



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

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: 24 August 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 24 August 2023, transcript reference Page 36 Line 3 to Page 36 Line 4, (time code from 10:39:12 to 10:39:19) and Page 36 Line 23 to Page 36 Line 24 (time code from 10:40:37 to 10:40:40).

| | |
|---|---|
| <p>36:3 topic, [REDACTED]</p> <p>4 [REDACTED]. But, first of all, only one of the three witnesses the</p> <p>5 Defence wants to call, who is DW3-881 ^ actually participated in</p> <p>6 that operation. The other two did not. One did not go to the</p> <p>7 location at all, and the other one went hours later to pick up a</p> <p>8 and take that person to the hospital.</p> <p>9 But even with respect to 3881, we don't understand -- the</p> <p>10 Defence should be specific about what evidence they want to elicit</p> <p>11 from this witness. We absolutely -- we have no idea. And as things</p> <p>12 stand now, we don't think -- we submit that it's irrelevant. We have</p> <p>13 read the statement of this witness again to try to see if we could,</p> <p>14 through that, in combination with the summary from the Defence,</p> <p>15 understand a bit more. We don't. So we submit that the Defence</p> <p>16 tells us how the summary of this witness fits with their case and ^</p> <p>17 and what this witness will be testifying about.</p> <p>18 If he is called to testify about evidence provided by SPO</p> <p>19 witnesses, then the Defence should clarify that, what evidence it is</p> <p>20 and what evidence we are talking about. As things stand now, this</p> <p>21 evidence is not relevant.</p> <p>22 All three witnesses are also called to testify about the</p> <p>23 situation in Kosovo, [REDACTED]</p> <p>24 [REDACTED]. Your Honours, how is that relevant to the charges in</p> <p>25 this case? It's simply not relevant.</p> | <p>10:39:12</p> <p>10:39:19</p> <p>10:39:24</p> <p>10:39:32</p> <p>10:39:37</p> <p>10:39:41</p> <p>10:40:02</p> <p>10:40:02</p> <p>10:40:02</p> <p>10:40:02</p> <p>10:40:04</p> <p>10:40:07</p> <p>10:40:09</p> <p>10:40:14</p> <p>10:40:20</p> <p>10:40:22</p> <p>10:40:26</p> <p>10:40:29</p> <p>10:40:33</p> <p>10:40:35</p> <p>10:40:37</p> <p>10:40:40</p> <p>10:40:49</p> |
| <p>37:1 Finally, Your Honours, W04751. The Defence proposes this</p> <p>2 witness to be tendered through Rule 155. Now, this witness was on</p> <p>3 the Prosecution witness list.</p> <p>4 As I said earlier, the Prosecution bears the burden to prove</p> <p>5 certain elements, certain contextual elements that we believe this</p> <p>6 witness was able to talk about at the time; for example, the</p> <p>7 organisation of the fact that the KLA was an organised group, and</p> <p>8 that the Kukes metal factory was used for certain purposes. The</p> <p>9 witness left Kukes at the end of April 1999.</p> <p>10 From the summary provided by the Defence, it's absolutely</p> <p>11 unclear what the relevance of this witness' evidence is for the</p> | <p>10:40:55</p> <p>10:41:04</p> <p>10:41:10</p> <p>10:41:12</p> <p>10:41:16</p> <p>10:41:19</p> <p>10:41:26</p> <p>10:41:35</p> <p>10:41:36</p> <p>10:41:38</p> <p>10:41:41</p> |

Judge Mappie Veldt-Foglia
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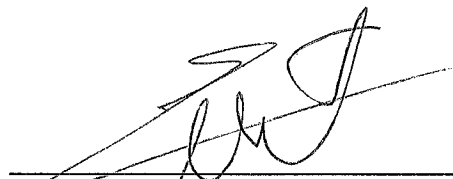
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| 37:22 | these witnesses. The whereabouts of these witnesses, if I'm not | 10:42:41 |
| 23 | wrong, on 22 June 1999. Well after the indictment period, well after | 10:42:44 |
| 24 | [REDACTED]. So the relevance of that document, the mere | 10:42:49 |
| 25 | fact that may mention two persons of interest in this case does not | 10:42:56 |
| 38:1 | make that document relevant in our view. | 10:42:59 |
| 2 | And this concludes our submissions, Your Honours, on the | 10:43:03 |
| 3 | relevance of the witnesses proposed by the Defence. | 10:43:07 |
| 4 | PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor. | 10:43:11 |
| 5 | Before I give you the floor, Defence counsel. Victims' Counsel, | 10:43:12 |
| 6 | are there observations you would like the make? | 10:43:20 |
| 7 | MR. LAWS: Your Honour, we fully support the submissions that | 10:43:22 |
| 8 | have just been made by the SPO, and we have nothing useful to add. | 10:43:24 |
| 9 | PRESIDING JUDGE VELDT-FOGLIA: Thank you. | 10:43:29 |
| 10 | Defence counsel, before I give you the floor. In addition to | 10:43:30 |
| 11 | what has been said, the Panel would like, and I am going back to what | 10:43:38 |
| 12 | I said before already, with regard to the witnesses on your witness | 10:43:46 |



