes, sir.

1 Q. All right. Now, I just want to go back to you coming in to  
2 Kosovo with KVM and you said it was late October and November; is  
3 that right?

4 A. Yes.

5 Q. And that you were working with Ambassador Walker?

6 A. That's correct.

7 Q. And I think you told the special investigative folks that you  
8 worked closely with Ambassador Walker?

9 A. With Ambassador Walker, yes.

10 Q. I'm sorry?

11 A. Yes.

12 Q. Okay. Let me just make this a -- and, you know, putting aside  
13 being briefed. I mean, obviously, with -- there's a lot on your  
14 plate coming into the theatre of operations, and you don't have  
15 first-hand knowledge of everything that was going on in the war prior  
16 to your arrival. Would that be accurate?

17 A. That's correct.

18 Q. So -- and your concern at the time, I think you told the  
19 Prosecutor this, and if not, you told the special investigator this,  
20 at paragraph 7 of your statement, that your concern was documenting  
21 human rights activities or abuses that were taking place by the Serbs  
22 because the Serbs were not documenting that or addressing that issue;  
23 that's correct?

24 A. Yes, sir.

25 Q. And just going through your particular role, I take it that you

1 were in a management -- basically, a management and a supervisory  
2 role while you were there. But putting aside the occasional  
3 interview of detainees, you were in a management and a supervisory  
4 role when you were there; right?

5 A. That's correct.

6 Q. Okay. And on a day-to-day basis, you weren't the person out  
7 there doing interviews, were you?

8 A. Not every day, no.

9 Q. Well, that was left to your human rights staff and to some  
10 extent to your LOs, your liaison officers; right?

11 A. Yes.

12 Q. But just going -- but the reporting that you were doing -- and I  
13 believe you told the ICTY this in a statement, and that would be  
14 paragraph 5 of your statement, that the important issue in gathering  
15 this in information was impartiality; is that right?

16 A. Yes.

17 Q. And you wanted to deal with information that was, in fact,  
18 verified; right?

19 A. As much as possible, yes.

20 Q. And while the folks in the field were operating, most of the  
21 contact with the various KLA individuals were done by the liaison  
22 officers, not by you; right?

23 A. Done by others, not just liaison officers. Yeah.

24 Q. Others. Liaison officers on a day-to-day basis, human rights  
25 officers occasionally, and you yourself sporadically?

1 A. That's correct.

2 Q. Okay. So just if I can understand it. I mean, so you are  
3 management, supervision. You're working on things on the ground  
4 through your liaison officers and human rights officers and they're  
5 feeding information back to you. Is that basically how it would go?

6 A. Feeding information, yes, back to the headquarters.

7 Q. Yeah.

8 A. Yes.

9 Q. Back to you --

10 A. Yeah.

11 Q. -- and headquarters, and you would compile sitreps and then you  
12 would have a daily sitrep and weekly sitrep that you would compile;  
13 right?

14 A. Correct.

15 Q. Now, with regard to the methodology, and this is -- you told the  
16 ICTY in 2 July 2002 at paragraph 10, that because of the sheer  
17 number --

18 MS. MAYER: I'm having trouble. There are multiple ICTY  
19 statements.

20 MR. KEHOE: Okay.

21 MS. MAYER: So if we could just get an ERN when you're  
22 referencing a document.

23 MR. KEHOE: Absolutely. Absolutely. IT-005-87 P0226, that  
24 should be for 2 July 2002.

25 MS. MAYER: Thank you so much.

1 MR. KEHOE:

2 Q. And in that statement, Ms. Mitchell, you noted that because of  
3 the sheer number of human rights complaints received by the Human  
4 Rights Division, it was impossible to investigate them all  
5 thoroughly; is that accurate?

6 A. Yes.

7 Q. And you likewise noted in --

8 MR. KEHOE: And this is, you know, volume 2 of "As Seen, As  
9 Told," and this is SITF00001529 to 00001871 at SITF00001553. If we  
10 could just put that up on the screen. That page, being 1553. Did I  
11 give you the wrong number? Okay. If we can just scroll down a  
12 little bit. This is 155? It's up a little. Yes, please. If we can  
13 scroll up a bit.

14 Q. You see, it's probably six lines before "Methodology." It notes  
15 that:

16 "Human Rights teams have not been able to fully verify every  
17 report received, nor to conduct exhaustive follow-up investigations  
18 in every case: neither time nor the scope of the OSCE mandate permit  
19 such a level of comprehensiveness."

20 So I don't mean to be critical, but you had resources and time,  
21 and within that period of time you obviously gather information to  
22 make part of your report; is that right?

23 A. That's correct.

24 Q. And when you talk about -- and, again, this is not being  
25 critical. Please, I am not trying to be critical in this fashion. I

1 mean, it is impossible under that situation to give a comprehensive  
2 accounting of exactly what transpired given the situation that you  
3 were in at the time, both the mandate and the time that you were  
4 allotted.

5 A. That's correct.

6 Q. So in other words, we're talking about -- and, for instance, in  
7 volume 2. We'll just look at volume 2. We're looking at, you know,  
8 approximately, what, 750 allegations or thereabouts? That comes out  
9 to about five or six a day. And these are allegations that you  
10 attempt to verify to the extent that you can; right?

11 A. Correct.

12 Q. And -- but you were a criminal defence lawyer in your past  
13 career. I mean, obviously, it would be additional work for a  
14 criminal lawyer to find out fundamental questions. Obviously, who  
15 were the person was, who the victim was, what the motive was,  
16 et cetera. All the traditional questions that you would ask as part  
17 of a criminal investigation you would conduct as a prosecutor or as a  
18 defence lawyer; right?

19 A. That's correct.

20 Q. Okay. And that could not be done under these circumstances;  
21 isn't that right?

22 A. That's right.

23 Q. So if I may. So we look at these -- these 7 -- if we look at  
24 these 750 investigations -- that's just volume 2, by the way. I  
25 mean, I know that you had the task of putting both of them together.

