

1 Monday, 23 October 2023

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.30 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning and welcome.

6 Court Officer, can you please call the case.

7 THE COURT OFFICER: Good morning, Your Honours. This is case
8 KSC-BC-2020-04, The Specialist Prosecutor versus Pjeter Shala.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I kindly ask you to say who is present today for
11 the Specialist Prosecutor's Office. You have the floor.

12 MS. PERGOLO: Good morning, Your Honours, for the SPO,
13 Line Pedersen, Federica Genovese, Filippo de Minicis, and me,
14 Gaia Pergolo. Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 Victims' Counsel, you have the floor.

17 MR. LAWS: Good morning, Your Honours. I'm Simon Laws, counsel
18 for the victims in this case, together with my co-counsel
19 Maria Radziejowska.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you, counsel.

21 And now the Defence, please. You have the floor.

22 MR. GILISSEN: Thank you very much, Your Honour. Good morning.
23 I'm Mr. Jean-Louis Gilissen. We are here with Mr. Pjeter Shala by
24 videolink, as usual. We are here with our two co-counsel,
25 Mr. Hedi Aouini and Ms. Leto Cariolou. We have two evidence review

1 assistants, Juliette Healy, Judit Kolbe, and an intern, Livia Veliu.
2 Thank you very much.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 Mr. Shala, can you confirm that you hear me well?

5 THE ACCUSED: [via videolink] [Interpretation] Good morning. I
6 can hear you very well.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well. Okay.

8 Today we will hear the testimony of the fourth Defence witness,
9 that is Witness 4754, Mr. Mark Shala. And before we proceed with the
10 witness testimony, we will address some pending procedural matters.
11 And after the conclusion of the testimony of the witness of today and
12 tomorrow, we will see, the Panel will rule on two additional issues.

13 First, the Panel will put on record a ruling which was issued
14 via e-mail on Wednesday last week, 18 October, at 12.54, regarding
15 the SPO's request for an extension of time to respond to the Defence
16 first request for admission of non-oral evidence with a confidential
17 annex, and this is filing 688 dated 13 October 2023.

18 We received the SPO's request via e-mail also on Wednesday,
19 18 October, at 31 minutes after 8.00.

20 More specifically, having found that the request was made
21 sufficiently in advance to enable the Panel to rule on the request
22 before the expiry of the time limit, the SPO has shown good cause
23 seeing that it's facing competing deadlines and the obligations to --
24 at the present stage, the requested time is minimal and will not
25 delay the proceedings. And the Defence and Victims' Counsel did not

1 oppose.

2 The Panel, pursuant to Rule 9(5)(a) and Rule 76 of the Rules of
3 Procedure and Evidence, granted the request and ordered the SPO to
4 file its response by Friday, 27 October 2023.

5 This was, of course, already known to parties and participants,
6 but this is our way to make it public without having an additional
7 filing.

8 This concludes the Panel's oral ruling.

9 Second, yes, the Panel would like to come back to a point raised
10 by the Defence in the last evidentiary block during the
11 cross-examination of the witness. This is Witness 6 and so it's not
12 the last evidentiary block. Anyway, transcript of the hearing
13 21 September 2023, it's page 2677, line 15, till page 2678, line 8.
14 And the Panel directs the SPO in the future to disclose any
15 evidential material originating from other proceedings currently
16 before the SPO in advance before it poses the questions to the
17 witness. And that allows the Panel and the Defence and
18 Victims' Counsel to prepare also for those questions.

19 Thank you. This concludes our direction.

20 And third, we -- and it is my last ruling. The Panel will issue
21 an oral ruling regarding the Defence request during the questioning
22 of Witness 4754, a new disclosed item. I give the number. This is
23 DPS01571, which is a photograph. The request was made via e-mail on
24 Monday, 16 October 2023, at six minutes past 5.00. The item was
25 disclosed on the same day, which is disclosure package 171, and it

1 was added to the presentation queue for this witness.

2 Following the SPO's objection, e-mail dated 18 October 2023 at
3 36 minutes past 8.00, to the use of this item, the Defence replied,
4 which was an e-mail from 18 October at 39 minutes past 3.00, with the
5 suggestion to use two alternative newly disclosed items, and these --
6 and I have the following number, DPS01586 and DPS01587, both being
7 photographs which were disclosed on the same day, and this is
8 disclosure package 172.

9 Having taken note of both the SPO objection and the Defence
10 reply, the Panel hereby authorises the Defence to use one of the two
11 newly disclosed items, namely, DPS01587, during the questioning of
12 Witness 4754.

13 This concludes the Panel's oral ruling.

14 And now we can proceed with the testimony of the witness, and I
15 see the Defence Counsel standing.

16 You have the floor.

17 MR. AOUINI: Good morning, Your Honours. Just to correct the
18 transcript on page 3, line 3, on the deadline for the SPO, I believe
19 it is Friday, 27 October 2023, not 7th. Just to correct it. Thank
20 you.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. Yes. Maybe I said
22 something different, but for sure it was 27th. It's just an addition
23 of two days.

24 Very well. Mr. Mark Shala will testify without in-court
25 protective measures. We will sit for our regular one and a half

1 hours with the normal breaks.

2 And, Court Clerk, could you please usher the witness into the
3 courtroom.

4 [The witness entered court]

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, good morning, and
6 welcome to the Specialist Chambers.

7 THE WITNESS: [Interpretation] Good morning and hello to everyone
8 who is present here today.

9 PRESIDING JUDGE VELDT-FOGLIA: Can you confirm me that you hear
10 me well?

11 THE WITNESS: [Interpretation] Yes, I hear you well.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, are you hearing the
13 translation?

14 THE ACCUSED: [via videolink] [Interpretation] Yes. Yes, I can
15 hear it well.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Mr. Witness, how are you today?

18 THE WITNESS: [Interpretation] I'm well. I'm very well.

19 PRESIDING JUDGE VELDT-FOGLIA: Good. Today we will start with
20 your testimony. And before we begin with the questions for you, I
21 have several remarks.

22 Mr. Witness, you are called before the Specialist Chambers to
23 testify in the case of the Specialist Prosecutor's Office versus
24 Mr. Pjeter Shala to assist the Panel to reach a verdict.

25 Firstly, you will take your solemn declaration to tell the

1 truth. And after that, you will be asked questions by, first, the
2 counsel for the Defence of Mr. Pjeter Shala; then, on the other side,
3 by the counsels with the robes in purple, the Specialist Prosecutor's
4 Office; and then, next to them, by the Victims' Counsel. And in the
5 end, also the Panel can ask you questions. Yes?

6 Before you take your solemn declaration to tell the truth, I
7 will give you some guidance and some practical remarks for answering
8 your questions, so please listen carefully.

9 Mr. Witness, if you don't understand a question, feel free to
10 ask the question to be repeated. We want you to tell the truth. I
11 see you nodding. And we want you to tell us what you saw, what you
12 experienced, what you heard, what you sensed. And if you did not see
13 or hear it yourself, but you found out in some other way, please tell
14 us how you came to know it.

15 You may not remember all the details of the event, and that is
16 fine. Please testify on what you know. Do not guess and do not make
17 things up. There's nothing wrong in saying "I don't know," "I don't
18 remember."

19 Please only answer the questions put to you. If we need more
20 clarification, some further questions will be asked. And I also
21 remind you that you have the right to object to provide your
22 testimony on issues that might tend to incriminate you pursuant to
23 Rule 151(1) of the rules.

24 Mr. Witness, have you understood all this?

25 THE WITNESS: [Interpretation] Yes, I have.

1 PRESIDING JUDGE VELDT-FOGLIA: I've also some practical advice
2 for you. And please take note of the following.

3 Everything that is said here is translated and recorded, so it
4 is important that you speak into the two microphones in front of you,
5 that you speak clearly, and that you speak at a slow pace, and that
6 will enable the interpreters to interpret everything for everybody
7 present and outside.

8 Please, you should only start speaking when the person asking
9 you a question has finished, so we don't want overlapping speakers
10 because that makes our communication in this courtroom impossible.
11 So please wait five seconds after the question has finished, and
12 sometimes I give the advice to count in your head but do as you deem
13 fit, but wait before answering because that allows the interpreters
14 to finalise the interpretation and to start with the interpretation
15 of what you are saying.