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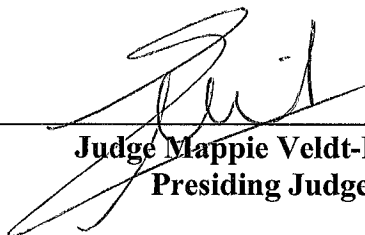
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|---|---|
| <p>42:7 specific event. And this relates clearly and directly to the 8 credibility of individuals and stories we heard that happened in that 9 liberation in [REDACTED]. You can test -- and we are very 10 transparent and complete with it, Your Honour. We have a [REDACTED] 11 [REDACTED], and we submit to you the individuals who were involved from 12 close or far, physically or by signing or [REDACTED] 13 [REDACTED]. We put it all on the table here so 14 Your Honours can see the truth of certain events. 15 And when we say the information about the general situation, 16 that is relevant to understand what could be true or what could not 17 be true at that moment. This is ^ . And these people are 18 internationals who can testify as to what the situation could be or 19 what the situation could be not. They could tell us -- I don't want 20 to say this in public. 21 PRESIDING JUDGE VELDT-FOGLIA: Then we can go into private. 22 MR. AOUNI: It is one small point. They will say whether the 23 people they met whether they are the individuals mentioned in some of 24 the evidence heard from witnesses. I can explain further, 25 Your Honour.</p> | <p>10:51:17 10:51:21 10:51:25 10:51:37 10:51:38 10:51:42 10:51:55 10:51:58 10:52:01 10:52:06 10:52:09 10:52:16 10:52:19 10:52:25 10:52:26 10:52:28 10:52:31 10:52:38 10:52:40</p> |
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| | | |
|-------|---|----------|
| 52:14 | role, we want to see them and hear them. | 11:38:44 |
| 15 | And that leads me to the internationals. We gave tremendous | 11:38:46 |
| ✓16 | latitude to the SPO to present [REDACTED]. | 11:38:50 |
| 17 | We know this is tied with specifically one of the witnesses more than | 11:38:54 |
| 18 | any others, and these individuals, whom we could not contact, have | 11:38:59 |
| 19 | statements, and we are putting these names at this stage, | 11:39:05 |
| 20 | Your Honour, to provide you the context. Those are the people who | 11:39:09 |
| 21 | made the report or participated in that event, and we are happy to | 11:39:12 |
| 22 | ask them for the first time elements that we have submitted during | 11:39:16 |
| 23 | the cross-examination of that witness: Where were the people freed? | 11:39:20 |
| 24 | Was it in the basement or was it in the 3rd floor? Where was the | 11:39:26 |
| 25 | dead person found? Was there anybody with it? Was there a Rambo | 11:39:33 |



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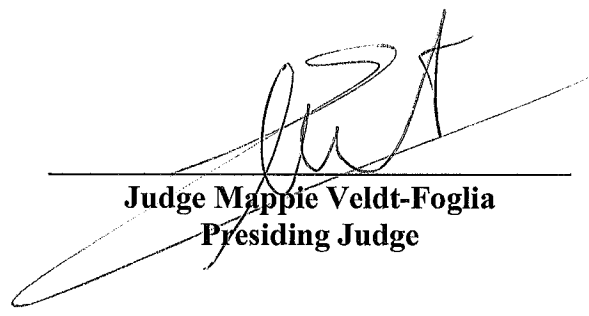
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| | |
|---|---|
| <p>✓ 53:13 All that is context and support for what we already announced 14 that we will submit in documentary fashion, that is, [REDACTED] 15 [REDACTED]. One of the individuals made the 16 trip and transported some freed individuals. Another one was there. 17 And the third one is the one that wasn't there but signed the report. 18 This is the relevance of these individuals with that report, and they 19 can explain to us what is in the report. And some evidence of 20 relevance to this case that will help Your Honours understand the 21 credibility of an account of one of the witnesses at least, maybe 22 two, on specific events there, will help Your Honours assess. 23 This is absolutely at the centre of the case. If Your Honours 24 want me to address any other elements, I'm happy to do that. But on 25 the specific points of the individuals and the brigade, we are</p> | <p>11:40:23 11:40:28 11:40:35 11:40:38 11:40:46 11:40:50 11:40:53 11:41:01 11:41:03 11:41:07 11:41:11 11:41:15 11:41:19</p> |
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