1 I recognise that. These 750 allegations together -- and it was  
2 published in December?

3 A. Yes, sir.

4 Q. Okay. So for volume 2, we have a very short period of time to  
5 gather information from June until, what, the end of September, and  
6 then you publish in December; right?

7 A. Correct.

8 Q. Okay. And, obviously, again, with all of that information, you  
9 didn't have the resources or the time to investigate those matters.  
10 You're just trying to put a historical record out there of this is  
11 what someone is saying and we've tried to, you know, triangulate it,  
12 whatever we can, but here it is; right?

13 A. Yes, sir.

14 Q. Now, again, I understand that you didn't have the opportunity to  
15 investigate all of these and the time to investigate all of these.  
16 But as a consequence, you do recognise that mistakes were made about  
17 some of the items in the reports in looking back in history; right?

18 A. I'm not sure what you mean.

19 Q. Well, let's just talk a little bit about -- about, you know, the  
20 Serb crimes. I mean, I know that you looked at Serb crimes more. In  
21 volume 1 you were looking at Serb crimes. But you were also looking  
22 at crimes that were committed by Kosovo Albanians, weren't you?

23 A. Yes.

24 Q. And one of the -- one of the -- just a for instance here. One  
25 of the items that you spoke about or wrote about in your report, and

1 that would be the situation involving the Panda bar on 14 December  
2 1998.

3 MR. KEHOE: If we could put up on the screen SPOE00198098 to  
4 198366. And this is at page 198303. If we can go to the bottom of  
5 that page.

6 Q. And this is the "Killings of Serb civilians."

7 "There were a number of unidentified victims of seemingly  
8 inexplicable killings. In some cases there was suspicion that UCK  
9 forces killed not only moderate Kosovo Albanians but also Serbs who  
10 were well liked by both communities. Two incidents in particular  
11 attracted international attention. On 14 December ... unidentified  
12 gunmen killed six young Kosovo Serbs in the Panda Bar in Pec. The  
13 attack was considered to be in revenge for the killing of 30 UCK  
14 members who had been shot while crossing the border illegally ..."

15 Do you recall writing that?

16 A. I recall the incident in the Panda bar, yes.

17 Q. Okay. And this -- obviously, this is part of your "As Seen, As  
18 Told" volume 1; right?

19 A. Yes, sir.

20 MR. KEHOE: Your Honour, we'll offer this excerpt into evidence.

21 MS. MAYER: I would just ask that the footnote be included.

22 There is a citation to an authority there, like we were doing with  
23 the other cites.

24 MR. KEHOE: I have no problem with that. Authority of whatever.

25 PRESIDING JUDGE SMITH: SPOE00198098 to 198366 at page -- you're

1 just doing the page?

2 MR. KEHOE: Just these excerpts, as we did with the --

3 PRESIDING JUDGE SMITH: And specifically the document admitted  
4 would be 198303. You may give it a number.

5 THE COURT OFFICER: Your Honours, if I can -- can I perhaps add  
6 this page to the already admitted exhibit, 743.1?

7 MR. KEHOE: Whatever makes it easier for the Court to wend their  
8 way through these documents.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. KEHOE: That's fine.

11 THE COURT OFFICER: Thank you.

12 MR. KEHOE:

13 Q. Now, in this, Ms. Mitchell, that you're talking about the murder  
14 of six Kosovo civilians, and you actually are even coming up with a  
15 revenge motive on the part of the Kosovo Albanians in retaliation for  
16 the killing of 30 UCK members; right?

17 MS. MAYER: Objection. Again, I don't believe he's shown the  
18 witness the citation. That sentence it says the motive was  
19 revenge -- was considered to be revenge is cited to an authority that  
20 is not the KVM, so I would ask that that be shown to the witness.

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MR. KEHOE: If you want to show the authority, show the --

23 PRESIDING JUDGE SMITH: Just scroll it down to the footnotes,  
24 please.

25 MR. KEHOE: I think it's end notes here.

1 PRESIDING JUDGE SMITH: It's an end note?

2 MR. KEHOE: I believe so, Judge.

3 MS. MAYER: It is. It's on page SPOE00198311.

4 MR. KEHOE: I forget which footnote it is, Judge. What the  
5 number is.

6 MS. MAYER: It's footnote number 9.

7 MR. KEHOE: Number 9, Humanitarian Law Centre. Okay.

8 Q. So Humanitarian Law Centre. So you accepted the fact that it  
9 was considered to be revenge and you included it in your report;  
10 right?

11 A. I think it was noted, yes --

12 Q. Okay.

13 A. -- as being.

14 Q. So we have a -- six young Kosovo Serbs are murdered in the Panda  
15 bar, and you say it's considered to be revenge. And the clear  
16 conclusion from all of this was that the KLA was responsible in some  
17 fashion for this murder -- these murders; right?

18 A. These are -- these were allegations, well-founded allegations  
19 that require further investigation.

20 Q. I understand.

21 A. And that's stated throughout.

22 Q. I understand. But you have taken these murders and you have  
23 pieced it together with a revenge motive because of the killing of 30  
24 KLA members but a few days before.

25 A. That was the best -- yes. That was the best determination.

1 Q. Okay. And when you were doing this, you received -- and this is  
2 the SITF interview of 25 June 2014, and this would be at paragraph 6.  
3 You noted that:

4 "Our office in Pec tried very hard to document and investigate  
5 this incident and ... I recall, there was reasonably good cooperation  
6 with the Serb authorities in relation to that case."

7 A. Yes.

8 Q. Okay. So you have this case and then the Serbs are cooperating  
9 with you; right?

10 A. Yes.

11 Q. And it is a fact, sir, that the Serbs have -- well, put it this  
12 way: Are you aware that the Panda café was a false flag operation  
13 and the murders were conducted by the Serbs?

14 A. No, I'm not.

15 Q. Let me give you -- turn your attention to a newspaper article  
16 where there's a interview. Do you know who Vuk Draskovic is, the  
17 Serb deputy prime minister?