16 If I raise my hand like this, please stop talking. The idea is
17 that I don't speak when you are speaking, so that's the reason that I
18 raise my hand.

19 Sometimes we might ask you to leave the courtroom to be able to
20 discuss something regarding the content of the questions put to you.

21 And if you have any questions, if you need a break or there's
22 something else you would like to raise with the Panel, please raise
23 your hand, and in that way I will know that you want to take the
24 floor.

25 And, lastly, another practical advice. You may be asked to make

1 markings on digital documents shown to you. You will be provided
2 with an electronic pencil and then you can make markings. Okay?

3 Is all this also clear for you, Mr. Witness?

4 THE WITNESS: [Interpretation] Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 As we must do with every witness, I will now ask you to make
7 your solemn declaration to tell the truth. And I remind you,
8 Mr. Shala, Mr. Shala, that it is an offence to give false testimony
9 within the jurisdiction of the Specialist Chambers, to give false
10 testimony in this Court. Do you understand this?

11 THE WITNESS: [Interpretation] Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well.

13 Madam Court Usher has already given you the solemn declaration.
14 Please proceed.

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

19 WITNESS: W04754

20 [Witness answered through interpreter]

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. You are
22 now under oath to tell the truth. We can begin with your testimony,
23 starting with the questioning by the Defence Counsel.

24 Defence Counsel, you have three hours for your questioning of
25 this witness, and please inform the Panel of any changes for reasons

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Examination by Mr. Aouini

1 of planning. You have the floor.

2 MR. AOUMINI: Thank you, Your Honour.

3 Examination by Mr. Aouini:

4 Q. Good morning, Mr. Witness.

5 A. Good morning.

6 Q. As briefly mentioned by the Presiding Judge, I am Mr. Aouini,
7 one of the counsels representing Pjeter Shala in these proceedings,
8 and I will be asking you a few questions during the course of today.
9 Okay?

10 So, Mr. Witness, can we start by could you please state your
11 name and surname for the transcript, please.

12 A. Yes. My name is Mark Shala.

13 Q. Mr. Mark Shala, do you have any nickname?

14 A. No, just my name.

15 Q. Thank you. Can you please state to us your date and place of
16 birth.

17 A. I was born on 26 March 1961 in the village of Gurrakoc in Istog
18 municipality.

19 Q. That is in Kosovo; correct?

20 A. In Kosovo, yes.

21 Q. Thank you. Where do you currently reside, Mr. Witness?

22 A. Sometimes I also live in Kosovo, but mostly recently in Croatia.

23 Q. What is your citizenship or what are your citizenships if you
24 have multiple ones, please?

25 A. Yes, I have two citizenships. The citizenship of the country I

1 was born in, in Kosovo, as well as Croatia.

2 Q. Thank you. Mr. Witness, what is your current occupation today?

3 A. For the moment, I'm retired, and I've been retired as of 2015.

4 Q. What was your former occupation?

5 A. In the past, up until my retirement, I worked at the ministry of
6 the security forces in Kosovo.

7 Q. Did you have any occupation before that?

8 A. Before the FSK, I was a member of the defence forces of Kosovo.
9 So that was at the end of 1999 up until the transformation of the
10 Kosovo Protection Corps.

11 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could we specify
12 what the function of the witness was at the ministry of the security
13 forces, because it could be everything.

14 MR. AOUINI: Yes, Your Honour. I was proposing to go from the
15 beginning, but we can do it.

16 Q. You mentioned that you had a role in the security forces in
17 Kosovo. Could you specify which role? We believe this was your last
18 occupation, I believe, until 2015. What was your role or title?

19 A. Yes, I had several positions. I was part of the security
20 department for a while, and then I moved to the cabinet of the
21 minister. I was an adviser, political adviser to the minister of the
22 security forces.

23 Q. Mr. Witness, can you tell us what qualifications you have? What
24 educations or studies you have achieved and completed before you
25 started your professional work?

1 A. In terms of my education, primary and high school was where I
2 was born. But after high school, I enrolled at the military academy
3 of the former Yugoslavia military academy. So I enrolled in
4 Belgrade. And the first two years, I completed in Belgrade. Whereas
5 the specialisation and the last two years, I completed in Sarajevo,
6 Bosnia-Herzegovina.

7 Q. Thank you. So could you please briefly specify to us, after
8 graduating from the military academy where did you serve, from which
9 time to which time, and in which place or country, please. Slowly
10 but briefly.

11 A. Having completed the military academy, I was assigned to Croatia
12 in a place called Gospic, and that's where I started my military
13 career as a career officer.

14 Q. Can you put a timeframe for that, please, so we can follow the
15 timeline?

16 A. Yes. That would be from the eighth month, so that's July
17 1985 -- August 1985 to August 1991. I worked in the former Yugoslav
18 national army in Gospic.

19 Q. What was your role or title at that time during that period?

20 A. To start off with, I was a captain, a company commander for
21 about two to three months. I then worked in the logistics department
22 with the Gospic group garrison up until the end of my career.

23 Q. So we reached 1991 in Gospic. After that, you told us you were
24 in Sarajevo, I believe. Can you tell us what position you had and
25 where, from 1991 onwards, if you may.

1 A. No, up until 1991, I was a member of the former Yugoslav Army.
2 But at that time, in Croatia, there was the commencement of fighting.
3 Croatia was attacked by the Yugoslav Serbian army, and it was then
4 that I abandoned the Yugoslav Army, and that's when I moved to the
5 Croatian army.

6 Q. Thank you for clarifying that. So when in time did you join the
7 Croatian army and what was your position at that time?

8 A. To start off with, because I abandoned the Yugoslav Army, that
9 was around the end of August 1991, for a while I went to take my
10 family which was in Kosovo at the time, my wife and my two daughters.
11 So I moved them because their lives were also at risk as well as mine
12 because I didn't willingly leave the army, the Yugoslav Army, but I
13 was -- I was wanted by the state bodies. So with my family, through
14 Skopje, I accompanied them to Switzerland.

15 Q. Thank you. Can you walk us briefly through how then you joined
16 the Croatian army and where?

17 A. After having found shelter for my family in Switzerland, and I
18 knew they were in safe hands, I then got in touch with some former
19 officers in the past, and we decided that I should go to the Croatian
20 army. And it was about three months later that I returned and joined
21 the Croatian army, and this was sometime at the beginning of 1992.

22 Q. Thank you, Mr. Witness. For how long did you serve on the
23 Croatian army? From 1992 until when, if you remember?

24 A. So that was from 1992 up until 1999.

25 Q. What was your role and function in the Croatian army?

1 A. I held various positions. For a while, I was operational. And
2 then after a while, I also moved back to my specialty according to
3 the academy, and I moved to the logistics department and worked in
4 that department.

5 Q. Thank you. So when you mentioned "specialty," that is
6 logistics; correct?

7 A. Yes.

8 Q. Can you tell us in which circumstances -- you told us that you
9 served in the Croatian army until 1991. In which circumstances did
10 you stop working in the Croatian army? What was the situation?

11 A. In terms of the Croatian army, I left it when I was asked to --
12 or, rather, when the conditions were ripe to leave that army and to
13 join the Kosovo Liberation Army instead.

14 Q. What was your last position or role at the Croatian army? What
15 was your rank?

16 A. In the Croatian army, which I left with the rank of
17 under-colonel -- lieutenant-colonel.

18 Q. Thank you. So you mentioned that you left the Croatian army to
19 join the liberation army - that is, we understand, the liberation
20 army of Kosovo - in 1999?

21 A. Of Kosovo, yes.

22 Q. Did you have any family that were still living in Kosovo in
23 1999?

24 A. Yes, I did. In Kosovo, my mother was still there, my brother,
25 my older brother, who is two years older than me, and his family. So

1 his wife and his children. Also, my sister and her family were
2 there. The remainder were outside Kosovo.

3 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, it is my
4 impression that Mr. Witness did not really answer your question on
5 page 13, line 20, where you put a date, or at least a year, when he
6 joined the KLA. I would like to have a timeframe regarding the
7 leaving of the Croatian army. He answered that it was, indeed, the
8 Kosovo Liberation Army but nothing about timeframe.

