



In: KSC-BC-2020-04
Name: The Specialist Prosecutor v. Pjetër Shala
Before: Trial Panel I
 Judge Mappie Veldt-Foglia, Presiding Judge
 Judge Roland Dekkers
 Judge Gilbert Bitti
 Judge Vladimir Mikula, Reserve Judge
Registrar: Dr. Fidelma Donlon
Date: 2 May 2023
Classification: PUBLIC REDACTED

[IN COURT REDACTION ORDER]

The Trial Panel I FINDS that the following blacked out text contains confidential information and ORDERS this information shall be removed/ edited from the PUBLIC broadcast/streaming, audio visual recording and transcripts in all three languages *Albanian/ English/ Serbian*. Hearing of 2 May 2023, transcript reference Page 27 Line 7 (time code 10:24:07)- Page 27 Line 8- (time code 10:24:16).

10:23:04	number 1, in the rooms there, if thermal suspected of that.	26:21
10:23:10	PRESIDING JUDGE VELDT-FOGLIA: That is clear to me. Thank you	22
10:23:12	for that answer.	23
10:23:12	But then I will become some more concrete. ^ . The persons who	24
10:23:19	were, as you said, were collected from the camps and were brought in	25
10:23:24	by car, by the senior commanders, would they have their hands tied?	27:1
10:23:38	A. No, I never saw them with their hands tied.	2
10:23:44	PRESIDING JUDGE VELDT-FOGLIA: Okay. Then I would like to	3
10:23:49	refresh your memory.	4
10:23:54	And I will call them up as a matter of procedure. But I will	5
10:24:02	read out to you what you have said in that. But for the record, I	6
10:24:07	will give the reference. This is the SPO statement from [REDACTED]	7
10:24:16	[REDACTED] 106836-TR-ET, page 13, line 2, and the Albanian	8
10:24:39	version would be page -- let me ... let me see.	9
10:24:59	I will give the Albanian reference afterwards.	10
10:25:06	In line 2, you said -- line 2 and 2 -- or maybe I will be more	11
10:25:15	complete. Page 12 and page 13 and then at page 12 it's line 19 and	12
10:25:21	20.	13
10:25:21	"How did you recognise them to be prisoners," you were asked.	14
10:25:29	And I understand prisoners here were the suspects you talked about	15
10:25:34	yesterday.	16
10:25:34	And then at page 13, line 1, you say: "They thought that they	17
10:25:41	were more dangerous. They had their hands tied. But, of course,	18
10:25:52	when they went in there they would take away -- untie them."	19
10:25:57	So I ask you again: Did these people, when they would be	20
10:26:05	brought in, would they be -- would they have their hands tied?	21
10:26:15	A. Your Honour, it is quite possible that it might have been and	22
10:26:20	I've forgotten. Because when they were brought in, sometimes they	23
10:26:23	would be taken to the office by the commanders and sometimes they	24
10:26:28	would take them to pavilion number 1. They would bring them in by	25


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10:35:24	clothing?	31:1
10:35:31	A. Yes.	2
10:35:34	JUDGE BITTI: Thank you. With regard -- I go now to another	3
10:35:42	questions on other topic.	4
10:35:45	With regard to the people who were apparently detained at the	5
10:35:52	Kukes metal factory, did you interact with those detainees in	6
10:35:58	building 1?	7
10:36:07	A. No.	8
10:36:10	JUDGE BITTI: In your statement to the SPO in [REDACTED] and	9
10:36:21	that's 108836-TR-ET, Part 1, page 15, lines 3 to 5, and I'm, for the	10
10:36:37	moment giving only the English version. You said and that's a very	11
10:36:42	specific ^, you said: "I was giving some bread to one of the	12
10:37:09	people who was detained there."	13
10:37:09	Do you remember that? And could you explain to us why you were	14
10:37:09	giving some bread to one of the persons who was detained there.	15
10:37:10	A. Yes, the question is correct. But I did not go there to open	16
10:37:19	the door myself. I went this with the big commanders.	17
10:37:25	JUDGE BITTI: Okay. I understand that. But were you giving	18
10:37:30	bread with the commanders, but were you yourself giving bread to one	19
10:37:41	of the people who was detained there?	20