18 A. The name, yes.

19 Q. Okay. And he told a Serb publication, *Kurir*, K-u-r-i-r, that it  
20 was the RBD, led by Radomir Markovic, who orchestrated this massacre  
21 through the Serb paramilitary Milorad Ulemek Legija, on the orders of  
22 then Slobodan Milosevic. Are you aware of that?

23 A. No, I'm not.

24 Q. Okay. And were you aware that the goal of this attack was to  
25 portray the KLA as a terrorist organisation before the international

Witness: Sandra Mitchell (Resumed) (Open Session)

Page 10701

Cross-examination by Mr. Kehoe

1 community?

2 A. No, sir, I'm not.

3 Q. Let me just show you this article.

4 MR. KEHOE: It is DHT02782 to DHT02783. It's the *Kurir*,  
5 K-u-r-i-r. I am sure I am that -- pronouncing that correctly -- I'm  
6 pronouncing that incorrectly. 18 January 2014.

7 Q. Now, before we move to this article, Ms. Mitchell, this was a  
8 very, very significant event at the time, was it -- wasn't it?

9 A. Yes, sir.

10 Q. And it led to increased anger and blaming the Kosovo Albanians  
11 and the KLA for these murders; right?

12 A. I'm not sure what you mean by that. I'm sorry.

13 Q. Well, I mean, you said it added -- it did add to increased  
14 tensions.

15 A. Yes.

16 Q. And the tensions were between the Serbs and the Albanians.

17 A. Yes.

18 Q. And specifically the KLA; right?

19 A. Yes.

20 Q. And here we have an article by Vuk Draskovic that said this was  
21 being done -- these murders had been committed in a false flag  
22 operation by the Serbs themselves; right?

23 A. That's what it says. I haven't seen this article before.

24 Q. Okay.

25 MR. KEHOE: Your Honour, we'll move this article into evidence.

1 MS. MAYER: I would just object. I don't know the basis of  
2 this. I mean, again, I don't know the author. I don't know the  
3 sourcing or anything like that. I believe the witness says she's not  
4 aware, and that's -- that's sufficient in terms of putting it to the  
5 witness.

6 MR. KEHOE: Well, this is a newspaper article that has been  
7 published on 18 January 2014.

8 [Trial Panel confers]

9 MR. KEHOE: Sorry.

10 PRESIDING JUDGE SMITH: In looking at the document, we can admit  
11 it for its content but not necessarily for the truth of the content  
12 given the fact that we have no other information at this time. So  
13 thank you.

14 MR. KEHOE: Then I will try and augment that right now with  
15 yet -- I'm sorry. I'm sorry.

16 JUDGE GAYNOR: Could I just ask you to verify the translation.  
17 Your English translation seems to refer to "the legion," whereas  
18 Legija is a person, I believe.

19 MR. KEHOE: Legija is a person. It does say "Ulemek Legija."  
20 I'm not sure, Judge. The line 3 in the English does have his name as  
21 Milorad Ulemek Legija.

22 JUDGE GAYNOR: Could I invite you to submit a revised  
23 translation.

24 MR. KEHOE: Absolutely, Judge.

25 JUDGE GAYNOR: Thank you.

1 MR. KEHOE: I will take your advice to heart. Thank you. We  
2 will review this, Judge. We can just MFI it for now and I will  
3 just --

4 PRESIDING JUDGE SMITH: We'll leave it at an MFI then for now.

5 MR. KEHOE: Yes.

6 PRESIDING JUDGE SMITH: Until you do that.

7 Thank you, Judge Gaynor.

8 MR. KEHOE: Thank you. My apologies.

9 PRESIDING JUDGE SMITH: No problem.

10 THE COURT OFFICER: Your Honour, for the record, that document  
11 will be assigned 1D74 MFI.

12 PRESIDING JUDGE SMITH: Thank you.

13 Go ahead.

14 MR. KEHOE: Yes.

15 Q. And, Ms. Mitchell, let me show another article. This is from  
16 Balkan Insight. You're familiar with Balkan Insight, are you not?

17 A. Perhaps at one point. I'm sorry, it's not ringing a bell.

18 Q. I understand. I understand. Life has gotten in the way of  
19 everything in the past. But let me show you an article from Balkan  
20 Insight, 14 December 2018.

21 MR. KEHOE: And this is DHT02784-DHT02789.

22 THE INTERPRETER: Interpreters kindly ask the speakers to  
23 observe a pause between answers and questions. Thank you.

24 MR. KEHOE: Again, my apologies. I know I'm supposed to do  
25 that, but it's all too often honoured in the breach.

1 Q. So we look at this article, and you're welcome to read the  
2 entire article, but it is quoting a Vladimir Vukcevic, the Serbia war  
3 crimes prosecutor, who notes the same thing: One, that there are  
4 almost no Albanians in Pec at the time; and, two, that the entire  
5 matter was conducted as a false flag operation.

6 So you don't know anything about the fact that there have been  
7 statements by the Serbs themselves that the Panda murders were a  
8 false flag operation?

9 A. No, sir. It's the first time seeing it.

10 Q. Okay. Well, let us backtrack. At the time, you published a  
11 story about the Panda murders that you believed to be plausible;  
12 right?

13 A. You're referring to the report?

14 Q. Yes.

15 A. Yes, sir.

16 Q. Okay. And in that, it was a statement about the murder of six  
17 young Serb men and that the entities that were behind it were either  
18 the KLA or the Kosovo Albanians. That was the clear inference from  
19 what you wrote; right?

20 A. That's correct.

21 Q. Okay. Now, this -- well, with -- you had this plausible story  
22 at the time. If these articles are true, that inference that you  
23 made and conclusion that you made in the report was incorrect?

24 A. If these are true, that's right.

25 Q. And I understand that you didn't have the opportunity to do this

1 thorough investigation at the time. But with an incident as filled  
2 with emotion as this, this was an important one, obviously, to  
3 examine carefully, but you're unable to do so because of time and the  
4 situation; right?