9 MR. AOUNI: Yes, Your Honour. We have that briefly on page 12
10 at line 24, but I was going to explore a little bit further the
11 transition. At line 24 of page 12 I think he mentioned so that was
12 from 1992 up until 1999, so we will just explore that now.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you. A little bit more
14 exact would be helpful.

15 MR. AOUNI:

16 Q. Mr. Witness, do you have any specifics about the timeframe in
17 1999, which month of the year, if you can, if you remember, you
18 joined the liberation army?

19 A. Of course. This was at around late March 1999. I do not recall
20 the exact date. It could be the 26th or around this date.

21 Q. Thank you. So where did you go to join the KLA? To which
22 country? You mentioned you had family in Kosovo. Did you go to
23 Kosovo? Did you go somewhere else in order to join the liberation
24 army and the war effort for liberation?

25 A. From Croatia, I travelled to Slovenia, Ljubljana, where I met up

1 with some colleagues who had also decided to join the Kosovo
2 Liberation Army, and together we travelled from Ljubljana to Tirana,
3 because the only connection nearby Kosovo was Ljubljana-Tirana. And
4 from Ljubljana, we went directly to Albania.

5 Q. Did your family travel with you to Albania, either the family
6 that was in Kosovo or the family that was in Switzerland?

7 A. No, they didn't. It was just me who went.

8 Q. So where did you -- in which place? You mentioned you went to
9 Tirana. Was that the place and the moment that you officially joined
10 the KLA? Do we understand that?

11 A. Well, the only way to travel to the area was from Ljubljana to
12 Tirana. In Tirana, we met with other people from the KLA, and it all
13 started there. That's when I joined; that is, myself and my friends.
14 We were there with members of the KLA, with members of the
15 General Staff, and that's when I joined the KLA ranks.

16 Q. We are talking here around March 1999; correct?

17 A. Yes.

18 Q. Were you assigned a role, a position at the KLA at that time
19 when you joined?

20 A. For several days in Tirana, we were staying in an apartment --
21 or, rather, small hotel, waiting for a team that was supposed to come
22 from Kosovo, from the ground where the fighting was going on, with a
23 war or combat plan, the Arrow operation. And we waited for them
24 there for six to seven days.

25 PRESIDING JUDGE VELDT-FOGLIA: That was not an answer to your

1 question.

2 MR. AOUINI:

3 Q. Mr. Witness, after those six days, were you assigned a task?
4 Were you told to go somewhere? Did you receive a position or a role
5 based on your former experience as a military? Was there any
6 organisation in terms of telling you where to go and what to do?

7 A. When the group from Kosovo arrived, we joined them, all of us.
8 We met at the KLA office in Tirana, that office that they had at the
9 time in Tirana, and that's where the positions were set. There was
10 an order for the staff which was tasked at the time with leading the
11 Arrow operation.

12 Q. Did you go anywhere else from Tirana or did you stay in Tirana
13 after that?

14 A. Having received this order, the entire team that was
15 appointed -- or, rather, the command that was appointed for
16 Operation Arrow, we, on the same day, travelled by bus in the
17 direction of north Albania; that is, in the direction of Kukes.

18 Q. So you told us you travelled to Kukes by bus. Can you situate
19 in time with a bit of specificity when did you go to Kukes? Was it
20 still in March or was it a few days, few weeks, few months later?

21 A. No, it was just a couple of days later. It was early April.

22 Q. Can you help us with where specifically did you go in Kukes in
23 April 1999, please?

24 A. When we went to Kukes, we actually went to the centre where
25 certain members of the KLA were already based. It was in the

1 peripheral area of Kukes. It was a factory. And that's where we
2 went.

3 Q. So you went to Kukes and to a factory. And my question is
4 generally how long did you spend in Kukes from that time on?

5 A. For me and my staff, since at the time I was appointed based on
6 that order as chief of logistics, that was, like, the place where I
7 was stationed and where I stayed every now and then, not all the
8 time. I moved to other locations as well. Because members of the
9 KLA were not only in Kukes. They were in other areas as well in
10 Albania, especially in training centres that existed at the time.

11 Q. Thank you, Mr. Witness. So you told us you were appointed as
12 chief of logistics, and you were stationed in Kukes, and you weren't
13 permanently stationed at the Kukes factory. How often and for what
14 purpose did you travel to other places?

15 A. Initially, having met with the people who were already there,
16 and upon the establishment of the command and the units that were
17 supposed to be formed, we, the commanding staff that was there, for
18 several days travelled to various centres where KLA members were
19 being trained. That would be in Dajt, Burrel, Kalimash, and other
20 locations where KLA members were stationed.

21 So we -- towards these locations, it took us several days to go
22 to all these places which by distance were not very far, but because
23 of the conditions it took us longer. We would go from one location
24 to another to familiarise ourselves with these units, to see where
25 they are, what they do, what their organisational state is, what

1 logistic support they had, and so forth.

2 Q. Thank you, Mr. Witness. So let's go back to the Kukes factory
3 that you mentioned. Could you briefly describe to us what was this
4 Kukes factory as a premise. Can you describe it briefly.

5 A. As far as I remember, it was an old factory that had been used
6 during Enver Hoxha times. It was empty, abandoned. Maybe there had
7 been some things left over, but KLA members had cleaned this facility
8 to adapt it to our own needs. And we used this factory which
9 consisted of several buildings. These buildings were quite old, not
10 in a good state, but we had no other option other than this facility.

11 Q. Thank you, Mr. Witness. Could you briefly describe what was
12 this factory used for? If you could describe it in a few words, what
13 was the purpose of this premise?

14 A. The factory, as I mentioned earlier, consisted of several
15 buildings. There was a building that probably had been used as
16 offices in the past, and also there were some warehouses that we used
17 for our own needs, to put military equipments and material, to use it
18 as a dormitory for KLA soldiers who would come there to rest. This
19 building that had offices was used by the command and by other
20 sectors that existed there.

21 In addition to logistics, there was also the operations sector
22 that had a number of offices there, smaller offices, where people
23 working in operations used to rest. And there was also a
24 mobilisation office that was used in terms of mobilisation of those
25 who came to join the KLA.

1 Q. Thank you for those details, Mr. Witness. We'll go into a
2 little bit of illustration of this. But before, do you remember
3 being interviewed by colleagues from the SPO in 2019? Do you
4 remember being interviewed?

5 A. Yes.

6 Q. And do you remember being asked to produce a sketch of the
7 premise, the factory at that time? Do you remember that?

8 A. Yes, I do.

9 Q. Thank you, Mr. Witness.

10 MR. AOUINI: With the leave of the Panel, maybe we can pull up
11 this sketch and so get a little bit of detail on the picture so we
12 have a better understanding of what the witness was describing in
13 terms of the premise.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay. To have further
15 explanations with regard to the sketch he drew. Yes.

16 Madam Court Officer, after having been given the ERN number,
17 please pull up the document.

18 MR. AOUINI: Thank you, Your Honour. It is ERN 083525 to 083534
19 RED at page 1. And for the English illustration, it is ERN
20 083525-083525-ET.

21 Q. Mr. Witness, do you recognise, from looking at the screen, this
22 to be the sketch that you drew?

23 A. Yes.

24 Q. Do you recognise one of the signatures from the right picture,
25 the original one, as yours?

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Examination by Mr. Aouini

1 A. Yes.

2 Q. Mr. Witness, we see that the sketch is numbered with a sort of
3 legend on the bottom. Can you slowly go through those numbers --
4 yes?

5 A. Sorry, I was not receiving or hearing interpretation. Could you
6 please repeat your question? I did not understand it.

7 Q. Absolutely. So, Mr. Witness, we have the sketch in front of us.
8 We see that there are some numbers and an explanation for each
9 number, and we propose to go slowly number by number with you to
10 understand what you have marked in this sketch and give us the
11 details. Okay?

12 A. Okay.

13 Q. So, Mr. Witness, we start with number 1. Could you tell us what
14 number 1 represents?

15 A. With number 1, I marked the entrance. This was the entrance to
16 the facility.

17 Q. And then we have number 2. Could you explain what you have
18 written under number 2?

19 A. Yes. Number 2, the building on the right-hand side to the
20 entrance was the command building.

21 Q. Mr. Witness, what we see on the sketch is that number 2 is on
22 the left side of the entrance. Do you agree with me?