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10:59:36	THE WITNESS: (via videolink) [Interpretation] Yes, that's all	39:1
10:59:40	right.	2
10:59:41	PRESIDING JUDGE VELDT-FOGLIA: Very well. I thank you again,	3
10:59:49	and I will now ask Madam Court Officer to escort you out and that	4
10:59:57	will be it for you. Thank you.	5
10:59:01	THE WITNESS: (via videolink) [Interpretation] Thank you.	6
10:59:11	[The witness withdrew]	7
10:59:46	[Trial Panel and Court Officer confer]	8
10:59:57	THE COURT OFFICER: (via videolink) Your Honours, the witness and	9
10:57:00	his Duty Counsel have left the remote location.	10
10:57:03	PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.	11
10:57:05	Very well. We have ended this -- the examination of this	12
10:57:14	witness, Witness 10. We can proceed with Witness 11. That's also	13
10:57:21	our intention. And I discussed with CMU, and we will be able to	14
10:57:30	start at 12:00. <i>See the SDP nodding.</i>	15
10:57:38	[REDACTED]	16
10:57:43	[REDACTED]	17
10:57:49	[Trial Panel and Court Officer confer]	18
10:58:06	PRESIDING JUDGE VELDT-FOGLIA: Thank you for your question, but,	19
10:58:08	yes, that is taken care of. Yes?	20
10:58:11	So we take now a one-hour break, and then we continue from 11:00	21
10:58:23	till 12:00 and then we have our one and a half hour break and	22
10:58:28	continue one and a half hour till 4:00.	23
10:58:34	Anything to raise with the Panel?	24
10:58:38	Victims' Counsel.	25
10:58:42	MR. LAWS: No, Your Honour.	40:1
10:58:43	PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.	2
10:58:45	MR. AOUINI: From 12:00 to 13:00.	3
10:58:54	PRESIDING JUDGE VELDT-FOGLIA: Yes. And if I said something	4
10:58:56	else ^.	5
10:59:45	MR. AOUINI: Thank you.	6
10:59:48	PRESIDING JUDGE VELDT-FOGLIA: Thank you.	7

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12:34:49	PRESIDING JUDGE VELDT-FOGLIA: Very well.	16
12:34:49	Mr. Court Officer, please proceed.	17
12:34:56	MR. DE MINICIS: Could we zoom in to try to put -- just the	18
12:35:00	picture showed in the upper right corner, the larger one ^ thank you	19
12:35:06	very much. Yeah that is correct will do.	20
12:35:12	And just a tiny bit down so that the signature and the date up	21
12:35:19	top -- yeah, yeah, that is perfect. Thank you very much.	22
12:35:26	Q. Mr. Witness, you told us that you were brought to a place which	23
12:35:39	looked a bit like a factory. Do you recognise the location showed in	24
12:35:32	this picture now to you?	25
12:35:48	A. Yes. When I entered and when I left, I recognised it as this	56:1
12:35:59	place [check punct] ^	2
12:36:01	[REDACTED]	3
12:36:06	[REDACTED]	4
12:36:16	[REDACTED]	5
12:36:20	[REDACTED]	6
12:36:27	[REDACTED]	7
12:36:33	[REDACTED]	8
12:36:37	[REDACTED]	9
12:36:45	[REDACTED]	10
12:36:47	Q. Thank you, Mr. Witness.	11
12:36:49	MR. DE MINICIS: Your Honour, I am done with this picture. We	12
12:36:53	can remove it from the screen.	13
12:36:54	PRESIDING JUDGE VELDT-FOGLIA: Thank you.	14
12:36:55	Mr. Court Officer [Microphone not activated].	15
12:37:06	MR. DE MINICIS:	16
12:37:07	Q. Mr. Witness, now -- and I know these are not necessarily	17
12:37:13	pleasant memories. I also know time has passed, but I'm going to	18
12:37:19	need to ask you a bit more questions in more detail about the time	19
12:37:22	you spent there.	20
12:37:27	So can you tell the Panel again what happened as soon as you	21
12:37:34	passed through that gate and you arrived at this location?	22