5 A. That's correct.

6 Q. Now, I mean, there were other false flag operations that were  
7 being run by the Serbs during this period of time as well, weren't  
8 there?

9 A. I'm -- false flag operations? I'm not --

10 Q. False flag operations being -- maybe that's a military  
11 terminology of -- and pardon me, that the Serbs are committing a  
12 certain criminal act, like the Panda bar murders, and blaming someone  
13 else. That happened frequently with the Serbs, didn't it?

14 A. I wouldn't say frequently and with that kind of certainty.  
15 These reports are based on allegations.

16 Q. I understand. Based on allegations. I get it. And, obviously,  
17 when you placed your allegations in here, you didn't -- once it  
18 was -- you took the allegations in, I think you told us you didn't do  
19 further investigations?

20 A. No, we urged others to.

21 Q. Absolutely. Others -- others like law enforcement entities or  
22 whatever to do it. Absolutely. So when you came into somebody  
23 like --

24 MR. KEHOE: For instance, let's go to the first volume of the  
25 "As Seen, As Told," and this will be SPOE00198098, and this is at

1 page 198305.

2 Your Honour, by the way, as I'm waiting, I would like to tender  
3 the Balkan Insight article.

4 MS. MAYER: No objection.

5 PRESIDING JUDGE SMITH: DHT02784 to DHT02789 is admitted.  
6 Please assign a number.

7 THE COURT OFFICER: Your Honours, that will be Exhibit 1D75.  
8 And just to confirm that should be classified public?

9 PRESIDING JUDGE SMITH: Thank you. Go ahead.

10 MR. KEHOE: Now, if we can just put this on there.

11 Q. We're talking about the detention at the top of the page of two  
12 Tanjug journalists. Do you see that?

13 A. Yes, sir.

14 Q. The:

15 "Two journalists for Tanjug, the Yugoslav state ... agency, were  
16 abducted by UCK members on 18 June [sic] 1998. Their release was  
17 finally secured two months later, facilitated by the OSCE-KVM Head of  
18 Mission."

19 MR. KEHOE: Your Honour, at this time I would like to introduce  
20 this portion of the report into evidence. Just those three lines on  
21 top, Judge.

22 MS. MAYER: No objection. I would just similarly ask for the  
23 witness to be shown the citations and the citations to accompany it.

24 PRESIDING JUDGE SMITH: You're not --

25 MS. MAYER: I would just similarly ask for these things that are

1     footnoted, for the citations to be shown to the witness if they are  
2     going to be questions about this portion, that they be included in  
3     whatever's admitted.

4             MR. KEHOE: I have no objection to having the footnotes admitted  
5     too, Judge.

6             PRESIDING JUDGE SMITH: The three lines is all you want in?

7             MR. KEHOE: All the three lines, just the lines.

8             PRESIDING JUDGE SMITH: Three lines plus the footnote are  
9     admitted.

10            MR. KEHOE: It's the shortest document I'll ever introduce,  
11     Judge.

12            THE COURT OFFICER: Your Honours, if I can suggest perhaps again  
13     to add this to P743.1.

14            MR. KEHOE: Whatever's easiest for the Court.

15            PRESIDING JUDGE SMITH: Thank you.

16            MR. KEHOE:

17     Q.     So when you were going through this, I want to show you a  
18     document that's been received in evidence as 1D59. So when you were  
19     looking at these two journalists -- while this is coming up, I'll ask  
20     you a question, Ms. Mitchell.

21            When you were looking at these two journalists and putting this  
22     information in your report, you didn't do any investigation as to who  
23     these journalists were, did you?

24     A.     I'm not sure, sir. If I could see the footnotes, whether they  
25     were --

Witness: Sandra Mitchell (Resumed) (Open Session)

Page 10708

Cross-examination by Mr. Kehoe

1 Q. Sure.

2 A. [Overlapping speakers] ...

3 MR. KEHOE: If we can go back -- we can go back to the -- the  
4 footnotes are on -- I've just been informed are on page -- I'll just  
5 say 311 and 312 of that document.

6 Q. As this is coming up -- and, Ms. Mitchell, any time you want to  
7 see something additional as we go through it, just let me know.

8 A. Thank you.

9 MR. KEHOE: So I think we're talking about footnotes 19 and 20.  
10 On the next page.

11 Q. So this information that you included in your report you got  
12 from a Humanitarian Law Centre report. Do I have that right?

13 A. Yes, sir.

14 Q. Okay. And I also have it right that the -- and I think it's  
15 also Human Rights Watch? Yeah. And I take it, based on what we have  
16 as the footnotes, that you didn't do any further investigation as to  
17 who these guys were?

18 A. That's correct.

19 Q. Okay.

20 MR. KEHOE: If we can just turn to the exhibit that I was just  
21 talking about, which is 1D59.

22 THE INTERPRETER: Interpreter's note: Once again, the speakers  
23 are kindly asked to pause between question and answer. Thank you.

24 MR. KEHOE:

25 Q. Ms. Mitchell, that was for you and me.

1 MR. KEHOE: If I can go -- and this is a matter that was  
2 introduced into evidence that -- if we can go to the next page.

3 Q. And it involves a -- one of these Tanjug reporters whose name is  
4 Vladimir Dobricic, otherwise known as Kica. And he claimed to be a  
5 newspaper photographer at Tanjug when, in fact, he had joined a group  
6 of volunteers in Croatia that committed a series of murders. And  
7 down that page it says:

8 "Due to criminal activities and murders committed, especially in  
9 actions near Skabrnja where they killed tens of civilians, it was  
10 decided that this unit," Dobricic's unit, "be closed down ..."

11 And he has been described by ICTY investigators as a hardcore  
12 Chetnik, and that was the ICTY witness statement of Ari Kerkanen.

13 Now, did you know when you were reporting -- did you take a look  
14 at Mr. Dobricic -- or I guess you didn't take a look at Mr. Dobricic  
15 to find out that he was involved in criminal activities in Croatia  
16 and also in Bosnia; is that right?