23 A. Yes, I apologise. On the left.

24 Q. Thank you. Just to clarify the transcript afterwards. So,
25 Mr. Witness, this is number 2. Could you describe what this, you

1 mentioned command building -- yes, command building consisted of?

2 A. This was a two-storey building, ground floor and 2nd floor. It
3 had a very narrow corridor or hallway, and there was a staircase, a
4 concrete staircase at the front. On the 2nd floor was the operations
5 centre. There was a -- I'll call it an office, but it was also used
6 as a sleeping quarters. It's where I slept. There was a bed and a
7 table, so it was used as an office and a sleeping quarters. Other
8 offices were also used as sleeping quarters. Whereas on the
9 1st floor, there was one or two offices, I don't quite remember how
10 many, and they were used by the mobilisation sector, and also a
11 sleeping quarters and a place where those who worked there would take
12 rest.

13 Q. Thank you. So we understand that this building consisted of
14 rooms that were used as offices; is that correct? Do I understand
15 correctly?

16 A. Yes.

17 Q. And you had one of the rooms as your own office or sleeping
18 place?

19 A. Yes.

20 Q. Mr. Witness, did you share this place with anybody else or was
21 it yours to use?

22 A. Are you referring to the office that I used?

23 Q. Yes.

24 A. My assistants or associates used it as well. They were leaders
25 or chiefs of various sectors. Logistics had several sectors: The

1 supply sector, the maintenance sector, the transport sector, and the
2 weapons and ammunitions sector. So these associates would use the
3 office as well. That's where we would hold our meetings. They also
4 used this office as a place to sleep and rest.

5 Q. Thank you. Mr. Witness, how often did you sleep in that office?

6 A. Well, I don't remember. I did sleep there, but I also slept in
7 other places. Now, I would say two to three days within a week,
8 sometimes less than that, depending on the activities and the work I
9 had at the time.

10 Q. Where else did you sleep?

11 A. Wherever I went to visit. In Krume, in Burrel, in Kalimash,
12 Helshan, depending where the night would set in. But also in Kukes
13 and Krume. That's where I would stay the longest.

14 Q. Mr. Witness, when you spent the night inside of the factory, did
15 you sleep anywhere else than in your office?

16 A. No.

17 Q. Thank you. Now, you mentioned associates, groups, other
18 operational staff. Do you know who else spent the night there? If
19 you have some names as well.

20 A. Listen, this place, and especially because of the mobilisation
21 office being there, many people would come to join the KLA. There
22 were occasions when there was no place for them to sleep. So if the
23 bed was empty, whoever needed to use it to sleep would do that.

24 Q. Just to understand, Mr. Witness, you mentioned persons. So this
25 building, from understanding what you are saying, is not just for

1 officers or soldiers to sleep in. Anybody trying to mobilise to the
2 KLA, if the space is there, if there is an empty bed, would spend the
3 night there? Is that what we understand?

4 A. Depending on the period of time. For example, if somebody came
5 to join in the morning and was immediately told where he was
6 assigned, he would set off to the training centre and join the KLA
7 members there for his further tasks.

8 Q. Thank you, Mr. Witness. You mentioned just earlier --

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

10 MR. AOUINI: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: You asked also for -- page 22,
12 line 18:

13 "... you mentioned associates, groups, other operational staff.
14 Do you know who else spent the night there? If you have some names
15 as well."

16 Maybe you can pinpoint the witness also on names, because now we
17 have received a kind of general answer, but it is my understanding
18 that the witness can very well recollect what happened there and when
19 and how. So a little more specificity I would like.

20 MR. AOUINI: Yes, thank you, Your Honour.

21 PRESIDING JUDGE VELDT-FOGLIA: It feels a little bit evasive
22 here. So just I will call it by its name. So I don't know if I'm
23 right, but ...

24 MR. AOUINI: No, Your Honour. We will try to group sectors and
25 go in details. That's what I propose to do. So we will do it with

1 more specificity starting now by the mobilisation, that's why I
2 mentioned that, and then we will go step by step, try to elucidate
3 everything that can be drawn.

4 PRESIDING JUDGE VELDT-FOGLIA: Yeah.

5 MR. AOUINI: Thank you.

6 Q. So, Mr. Witness, you just mentioned that there was the
7 mobilisation offices there. And do you know who was there within
8 this mobilisation sector, how many people, and if you can provide
9 names of the people that could be there performing duties on the
10 mobilisation sector?

11 A. Yes. So the mobilisation offices were on the ground floor. And
12 from what I can recall, the person in charge for those offices was, I
13 think, Xheladin Gashi, and he had several people who worked with him
14 in those offices.

15 Q. So he was not alone. There were several people. Do you
16 remember any of the names of the other people or their positions
17 maybe?

18 A. No. They were just officers there and every so often they would
19 be changed. And to be honest, I cannot remember.

20 Q. Mr. Witness, do you remember whether they were two people, ten
21 people, 20 people in that sector? Like, roughly, help us with the
22 size of that sector on the ground floor.

23 A. There couldn't have been 20 people altogether in the building
24 because the offices were very small. So in the office, perhaps two,
25 maximum three people. So, yeah, that's about it. Two to three per

1 office. No more than that.

2 Q. Now staying with the mobilisation staff. Did they sleep in that
3 building or did they sleep somewhere else?

4 A. From what I can recall, yeah, some there. Perhaps they went
5 elsewhere, too. It depended where there was space for them to go to.

6 Q. And, Mr. Witness, you told us that people who mobilised would
7 come there. Do you recollect approximately how many people you would
8 see come in to mobilise each day at the mobilisation sector?

9 A. They weren't mobilised people. They came there to be mobilised.
10 They weren't already mobilised, because it was when they arrived that
11 they were mobilised through the mobilisation office. So they weren't
12 already mobilised.

13 Back then, because there was an order by the then government,
14 the provisional government, so the mobilisation order, so there were
15 quite a large number of people who would come in every day and
16 volunteer themselves. So there were people from across Kosovo, from
17 abroad. There were also people -- ordinary people who would come to
18 join the army also. Because around Kukes, there was a huge flow of
19 refugees who had been expelled by the Chetnik or Serbian forces in
20 Kosovo. So, therefore, a lot them would turn up and -- as volunteers
21 to join the KLA in the fight against those forces.

22 Q. Thank you, Mr. Witness. Just focus for a bit with me. Do you
23 have an approximate number of how many people who turn up each day
24 that you could observe or remember? Because you mentioned large and
25 huge numbers, but are there dozens? Are they hundreds? Just as an

1 estimation.

2 A. The task of the logistics department, my task was that after
3 these people would be registered, they would be equipped with a --
4 uniforms and anything else they needed, weapons, and after that we
5 would transport them to the particular training centre. So on
6 several days, for instance, there was a larger number of people. On
7 some other days, there were fewer people. Sometimes there were up to
8 100 or 200 who would turn up in a single day.

9 Q. Thank you. And for clarity, those persons don't come inside
10 this building, or do they come inside the building in order to
11 mobilise? The building where you had your office.

12 A. Well, they wouldn't be mobilised from the street, would they?
13 They would have to go in, and that was then that they were mobilised.

14 Q. Thank you. Were there any Albanians from the country of Albania
15 who had offices in that building, Mr. Witness?

16 A. Yes, to my knowledge there were a few, but they were really in
17 the operational sector, operations sector, as far as I know. But the
18 majority were in the training centres, where they conducted the
19 training of the KLA members.

20 Q. Were they Albanian officers, soldiers, or civilians? Could you
21 specify a little bit?

22 A. Well, there were all sorts, really. So there were also
23 civilians, soldiers, ordinary soldiers, but there were also officers.

24 Q. The ones who had offices inside that building number 2 on the
25 sketch, do you know what their rank, position, or who they are? If

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Examination by Mr. Aouini

1 you have names, please provide it to us.

2 A. Two I do remember their names. Two of them. In all likelihood,
3 I would say that they were lieutenant-colonels, Spiro Butka and I
4 think Arqile Mandro.