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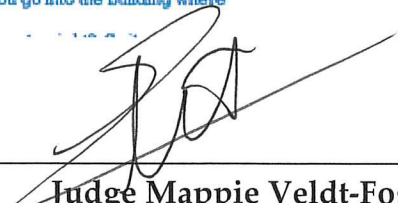


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12:46:22	A. The location was on the left. The room was on the left from the gate.	7
12:46:37		8
12:46:38	Q. Okay. Now --	9
12:46:50	PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, can we take the statements down?	10
12:46:50	MR. DE MINICIS: [Microphone not activated].	11
12:46:50	PRESIDING JUDGE VELDT-FOGLIA: Okay, very well.	12
12:46:51	Mr. Court Officer, can you pull them down. Thank you.	13
12:46:56	Please proceed.	14
12:46:57	MR. DE MINICIS:	15
12:46:57	Q. Now, ^ stated as you entered, the building was on your left.	16
12:46:08	So you entered the gate and which direction did you take? Sorry, could you repeat.	17
12:46:10		18
12:46:20	A. It was straight but the room was on the left as you enter the gate.	19
12:46:33		20
12:46:34	Q. Now --	21
12:46:35	MR. DE MINICIS: Your Honours, could I please ask the Court Officer to have on the screen ...	22
12:46:39		23
12:46:45	Q. Sorry, Mr. Witness, one second?	24
		25
12:46:49	[Trial Panel and Court Officer confer]	60:1
12:46:51	PRESIDING JUDGE VELDT-FOGLIA: Sorry for this. We can continue.	2
12:46:53	MR. DE MINICIS: Can I ask the Court Officer to put on the screen the interview we had with the witness in [REDACTED] that would be ERN 10888-TR-ET, Part 1, RED, pages 4 and 5.	3
12:47:38		4
12:47:38		5
12:47:48	It's on -- I'm sorry.	6
12:47:53	Q. So at the time, when we did this interview --	7
12:47:57	MR. DE MINICIS: Your Honours, sorry. I haven't ...	8
12:48:02	In the Albanian, it will be still at pages 4 and 5, Your Honour.	9
12:48:21	Q. So I put to you something that you had told us in 2019. And ^	10
12:48:33	was you go through the entrance, you walk a little bit and then you turn slightly to the right and then you go into the building where the room was.	11
12:48:40		12
12:48:45		13


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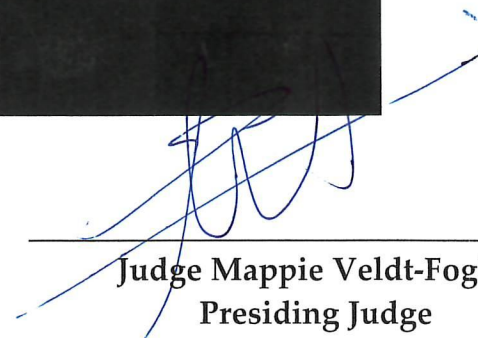


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15:23:01	A. Yes.	18
15:23:01	Q. Do you remember who?	19
15:23:07	A. Several persons, three or four, that was taken in for	20
15:23:16	[REDACTED]	21
15:23:24	[REDACTED]	22
15:23:44	[REDACTED]	23
15:23:50	[REDACTED]	24
15:23:56	MR. DE MINICIS: Yes. Your Honours, could we please move into	25
15:24:00	private session.	86:1
15:24:02	THE WITNESS: (via videolink) [Interpretation] Brother?	2
15:24:03	PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, can you bring	3
15:24:06	us into private session, please.	4
15:24:08	[Private session]	5
15:24:09	[REDACTED]	6
15:24:17	[REDACTED]	7
15:24:19	[REDACTED]	8
15:24:21	[REDACTED]	9
15:24:22	[REDACTED]	10
15:24:23	[REDACTED]	11
15:24:28	[REDACTED]	12
15:24:32	[REDACTED]	13


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