17 A. That's right.

18 Q. Now, just going back to false flag operations -- by the way, I  
19 mean, finding out, whoever is looking at this, to determine if there  
20 is some type of criminal activity, as a criminal lawyer, you would  
21 agree with me that it's important to take a look at who these victims  
22 are, what are they, what's their background, et cetera. That's  
23 important, isn't it?

24 A. Of course, yes.

25 Q. Okay. I'm not saying you would do it for your record keeping,

1 but it's important to examine that information, isn't it, for a  
2 criminal -- in a criminal matter, as opposed to just reciting the  
3 information?

4 A. Yes, I'm pausing. That's --

5 Q. Gotcha.

6 A. -- my hesitation.

7 Q. Understood. You're ahead of me on that. Okay.

8 So we talked about Dobricic being someone other than a Tanjug  
9 reporter, and we talked about the Panda bar being a false flag  
10 operation. You also know of other -- and I can cite you to them, of  
11 other false pieces of information coming from the Serbs as well.  
12 Like, for instance, the dropping of leaflets on Kosovo Albanians;  
13 isn't that right?

14 I can make it easy for you and just take you to the part of the  
15 report.

16 A. Great.

17 MR. KEHOE: Can we go to the volume 1 of the SPOE -- and this  
18 would be SPOE00198372. Okay. I apologise, Judge. I'm just waiting  
19 for it to come up on the screen.

20 In the interest of time, if I could just read it, Judge, it  
21 would probably be easier.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MR. KEHOE: Okay. Can we scroll down just a bit to December  
24 1998. There we go.

25 Q. "In December 1998, leaflets were found in Istiniq containing

1 death threats purporting to have been issued by the regional UCK  
2 headquarters. The OSCE-KVM was informed, but was advised that the  
3 local Kosovo Albanians did not believe that the leaflet was  
4 authentic, and considered it a forgery used by the Serbian police to  
5 intimidate the population."

6 Do you remember getting these types of reports?

7 A. I don't remember this specific one, but I'm confident that if  
8 it's in the report that we would have received the information. Yes.

9 Q. So in this information, we have your OSCE documenting false  
10 leaflets to scare the population allegedly to, you know, commit --  
11 to -- and add threats to the local population, which the local  
12 population believe were sent by the Serb police to scare them?

13 A. Yes, sir.

14 MR. KEHOE: Your Honour, I would like to introduce this into  
15 evidence.

16 MS. MAYER: No objection. I would just say again to include the  
17 citation, which is in end note 15 -- 25, rather. What's cited in  
18 that would be on page SPOE00198378.

19 I'll also just note this is the first excerpt from the second  
20 part of volume 1, so that does not have a P number yet. And we have  
21 no objection if you want to make it 743.3, but I leave that to the  
22 Court.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 SPOE00198372 and end note number 25 are admitted in evidence.

25 MR. KEHOE:

Witness: Sandra Mitchell (Resumed) (Open Session)

Page 10712

Cross-examination by Mr. Kehoe

1 Q. And then you --

2 PRESIDING JUDGE SMITH: Just a second.

3 MR. KEHOE: Oh, I'm sorry, Judge. I'm sorry.

4 THE COURT OFFICER: Your Honours, for ease of record, I will  
5 assign that number P743.3.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 MR. KEHOE:

8 Q. And just shifting gears factually, I mean, you had talked  
9 earlier about the Recak murders. And in that situation, the Serbs  
10 tried to cover those murders up, didn't they?

11 A. Yes.

12 Q. Okay. And they took -- they came in, took the bodies that they  
13 had killed, and they took them, where? To?

14 A. To the morgue in Prishtine.

15 Q. And it was the Serbs who, in fact, did that; right?

16 A. Yes, sir.

17 Q. And, in fact, during that period, the Serbs brought them down to  
18 Prishtine and ultimately it was the Serbs that brought them back for  
19 burial, didn't they?

20 A. I don't remember that --

21 Q. Okay.

22 A. -- detail. They may have.

23 Q. Well, that whole area -- the road between Recak -- and we can  
24 get into this in a little bit. The whole road between Recak and  
25 Prizren in January 1999 was totally controlled by the VJ and the MUP,

1 wasn't it?

2 A. From Prizren?

3 Q. From Prizren to Prishtine, that correspondence, that  
4 communication road was entirely controlled by Serb forces, wasn't it?

5 A. I believe so, yes.

6 Q. Yeah. So when you were talking about taking the bodies, the  
7 bodies are taken from Recak to Prishtine, and when they are  
8 ultimately brought back it was Prishtine -- it was the Serbs that  
9 brought them back; right?

10 A. Okay. I don't remember if it was --

11 Q. Okay.

12 A. -- KVM with the Serbs or family members. I'm sorry. I don't  
13 remember who returned the bodies.

14 Q. Okay. I put the case to you that the KVM had nothing to do with  
15 bringing the bodies back to --

16 A. Okay.

17 Q. -- to Recak. Now there were also, you know, false flag  
18 operations involving a multitude of other crimes that I would just  
19 like to briefly touch on with you.

20 MR. KEHOE: And this is at, again, volume 1, SPOE -- well, the  
21 page number is 198397.

22 Q. It goes:

23 "On 10 March the body of a 46-year-old Kosovo Albanian taxi  
24 driver from Djakovica, was found on the road from Crmljane, near  
25 Meqe, 10 km north-east of Djakovica on the edge of the hills by the

1 Drini i Bardh ... his body had gunshot wounds in the chest and head  
2 and his undamaged car was found nearby. Police retrieved the body  
3 and informed the family. The OSCE-KVM later attended the crime  
4 scene, and conducted interviews on the possible circumstances of ...  
5 death, but was not informed by the police about the incident."

6 And the police in this instance would have been the Serb police;  
7 right?

8 A. That's correct, sir.

9 Q. "From the interviews it emerged that on 9 March, the taxi driver  
10 had taken a passenger to Sverke (Kline), but was not seen after that.  
11 Police had interviewed him several times previously over allegations  
12 that he had transported UCK members (which he had done in the past)."