5 Q. Thank you, Mr. Witness. Can you specify, if you remember, where
6 were the offices of these Albanian officers? So the rooms in which
7 they were operating. Was it 1st floor? Was it ground --

8 A. In the operational room. Sorry.

9 Q. Was it the ground floor or the upper floor?

10 A. Their offices were on the upper floor, so in the operational
11 centre. Both were stationed there.

12 Q. They were stationed there. Did they sleep there or did they
13 sleep elsewhere, if you remember or know?

14 A. From what I can remember, as I said, they were from Albania, so
15 they slept outside the premises. From what I can remember. Perhaps
16 I'm wrong. I don't know.

17 Q. Yes. And just for clarity of the transcript, you mentioned the
18 rank of Mr. Spiro Butka as lieutenant-colonel, but we missed Arqile
19 Mandro's rank or position. Can you specify that for the transcript,
20 please.

21 A. I think they both had the same rank. From what I can remember,
22 anyway.

23 Q. And that rank is within the Albanian military ranks or was it
24 another rank they were given in the KLA?

25 A. No, these were Albanian army ranks.

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1 Q. Yes. So, Mr. Witness, was there any -- within that building
2 number 2 that we see in the sketch, was there any medical facility,
3 medical building, medical sector?

4 A. I do not remember.

5 Q. Do you remember any people working in that building number 2,
6 the command building, that had a medical role or medical background?

7 A. I think that every so often a doctor would come in or a nurse,
8 but I do not think they were there all the time.

9 Q. Do you by any chance remember the name of any doctor you saw in
10 that building?

11 A. No, no.

12 Q. Any name of any nurse that you saw in that building?

13 A. No.

14 Q. Mr. Witness, do you know somebody by the name Time Kadriaj?

15 A. Yes.

16 Q. Was Time Kadriaj a nurse there? Have you ever seen her as a
17 nurse there working in that building?

18 A. No. At that time I arrived, she was elsewhere. But I did meet
19 her once there too.

20 Q. You met her once and she was working as a nurse there, or was it
21 a different circumstance?

22 A. Other circumstances.

23 Q. Thank you. Do you know somebody by the name of Safete
24 Hadergjonaj?

25 A. I said it back then and I say it now, back then I did not know

1 her, but I did after the war.

2 Q. So do you confirm whether she was or was not one of the nurses
3 working there?

4 A. I said a doctor and a nurse every so often would come in and
5 need -- as per the needs, if anybody needed some tending to or
6 anything else.

7 Q. No, maybe this is a translation issue. Was Safete Hadergjonaj a
8 nurse working in Kukes in that building number 2?

9 A. No, no, I do not remember that.

10 Q. Okay. You mentioned individuals being treated, needed some
11 tending to or attending to, I believe. Have you witnessed -- from
12 your recollection, if you remember, did you see anybody treated in
13 that building number 2?

14 A. No.

15 Q. You were obviously in war effort and there would be casualties
16 and injuries. Do you know how, generally, injured people would be
17 treated, if they come from the front or otherwise, if they get
18 injured, how would the treatment of those injured people happen?

19 A. Every unit which was on the ground had their own medical unit
20 who would look after the soldiers, the military personnel, so both
21 the soldiers and the officers, and the first aid, there and then, on
22 the ground, would be provided by them. Or they would withdraw, for
23 instance, if the injury was more serious, for instance, or the wound,
24 and then they would take them away and send them to the hospital.

25 There were two hospitals, field hospitals. One of those was in

1 Kukes and the other in Helshan, and they would take them there. And
2 it was there that there were specialised units, teams that would
3 treat them as best they could. But if they couldn't do more for them
4 either, then they would be sent to the city hospital. That would be
5 the Kukes hospital. And the most serious cases would be sent to
6 Tirana. There were cases such as these.

7 Q. Yes, we will get back to that later. But just for the clarity
8 of the transcript, you said at page 29, line 25 and following, that
9 there were two field hospitals. One of them was in Kukes. You're
10 not referring to a hospital inside the factory, are you?

11 A. No, no. Sorry. Not in Kukes but in Krume. In Krume was one of
12 the two hospitals. The other in Helshan. Not in Kukes -- not a
13 field hospital in Kukes. That was a mistake.

14 Q. And, again, for clarity, there was no hospital inside the
15 factory?

16 A. No, there was no hospital there.

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, before you
18 proceed, you just discussed Time Kadriaj and another circumstance was
19 mentioned. I don't know your plan of interrogation, but I think that
20 the topic is important enough to further explore that and not leave
21 it to the SPO or for the Panel at this moment in time.

22 MR. AOUINI: Yes, I --

23 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

24 One moment, Defence Counsel. I will give the floor to the
25 Specialist Prosecutor's Office.

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Examination by Mr. Aouini

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5 [Open session]

6 THE COURT OFFICER: Your Honours, we are now in public session.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.

8 We're going to break for another half an hour, so that means
9 that we will be back -- that we will restart at 20 minutes to 12.00.

10 Madam Court Usher, can you usher the witness out.

11 Mr. Witness, we are going to have a break. Take a little bit of
12 rest, and then we proceed. Thank you.

13 THE WITNESS: [Interpretation] Thank you.

14 [The witness stands down]

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.

16 We will resume in half an hour. Thank you.

17 --- Recess taken at 11.12 a.m.

18 --- On resuming at 11.41 a.m.

19 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

20 Mr. Shala, can you hear me fine?

21 THE ACCUSED: [via videolink] [Interpretation] Yes, I can hear
22 you very well.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 We will continue with our regular schedule till 1.00, so we
25 worked a little bit more in the morning session, and now it will be a

1 little bit shorter. Yes? Very well.

2 Madam Court Usher, can you usher the witness in. And in the
3 meantime, I will look at the composition of the teams.

4 MS. PERGOLO: The same composition for the SPO.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 MR. LAWS: For us, too.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 And on the left-hand side?

9 MR. GILISSEN: It's the same, too.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 [The witness takes the stand]

12 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness.

13 THE WITNESS: [Interpretation] Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have the
15 floor again to resume the testimony of Mr. Mark Shala.

16 MR. AOUBINI: Thank you, Your Honour.

17 Q. Welcome back, Mr. Witness. So Mr. Mark Shala --

18 A. Thank you.

19 Q. Thank you. Mr. Mark Shala, we are still in that building that
20 you described as a factory with premise number 2 that you titled
21 command building, and we are still asking questions about what is
22 inside that building number 2.

23 And my next question is do you know if there were any offices
24 for any legal section or legal entity there in that building, in that
25 building number 2, sub-building number 2?

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Examination by Mr. Aouini

1 A. No, I don't recall that.

2 Q. Were there in that building any lawyers, judges, any individuals
3 having a legal role, from what you know or what you remember?

4 A. No, I don't remember.

5 MR. AOUINI: With the leave of the Panel, we would like to
6 turn -- we were on the ERN 083525 to 083534, and we would like to
7 turn to page 4 for a picture before we move to other parts of the
8 factory, if Your Honours allow.

9 PRESIDING JUDGE VELDT-FOGLIA: For purposes of identification,
10 Defence Counsel?

11 MR. AOUINI: Yes, of course.

12 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
13 please bring up the picture soon -- oh, you have already the ERN
14 number, yes? So then please go to the requested page.

15 MR. AOUINI: Thank you.

16 Q. Mr. Witness, do you recognise this picture?

17 A. No. It's destructed to the extent that I cannot recall it.

18 MR. AOUINI: Can we perhaps go one page earlier, number 3, for
19 the same purpose.

20 PRESIDING JUDGE VELDT-FOGLIA: Yes, you may.

21 MR. AOUINI:

22 Q. Mr. Witness, do you recognise this picture?

23 A. I think these were the warehouses that were there. Now, I don't
24 know from which -- yes, yes, this was number 1, here. And on this
25 side, that's where the kitchen and the warehouses were. This is what

1 I think. But it is quite damaged, the building, so I cannot quite
2 picture it the way it was.

3 Q. We will ask you, with the leave of the Panel, to make some
4 markings, but you mentioned number 1. From the sketch that we have,
5 the only number 1 that we have is the entrance. So could you please
6 specify what you referred to as depot or number 1? Just for the
7 clarity for everyone.

8 A. Are you referring to the entrance, the entrance to the building?

9 Q. Let's step back and take it one step at a time. We mentioned
10 the factory. You drew a sketch of the factory when you met the SPO,
11 and you numbered some elements within the factory.

12 Now to my last question. On this picture, you said this is
13 number 1, and there is a kitchen and a warehouse. So could you
14 slowly tell us and maybe you can make markings to tell us exactly
15 what you are showing and maybe circle it or put numbers on it.

16 A. I don't know when this photograph was taken or this recording,
17 but there are certain differences in terms of the building. Here,
18 this building number 1 was near the entrance. And here, on this side
19 is building number 2. Seen from this angle, this is how it should
20 be.

21 Q. Are you able to mark the entrance from what you identify from
22 the picture, if you can?

23 A. You cannot see the entrance, but I think it should be here. The
24 entrance from the street. The entrance to the facility. Whereas the
25 entrance to the building I think is here.

1 PRESIDING JUDGE VELDT-FOGLIA: Could you mark the entrance to
2 the facility?

3 And I have another request for Madam Court Officer. Is it
4 possible to make the picture a little bit lighter?

5 [Trial Panel and Court Officer confers]

6 PRESIDING JUDGE VELDT-FOGLIA: There is not that possibility.

7 So, Mr. Witness, could you indicate the entrance to the
8 premises -- to the facility? So not to the building but to the whole
9 facility.

10 THE WITNESS: [Interpretation] Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 THE WITNESS: [Interpretation] The photograph is not very clear.
13 But to what I can see, you cannot actually see the entrance, but it
14 should be here.

15 MR. AOUINI:

16 Q. Can you put a number 3 maybe there, so we have two entries -- so
17 at least number 3 for the entrance of the whole premises from the
18 street.

19 A. Based on the sketch that I made earlier, entrance was number 1.
20 Of course, I can mark it with 3. But as I said, I cannot see the
21 entrance on this photograph.

22 PRESIDING JUDGE VELDT-FOGLIA: That's very clear. But please
23 follow the indications of Defence Counsel because it will be
24 reflected as number 3, and then we will know that with regard to this
25 picture --

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1 THE WITNESS: Okay.

2 PRESIDING JUDGE VELDT-FOGLIA: -- 3 is the entrance to the
3 premises, according to your testimony.

4 THE WITNESS: [Marks]

5 MR. AOUNI:

6 Q. Thank you, Mr. Witness. So if we look at this picture and the
7 number 1 that we understand to be the command building from what you
8 just testified, do you see your office from outside here or you
9 don't?

10 A. [Interpretation] I think it's this one here. The window here.

11 Q. Thank you very much.

12 PRESIDING JUDGE VELDT-FOGLIA: I propose, Defence Counsel, to
13 give it a number 4.

14 Could you put a number 4 there, Mr. Witness?

15 THE WITNESS: [Interpretation] Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 THE WITNESS: [Marks]

18 MR. AOUNI: Should we give a number to the entrance of the
19 command building as well so everything has a number?

20 Q. Maybe can you put number 5 to the entrance of the command
21 building.

22 A. [Marks]

23 Q. Thank you very much. So let's turn now to what you marked as
24 number 2. Could you tell us what that is, please.

25 A. Half of this building was a kitchen. This here and this here.

1 And here I think was a food stuff warehouse. And here the weapons
2 warehouse where we also kept other things that we needed as part of
3 the logistics.

4 Q. Can you please put the letter K on what you believe is the
5 kitchen, and letter F where you say food was stored, please.

6 A. F, you said?

7 Q. F, like food.

8 A. [Marks]

9 Q. Now, Mr. Witness, you mentioned a place where equipment or
10 uniforms were stored, but we don't see any markings. Can you put a
11 letter U if you see that part on the picture.

12 PRESIDING JUDGE VELDT-FOGLIA: I read here -- no, wait, wait,
13 Mr. Witness.

14 "And here the weapons warehouse where we also kept other things
15 that we needed as part of the logistics."

16 So -- and maybe I missed something, Defence Counsel.

17 MR. AOUINI: Yes, I didn't read from the transcript, but it's
18 only weapons that were mentioned.

19 THE WITNESS: [Interpretation] That's correct.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Please proceed,
21 Defence Counsel.

22 MR. AOUINI:

23 Q. So maybe can you put a letter W on the place you believe or you
24 understand or you know to be the place where weapons were stored,
25 please.

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1 A. [Marks]

2 Q. Thank you, Mr. Witness. So the kitchen first. Do you know who
3 worked in the kitchen, do you have any names, or which section?

4 A. There was a company commander there in charge of supplies, and
5 he had a number of cooks and other assistant personnel who prepared
6 and distributed the food. In this first part, that's where the food
7 was prepared, whereas on the right side, the second part, that's
8 where the food was distributed.

9 Q. You told us there was a company commander. Do you have any
10 names?

11 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think that it
12 should be indicated with an additional letter or number. But I don't
13 think it's clear when we read it afterwards which is the food
14 prepared part and the part where it was served.

15 MR. AOUINI: Very well, Your Honour. Thank you.

16 Q. Can you, Mr. Witness, put, on the two letters K, K1 for where
17 the food is prepared and K2, so to add another number to the K, where
18 it is served?

19 A. [Marks]

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.

21 MR. AOUINI:

22 Q. And going back to the question. You mentioned a company
23 commander. Do you have any names of people working on the food
24 department -- or on the kitchen department, sorry?

25 A. I don't remember the names. However, there are lists, which I

1 don't have, of people who worked there. But the person who was like
2 a commander, his last name was Fejzullahu.

3 Q. Do you know somebody by the name Zejnullahu?

4 A. That's what I meant, Zejnullahu.

5 Q. So it is Zejnullahu and not Fejzullahu, just for the clarity of
6 the transcript?

7 A. Fejzullahu. Fejzullahu.

8 Q. Thank you.

9 A. I can't recall it exactly, the last name.

10 Q. It's understandable, Mr. Witness. Now we look at the letter F.
11 Do you know who worked in that department, who was in charge of the
12 food, and do you have any names?

13 A. All of these who were involved in the preparation of the food,
14 they also distributed it, served it. So everything concerning
15 preparation and distribution of food was carried out by them, main
16 and auxiliary tasks, by the same people.

17 Q. Now, the W section for weapons, the same question: Do you know
18 who participated, had a role, or was in charge of that department, if
19 you have any names?

20 A. These two here, one of them was a location where weapons
21 maintenance was done, whereas the other one was where weapons and
22 ammunition were kept, stored.

23 Q. And can you also mark, if there is a separation, W1 and W2?
24 Specify for the transcript which one is W1 and which one is W2.

25 A. Here was the maintenance part, that is W1. Whereas W2 was where

1 the weapons were kept or stored. These were weapons that were not
2 functional and that were repaired by the people from W1.

3 Q. Thank you. You don't remember any names of people working in
4 this section?

5 A. Zijadin Hoxha was in charge of maintenance, weapons maintenance.

6 Q. That would relate, from what you just described to us, to W1, if
7 we understand correctly?

8 A. The other one, too, was under his competence.

9 Q. Thank you very much. We'll go later in a separate section about
10 names to protect all the names in general. Thank you for that,
11 Mr. Witness.

12 MR. AOUINI: If we could go back, please, to -- yes, we need to
13 save these markings before, I think.

14 PRESIDING JUDGE VELDT-FOGLIA: Court Officer, could you save
15 this document and allocate it -- so this document, this photograph,
16 with the markings made during the examination by the Defence Counsel
17 of the witness and provide us with a number for it.

18 THE COURT OFFICER: Your Honours, markings made by the Witness
19 W04754 on ERN 083527 will be assigned Registry number REG00974.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
21 Defence Counsel, you have the floor again.

22 MR. AOUINI: Thank you, Your Honour. And with your permission,
23 we'll go back to page 1 to align the numberings of the premises and
24 to go to another section that was not apparent in this picture.

25 PRESIDING JUDGE VELDT-FOGLIA: If you say page 1, you mean the

1 sketch?