13 If we can go down. The actual shooting took place. And it  
14 says:

15 "UCK sources also reported that the victim had mentioned to  
16 friends three days before his death that he had been threatened by  
17 the police," again the Serb police, "who said: 'If you continue  
18 transporting them' [i.e. the UCK], 'you will be killed by UCK!'"

19 Now, this was a threat by -- information by the Serb police  
20 for -- against the taxi driver for driving KLA or UCK members, and he  
21 was, in fact, murdered, and you had the information that the Serbs  
22 were going to blame the KLA. Is that accurate?

23 A. Yes, sir. What it says.

24 Q. I mean, this was the information that you --

25 A. That's correct.

Witness: Sandra Mitchell (Resumed) (Open Session)

Page 10715

Cross-examination by Mr. Kehoe

1 Q. -- folks compiled --

2 A. Yeah.

3 Q. -- at the time.

4 MR. KEHOE: And then if we can just go to another in volume 1,  
5 this would be at page SPOE00198407 -- excuse me, I take that back,  
6 198402. If we could just scroll down a little bit to that middle  
7 paragraph here.

8 Q. And in the middle of that paragraph, it notes that:

9 "A teacher from Mala Krusa/Krushe e Vogel (Prizren) was arrested  
10 on the bridge to Rogovo and beaten by the police in the basement of  
11 the police station."

12 Again, this was the Serb police; right?

13 A. Yes.

14 Q. "Then he was transferred to the third floor and beaten with  
15 shovels and kicked, especially in the kidneys. He was asked  
16 questions such as: 'What language do you use when you fill in your  
17 class book? Are you using the Serbian or Kosovo Albanian  
18 curriculum?' They also threatened to make him put on a UCK uniform,  
19 take him to the woods and shoot him dead, if he did not answer."

20 So here we have a situation of them actually taking a teacher  
21 and threatening him and putting a KLA uniform on him and take him to  
22 the woods and shoot him. That's the allegation here.

23 MS. MAYER: I think you just --

24 THE WITNESS: Yes.

25 MS. MAYER: -- missed a word at the end. The allegation was

1 that the threat was to do that, not that they actually --

2 MR. KEHOE: No, no --

3 MS. MAYER: -- did that.

4 MR. KEHOE: -- I understand.

5 Q. That the allegation was that to do that; right?

6 A. Yes. Please don't interpret my hesitation as anything more than  
7 what I'm hearing from translators.

8 Q. Understood. Okay. So that was the threat to this teacher?

9 A. Yes.

10 Q. Okay. Now, you also had information where these -- well, let me  
11 go to the other issue where bribes at checkpoints and people being  
12 forced to put KLA uniforms on.

13 MR. KEHOE: And I'll turn to volume 1, and this will be  
14 SPOE00198435.

15 THE INTERPRETER: The interpreters kindly ask the counsel to  
16 slow down when citing text. Thank you very much.

17 MR. KEHOE: I will do my best again.

18 I'm sorry? This -- just before I do this, Judge, I want to  
19 introduce into evidence the prior one, if I could. The prior  
20 excerpt. I think I had two of them.

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MR. KEHOE: Yes, if I could introduce those.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 I'm sorry. One is SPOE198397.

25 MR. KEHOE: Yes, Your Honour.

1           PRESIDING JUDGE SMITH: Any objection to that one?

2           MS. MAYER: No objection as long as the end notes are included.

3           PRESIDING JUDGE SMITH: The second one is SPOE198402. Both are  
4 admitted.

5           Wait, wait, we have to get a number for them.

6           THE COURT OFFICER: Your Honours, those will be added to P743.3.

7           PRESIDING JUDGE SMITH: Okay. Go ahead.

8           MR. KEHOE:

9           Q. If we move to, with the item that's on the screen, Ms. Mitchell,  
10 you know, the -- I think we're --

11           MR. KEHOE: It's the bottom paragraph, "There were ..." if we  
12 can just scroll up a bit.

13           Q. "There were several complaints ..."

14           Okay. I'm starting from:

15           "There were allegations of ill-treatment, bribes and illegal  
16 confiscation at ... checkpoints."

17           This is ill-treatment, bribes, and confiscation at Serb  
18 checkpoints; right?

19           A. Yes.

20           Q. And moving down in that item to -- about four lines, it notes  
21 that:

22           "At gunpoint the young man was forced back in his car with the  
23 police officers, who made him drive to a nearby location."

24           And this is:

25           "There they changed cars and got into another private car

1 without licence plates, drove off again and stopped on the edge of a  
2 nearby forest. The young man was forced to go into the forest where  
3 the police officers took out a bag from underneath some bushes. The  
4 young man was forced to put on a UCK uniform and pose with a rifle  
5 while police officers took photographs of him. After this they took  
6 back the uniform and rifle and they beat him. The young man was not  
7 allowed to leave until he had promised that he would pay the police  
8 officers DM 20,000 the next day."

9 Now, this is an instance where they were forcing a person to put  
10 a KLA uniform on. Were you aware of this incident at the time? And  
11 this was in the area, if we can go back, of Gjilan, and look at the  
12 front page. If you can look at that next sentence:

13 "One notable case, in February, concerned a young man who was  
14 driving from Kosovska ... to Gnjilane when he was stopped by a police  
15 officer."

16 So this -- were you aware of this?

17 A. Yes, vaguely.

18 Q. It's just --

19 A. It rings a bell once you read it, yeah.

20 Q. So we have the police are --

21 A. Yeah.

22 Q. You had information that the police were putting KLA uniforms on  
23 individuals forcibly; right?

24 A. Correct.

25 MR. KEHOE: Now let's turn to again volume 1, this is

1 SPOE00198437 to 438. It should be at the bottom of the page.

2 And if I can introduce that prior excerpt as well before I move  
3 to this one.

4 PRESIDING JUDGE SMITH: Any objection?

5 MS. MAYER: No objection. I would just ask for the footnote  
6 citations to be included -- or end notes, rather.

7 MR. KEHOE: And to the extent that I leave that out, I would  
8 agree to all the footnotes coming in at the time. So I have no  
9 objection to that.

10 PRESIDING JUDGE SMITH: SPOE00198435 plus the footnote is  
11 admitted.

12 THE COURT OFFICER: Your Honours, that would also be added to  
13 P743.3.

14 PRESIDING JUDGE SMITH: Thank you.

15 MR. KEHOE:

16 Q. Just at this bottom paragraph, Ms. Mitchell. This is:

17 "A refugee reported that her husband had observed from his  
18 window how police beat up their neighbour, a local leader of one of  
19 the smaller political parties, in front of his house around 22 May."

20 And we're talking about 1998 here. I take that back. I'll have  
21 to check on that.

22 "They placed weapons, two grenades, one automatic gun and UCK  
23 uniforms in his house, and forced Kosovo Albanians from the street to  
24 'verify' this by signing a document. This kind of fabrication was  
25 seen happening to other Kosovo Albanian leaders of political

1 organisations in Gnjilane."

2 Now, you had an office -- a KVM office in Gjilan, and they  
3 became well aware of this incident, did they not?

4 A. May I get the year?

5 Q. We'll just check on that right now.

6 A. If I may see the citation.

7 Q. Sure.

8 MR. KEHOE: The citation is 28. If we can go to the citation on  
9 28.

10 THE COURT OFFICER: Can we get the ERN reference for the end  
11 notes page?

12 MR. KEHOE: The end note ERN is -- 444 is the page. And it's  
13 footnote 28, Court Officer. All set?

14 Q. That help you at all?

15 A. It tells me that these are statements made by refugees being  
16 interviewed in refugee camps during the campaign.

17 Q. And so -- and this is a statement that was given to you by one  
18 of your refugees concerning putting UCK uniforms in his house.

19 A. Yes, sir. If it's footnote 28, it would have been taken from a  
20 camp in Macedonia.

21 MR. KEHOE: Your Honour, at this time I'll offer this excerpt  
22 into evidence.

23 MS. MAYER: No objection. If we could just get the witness to  
24 clarify the year. I believe that by looking at this, she probably  
25 knows the answer to the original question, which is what year this

Witness: Sandra Mitchell (Resumed) (Open Session)

Page 10721

Cross-examination by Mr. Kehoe

1 is.

2 MR. KEHOE: I'll give it --

3 THE WITNESS: 1999.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 SPOE00198437 to 438, plus the note at number 28 of page ERN  
6 444 --

7 THE COURT OFFICER: Your Honours --

8 MR. KEHOE: One last --

9 PRESIDING JUDGE SMITH: -- they're admitted.

10 THE COURT OFFICER: -- those will also be added to P743.3.

11 PRESIDING JUDGE SMITH: I'm sorry, I didn't say it. They are  
12 admitted.

13 MR. KEHOE: Thank you, Your Honour.

14 One last reference along these lines, and this will be again  
15 volume 1 at SPOE00198652. It's at the top of the page.

16 Can we just go to the page before, if we could? Scroll up just  
17 a little bit.

18 Q. This is in this particular area.

19 MR. KEHOE: If we can scroll down a little bit.

20 Q. So I think we're looking at the 29 March area. If we go to the  
21 next page, top of the page, it notes that:

22 "The same day six 'policemen' ..."

23 And you put "policemen" -- obviously you talked about police  
24 with the Prosecutor, where when you put it in quotes, it is people  
25 who -- individuals who are purporting to be policemen but either

1 aren't or are exerting that kind of authority; is that right?

2 A. Yes, sir.

3 Q. So we have these:

4 "The same day six 'policemen' in green-brown camouflage  
5 uniforms, automatic rifles and grenades entered the building and  
6 expelled the tenants. Two of the perpetrators lived in the same  
7 building, one in the neighbouring house. Another tenant cooperated  
8 with the police and as early as February wrote 'UCK' on the doors of  
9 Kosovo Albanians. The interviewee had never seen these people in  
10 uniforms before."

11 MR. KEHOE: And we can go to footnote 86 so you can reference  
12 that, and that's on page 658. It's footnote 86.

13 Q. That help you with the interview of a refugee?

14 A. Yes, sir. Footnote 86 references two statements taken in  
15 Macedonia of refugees.

16 Q. Okay. So we have a situation here where people -- Serbs are  
17 dressing up as police, going in, throwing people out, and writing  
18 "UCK" on their doors.

19 A. Correct.

20 Q. And these were -- and according to this, this refugee, the --  
21 these people -- he knew these people and had never seen them in  
22 uniforms before; right?

23 A. Yes.

24 Q. That's what it says. It says:

25 "The interviewee had never seen these people in uniforms ..."

1 A. Yes.

2 Q. Okay. So in addition to this, during this period of time when  
3 you are there --

4 MR. KEHOE: Oh, by the way, I want to tender that as well,  
5 Judge.

6 MS. MAYER: No objection. I would just ask for the page before  
7 as well since that was shown and it starts there. So starting at  
8 SPOE00198651, bottom, that last paragraph, to the top of 652, along  
9 with the end note.

10 MR. KEHOE: We can do that in redirect, Judge. I mean, I'm  
11 tendering this. She could do that in redirect.

12 MS. MAYER: I believe it was shown in direct.

13 MR. KEHOE: That's fine. She can -- we can put that in. It's  
14 okay.

15 PRESIDING JUDGE SMITH: SPOE00198651 to 652 is admitted along  
16 with the note at 86, page 658.

17 THE COURT OFFICER: And, Your Honours, that will also be added  
18 to P743.3.

19 MR. KEHOE:

20 Q. Now, in addition to the items that we just talked about, you did  
21 become aware that the Serb authorities, the VJ, the paramilitaries,  
22 and the MUP were, in fact, arming Serb civilians, weren't they?