2 Madam Court Officer, can you please load the sketch prepared by
3 the witness at an earlier moment in time. Thank you.

4 MR. AOUINI: And, Your Honour, if there are no objections, I'll
5 try to match the understanding of the numbers that we saw on the
6 picture with the part that we see in the sketch and ask the witness
7 to confirm which one is which one.

8 PRESIDING JUDGE VELDT-FOGLIA: I propose that we take out the
9 left page, if that is possible, and then we bring the recent -- the
10 photograph --

11 MR. AOUINI: Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: -- which has been saved with the
13 numbering, because then we don't have to work from our memory but we
14 can just look at it.

15 Madam Court Officer, could you proceed in that way? Thank you.

16 MR. AOUINI: I guess this is as much as we can zoom in,
17 probably.

18 Q. Are you able to identify already the numbers that you,
19 Mr. Witness, have marked on the left-hand picture to be able to
20 identify them? Do you see the numbers?

21 A. Yes.

22 Q. So if we understand correctly, what would be the number 3 that
23 you marked on the picture, on the photograph, when we look at the
24 sketch? Which number would it correspond to, if any?

25 A. Number 1.

1 Q. And now the number 1, 4, and 5, which all appear in one
2 building, does it match with one of the numbers that you have marked
3 in this sketch?

4 A. 1, 4, and 5?

5 Q. Yes.

6 A. With the sketch, only number 2 and number 3 correspond to each
7 other.

8 PRESIDING JUDGE VELDT-FOGLIA: That ...

9 MR. AOUINI:

10 Q. Number 3 in the sketch is titled "kitchen" and "depot," in the
11 sketch. If we look at the picture, we --

12 A. Yes.

13 Q. So number 3, the kitchen and the depot, are you telling us that
14 it corresponds to number 1, 4, and 5 in the photograph?

15 A. No, not with 1, 4, and 5. It matches only with number 2 and 3.
16 On the sketch which I drew, no details are depicted like I just did
17 on the photograph. I just wrote "kitchen" and "warehouse" but did
18 not specify where precisely was the kitchen, where food was prepared,
19 where food was distributed, and so forth. These were two large
20 doors. But as a space, it was one warehouse.

21 PRESIDING JUDGE VELDT-FOGLIA: Now, you may proceed --

22 Mr. Witness, number 3 on your sketch, yes?

23 THE WITNESS: [Interpretation] Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: Do I understand well that that
25 corresponds with the building where you have put the two Ks, the F,

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1 and the two Ws and above the number 2?

2 THE WITNESS: [Interpretation] Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: So 3 on the sketch corresponds
4 with building number 2 on the photograph? And I see you nodding, and
5 I hear you say yes.

6 THE WITNESS: [Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have floor
8 again.

9 MR. AOUINI: Thank you, Your Honour.

10 Q. Thank you, Mr. Witness. Now, let's focus on the sketch itself,
11 because we see other numbers and other parts of the whole premises
12 that we want to ask you about. Okay?

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, do we still need
14 the picture on the left-hand side?

15 MR. AOUINI: No, Your Honour. Now we --

16 PRESIDING JUDGE VELDT-FOGLIA: Because then we can enlarge it.
17 Madam Court Officer, could you please pull down the picture so
18 we can enlarge the sketch. Thank you.

19 MR. AOUINI: Thank you, Your Honour.

20 Q. So, Mr. Witness, there is now on the sketch a number 4 that is
21 on the opposite side of the entrance, number 1. And can you please
22 tell us what that represents? What does it stand for?

23 A. Number 4 was entirely a warehouse where mixed equipment was
24 kept. On one side -- now, I don't remember whether it was the right
25 or the left side from the entrance, and as far as I remember, there

1 was only one entrance. On one side were the uniforms and some other
2 equipment such as sleeping bags, blankets, tents. And on the right
3 side, that's where food was kept, foodstuff.

4 Q. Thank you, Mr. Witness. Do you know who worked in this storage
5 number 4?

6 A. Many, many people worked there. There were shifts every now and
7 then, but I don't remember them by name.

8 Q. You don't remember any --

9 A. Excuse me. I think - I think - Rexhep Kelmendi was the main
10 person or the person in charge for supplies.

11 Q. Thank you. Do you remember any other names?

12 A. Not at this moment, no.

13 Q. Let's move, still in the sketch, to number 5. Can you tell us
14 what the building marked with number 5 was?

15 A. This was a sort of a dormitory, sleeping quarters for those
16 members who came to report for mobilisation and could not immediately
17 be transferred or transported to their particular areas. They would
18 spend the night there until their transfer to training centres.

19 Q. Are we talking about civilians or soldiers or a mix on this
20 occasion?

21 A. Those who came to become soldiers. Some were with uniforms.
22 Some were with civilian clothes until they were issued uniforms.

23 Q. Very clear. Thank you, sir. Newly mobilised people. Do you
24 have an idea how many people would sleep there at a given time from
25 what you've experienced personally?

1 A. The conditions weren't that great. But at the most, there would
2 be a hundred people sleeping there. No more than that.

3 Q. Did you ever enter that building? Did you ever sleep there?

4 A. I did enter that building, but I did not sleep there.

5 Q. What did the inside of that building look like? If you can
6 describe it.

7 A. There was very little there in terms of beds. Mostly mattresses
8 on the floor. So mattresses. And then there were sleeping bags as
9 well for -- which the military personnel used on the ground. Perhaps
10 some blankets, pillows. So this was it, really.

11 Q. We move to number 6, I think, which is the last number of the
12 markings you made to the sketch. Can you tell us what number 6
13 consists of?

14 A. What, I mean, I have drawn here, and in the sketch it looks as
15 if it's close by, but actually it was further away. So this is where
16 the toilets were. There were a few toilets. So, like, field toilets
17 really. There.

18 Q. Did you use any of these toilets, field toilets?

19 A. Sometimes. Rarely, really. But, yes, when I definitely needed
20 to, yes.

21 Q. Excuse me for the question, but where else would you go if you
22 needed to relieve yourself if not on these field toilets?

23 A. I had some medical issues and I needed to have better hygiene,
24 so I used other toilets as well, or perhaps a premises outside the
25 facility, or the apartment of people I knew close by. So I've also

1 used those.

2 Q. Thank you. Taken apart toilets that are outside and apartments
3 outside the whole premises, you mentioned other toilets. Were these
4 inside this premises at another position?

5 A. No, no, outside, outside the facility. Inside the facility,
6 these were the only toilets. There were no other toilets inside the
7 facility.

8 Q. So these toilets were not dedicated to only soldiers or only
9 newly mobilised personnel, but was it a general toilet used by
10 everyone that was inside the premises or was it different? What was
11 the situation?

12 A. For all of those who were inside the facility, they used the
13 toilets, for as long as they stayed there, that is.

14 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could we have a
15 clarifying question regarding field toilets, because I've seen that
16 it can be a different kind of things.

17 MR. AOUINI: Thank you, Your Honour.

18 Q. Yes, Mr. Witness, you mentioned field toilets, which is a little
19 bit ambiguous to us. How does this field toilet differ from what
20 everyone knows as a normal toilet facility? If you can give us some
21 details to understand a little bit better the picture.

22 A. I mean, a normal toilet but when they are found within a single
23 facility, and they have all proper conditions for one to relieve
24 oneself, where there is water, so whether they were properly built
25 toilets or just bricked ones. And a lot of these didn't even have

1 doors on them, but they were just open ones, and that is why they
2 were somewhat separate from the remainder of the facility. It was
3 further away from the other buildings.

4 So there were just some holes, basically, in there, and then
5 some pieces of planks, and that's how it worked, as a makeshift one,
6 without any water -- or the conditions were very bad ones, that is.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 Allow me one question. Mr. Witness, on the picture, on the
9 sketch you have drawn, the size of the place where the toilets were,
10 how big was it? Because now it seems that the building for the
11 toilets is only a little bit smaller than the building for the
12 dormitories. That may ...

13 THE WITNESS: [Interpretation] This is really about how I've
14 drawn it myself, and I just drew it to show that there were toilets
15 there, but the toilets were very small. It's really about my drawing
16 skills, not to actually show that that was the immediate size. Like
17 to say, that they were as big as the warehouse, for instance, or it
18 wasn't even a tenth of that building.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you. That clarifies.