23 A. Yes.

24 Q. And those civilians were engaged in acts of criminal activity  
25 alongside the MUP, the paramilitaries, and the VJ, weren't they?

1 A. Yes.

2 Q. And as a result of that -- and I want to turn your attention to,  
3 again, it's volume 1, SPOE00198149. The paragraph that begins:

4 "Paramilitary units are hard to define ..." Do you see that,  
5 Ms. Mitchell? Oh, it's not on the screen. I'm sorry. My apologies.  
6 I thought it was on the screen. It's that -- it's the first full  
7 paragraph there. Not the carry-over.

8 A. Yes.

9 Q. So:

10 "Paramilitary units are hard to define and recognise. On a  
11 number of occasions, it is likely that there was confusion in  
12 distinguishing between armed local civilians and the organised  
13 paramilitaries who originated from outside [of] Kosovo."

14 And that was a fact throughout the period of time you were there  
15 with the KVM, certainly before you left in March 1999; right?

16 A. Yes.

17 Q. So with regard to the issue of combatants and non-combatants,  
18 given the fact that they were arming civilians, those armed civilians  
19 became combatants, didn't they?

20 MS. MAYER: Objection that it draws for a legal conclusion of  
21 combatants.

22 PRESIDING JUDGE SMITH: Overruled. She can answer that if she  
23 knows.

24 THE WITNESS: Yes.

25 MR. KEHOE:

1 Q. Okay. So you have the MUP, the paramilitaries, and you have  
2 armed civilians all participating in attacks on the Kosovo Albanian  
3 population; right?

4 A. Yes.

5 Q. And if I can just turn to the next page on this, and it starts  
6 with "the white uniforms." And that would be the next page is  
7 198150. It's in that box, ma'am. If we can just -- it's under the  
8 "Recognising and differentiating among perpetrators: uniforms." It  
9 says -- and I'm talking about the second paragraph, starting with the  
10 second sentence:

11 "The white uniforms of the White Eagles may have been the cream  
12 of an SAJ unit, local armed civilians could be mixed up with the  
13 *ad hoc* mixed dress of a paramilitary unit (Arkan's paramilitaries  
14 favoured black uniforms or civilian clothes). In short, a fixed rule  
15 for identifying perpetrators by uniform would be misleading; a  
16 description is only a valuable additional piece of information to a  
17 bigger picture."

18 You agree with that, don't you?

19 A. With regards to the Serbian forces, yes.

20 MR. KEHOE: Your Honour, can I tender those last two items into  
21 evidence?

22 MS. MAYER: No objection.

23 PRESIDING JUDGE SMITH: SPOE00198149 and this next one is  
24 P198150, they're both admitted.

25 THE COURT OFFICER: Your Honours, those will be added to P743.1.

1 MR. KEHOE:

2 Q. And you told us -- you told the SPO in your discussions that  
3 you -- from leaving in March of 1999, various staff members -- not  
4 just you, various staff members of KVM were conducting interviews  
5 with refugees in Macedonia and Albania; is that right?

6 A. Yes.

7 Q. I know you're waiting for the --

8 A. Thank you.

9 Q. -- proper -- okay. Let me just show you one last item.

10 MR. KEHOE: And if I can just get this in before the break,  
11 Judge. This would be SPOE00198307.

12 Q. And it's the paragraph that is -- yeah. That bottom paragraph  
13 there. Yeah, it's that bottom paragraph. So the report writes in  
14 volume 1:

15 "Of the 2,764 interviews with mainly Kosovo Albanian refugees  
16 conducted by the OSCE-KVM, there are numerous reports of armed Serb  
17 civilians taking part in the atrocities committed against the Kosovo  
18 Albanian population from 20 March to 8 June 1999."

19 Now, is that your accurate assessment of what was taking place,  
20 that the Kosovo Serb population was engaged in the atrocities along  
21 with Serb forces?

22 MS. MAYER: Objection. I think that's an overstatement.

23 MR. KEHOE: That's the question.

24 MS. MAYER: It's not the entire Serb population.

25 MR. KEHOE: That's the question. That's the question.

1 MS. MAYER: I'm objecting because he's reading off of a report  
2 and I think that's a misstatement of the evidence.

3 MR. KEHOE: That's fine.

4 PRESIDING JUDGE SMITH: Overruled. You may answer the question  
5 if you know.

6 THE WITNESS: I'm sorry, I lost the thread of your question --

7 MR. KEHOE: So did I.

8 THE WITNESS: -- sir.

9 MR. KEHOE:

10 Q. It is a fact that the refugees that you interviewed told you in  
11 numerous reports that the armed Serb civilians - armed Serb civilians  
12 - were taking part in the atrocities that had been ongoing in Albania  
13 prior to your departure in March 1999?

14 A. In Kosovo, that's correct, sir.

15 MR. KEHOE: Your Honour, I note it's 1.00. I tried to get a  
16 convenient spot to end.

17 PRESIDING JUDGE SMITH: All right.

18 MR. KEHOE: If I can introduce this into evidence, and we'll be  
19 done.

20 PRESIDING JUDGE SMITH: Any objection?

21 MS. MAYER: No objection.

22 PRESIDING JUDGE SMITH: SPOE00198307 is admitted and it will be  
23 assigned a number.

24 THE COURT OFFICER: Your Honours, that will be also added to  
25 P743.1.

Witness: Sandra Mitchell (Resumed) (Open Session)  
Procedural Matters

Page 10728

1           PRESIDING JUDGE SMITH: Witness, this is our only two sessions  
2 for today. We will not have a third session. You'll need to be here  
3 at 9.00 tomorrow to start again. The Court Officer will escort you  
4 from the room. Remember not to speak to this case with anyone.

5           THE WITNESS: Yes, sir.

6                                 [The witness stands down]

7           PRESIDING JUDGE SMITH: Remember also that, as I said, we have  
8 no session this afternoon, and we will see you tomorrow morning at  
9 9.00.

10           We are adjourned.

11                                 --- Whereupon the hearing adjourned at 1.01 p.m.

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