20 Defence Counsel, you have the floor.

21 MR. AOUINI: Thank you, Your Honour.

22 Q. And thank you, Mr. Witness, for the effort to clarify.

23 MR. AOUINI: We would like to go back to another page, with Your
24 Honours' leave. There is another picture of the same ERN. Because
25 the witness made some other numberings in another picture which gives

1 us another angle to quickly match the numbers as well.

2 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Defence Counsel.

3 MR. AOUINI: Thank you, Your Honour. That would be page 2 of
4 the same document.

5 And maybe, Your Honour, we can do the same exercise of putting
6 the sketch on one side and this picture on the other side to make the
7 matching.

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. And then for us we see on
9 the left-hand side number 2, in the middle number 4, and the
10 right-hand side number 5.

11 MR. AOUINI: And underneath, there is a number 1 if I'm not
12 mistaken.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, you're right. There is a
14 number 1 under the gate. Yes.

15 MR. AOUINI: No, we will need the sketch, not the picture.
16 Thank you very much.

17 Q. Mr. Witness, this should be somehow a simpler exercise. You see
18 the numbers in your sketch and the numbers that were proposed to you
19 on the picture that you marked, on the picture in the same interview
20 with the SPO colleagues.

21 My question is this: The same numbers on the sketch are the
22 same numbers in the picture or is it differently -- is it different?

23 A. They match entirely. Number 1 in my sketch, the entrance. This
24 one here. Number 2 is this one here. Number 4 is this one here.
25 And number 5 is this one.

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1 So number 4, it looks as if it's the entrance, but it actually
2 shows the warehouse further out opposite the gate.

3 PRESIDING JUDGE VELDT-FOGLIA: Yes. Are you going to proceed
4 with -- can we save this document? Okay. Before we save it, there's
5 one additional question the Panel has.

6 And that it -- it is on the picture you have just shown us,
7 Defence Counsel, but I don't see it on the sketch.

8 Mr. Witness, on the left-hand side of the picture, there is --
9 before the building you have numbered with a 2, there is a lower
10 building without a -- with a flat roof, and apparently two doors. Do
11 you know to what I'm referring?

12 THE WITNESS: [Interpretation] Yes, yes.

13 PRESIDING JUDGE VELDT-FOGLIA: Please --

14 THE WITNESS: [Interpretation] Yes, these ones over here.

15 PRESIDING JUDGE VELDT-FOGLIA: Yeah. Please mark it with a 7,
16 then we have a different number.

17 THE WITNESS: [Marks]

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Do you know what the purpose of this building was?

20 THE WITNESS: [Interpretation] This is where the guards stayed.
21 So they kept guard here.

22 PRESIDING JUDGE VELDT-FOGLIA: And was it used for any other
23 purposes to your knowledge?

24 THE WITNESS: [Interpretation] No, no, simply for the guards.
25 The guard would be opening the gate, closing the gate for whomever

1 would leave, for instance, and they would check the vehicles, their
2 paperwork, and so on and so forth.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness.

4 Defence Counsel, you have the floor. But what I will do now --
5 sorry for making you standing up and sit down. We will first save
6 the two documents and allocate it a number.

7 Madam Court Officer, could you please proceed. Thank you.

8 THE COURT OFFICER: Your Honours, the markings made by the
9 Witness W04754 on ERN 083525 will be assigned Registry number
10 REG00975.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 Defence Counsel, you have the floor again.

13 MR. AOUINI: Thank you, Your Honour.

14 Q. One last question on this, Mr. Witness, before we move to
15 another topic, and please be careful with me. You told us that
16 number 7 is a place where the guards will stand guard. My question
17 is this, and please respond first by "yes" or "no" because it has an
18 implication whether we go into private session or not, but this is
19 something we will turn back later on to. Do you know the name of any
20 guards who worked there at number 7? And I need only a "yes" or "no"
21 at this stage.

22 A. No.

23 Q. Very well. That's clear. Thank you very much.

24 Now, Mr. Witness, we're going to a different topic. That is
25 Pjeter Shala. Do you know the name Pjeter Shala?

1 A. Yes.

2 MR. AOUINI: We can put the pictures down, of course. Thank
3 you.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.

5 MR. AOUINI:

6 Q. Mr. Witness, your name is Mark Shala, so you share a same family
7 name, or a close one, because we know your name is sometimes spelled
8 as Shalaj, but do you have any family relationship with Pjeter Shala?
9 Can you explain that?

10 A. We do not have a close family relationship, but we Albanians
11 have a larger family which can go back many times removed. And
12 according to what my grandfather used to say -- or, rather, we do not
13 remember that we were a community, for instance, but of the same
14 family -- of the same family.

15 Q. We heard you pronounce the name -- the word *fis*. Can you
16 explain a little bit slowly because it's not captured in the
17 translation what that means?

18 A. Well, in our tradition, Albanians are tribes. So we cultivate
19 these family names, so the Gashis, the Shalas, the Kastratis, as well
20 as other family names, or *fis*, the Albanian word. And perhaps in
21 ancient times we were a single community, but no one can remember,
22 even the very elderly, when this was, whether it was 200, 250, 300
23 years ago. Who can remember back then?

24 But the relationships amongst the families have been maintained
25 and preserved. So say Pjeter's family, his father, mother, brother,

1 he himself too, especially when he was young, they would sometimes
2 come over to our place, and -- also because we didn't live in the
3 same place. We lived in Gurrakoc, in Istog municipality, and for a
4 while they lived just outside Gjakove, and then later on in Prizren.

5 Q. Thank you, Mr. Witness. We will open a parentheses for a moment
6 because you mentioned Gjakove.

7 Mr. Witness, have you ever been to Gjakove or Ratkoc before,
8 during, after the war, any time in your life?

9 A. In Gjakove? Mostly where I was born -- my wife comes from
10 Gjakove, so I would go often.

11 Q. Ratkoc, Cermjan, do you have any ties there?

12 A. No, no, just in Gjakove, in Gjakove itself. So my wife's family
13 comes from Gjakove, the city of Gjakove. I know the places around,
14 like Ratkoc, as well as other places.

15 Q. Thank you very much. That's very clear. Now turning back to
16 Pjeter Shala. Since when did you know or do you know Pjeter Shala?

17 A. When he was a child. I'm a few years older than him, and I
18 remember when he came to visit with his father, mother, to our place.
19 And I remember us going to visit them in Prizren. So, yes, I
20 remember him as a child.

21 Q. You remember him as a child, but in your adult life, can you
22 tell us what kind of relationship did you have with Pjeter Shala?
23 Did you have any relationship; and, if yes, was it close, was it
24 removed, or no relationship at some point? Can you describe?

25 A. The relationship was a family one. So when there was something

1 to celebrate, a festivity, a family festivity, we would visit each
2 other's homes. But after high school, as I said, I enrolled in the
3 military academy. So as of 1980, I think -- I cannot remember what
4 year he was born. But as of 1980, I have seen very little of him, if
5 none at all, because we didn't happen to meet because I was abroad.
6 I was outside Kosovo at the academy, first of all, and then serving
7 in the military. And then, of course, in the war in Croatia, in the
8 Croatian army, up until my joining the KLA.

9 Q. Thank you, Mr. Witness. And let's take this time reference,
10 that is April -- or March 1999, when you joined the war effort. At
11 that point in March 1999, when was the last time you saw Pjeter Shala
12 before that period? Before the war.

13 PRESIDING JUDGE VELDT-FOGLIA: So the question is, for me:
14 Before you joined the KLA, when was the last time you saw Mr. Shala?

15 THE WITNESS: [Interpretation] To be honest, I cannot remember,
16 but it could have been perhaps before 1980.

17 MR. AOUINI:

18 Q. Thank you. Now, did you ever meet Pjeter Shala during the war?

19 A. During the war, I met him twice.

20 Q. Can you help us on when and where did you meet him? Because you
21 mentioned two times, and we will take them one at a time, but in a
22 nutshell, when and where did you see him these two times?

23 A. The first time was when we got to Kukes and we were stationed
24 there. According to the information I had, for a while he was in a
25 training centre in Burrel, and then he came to Kukes. So he was in

1 Kukes. When I arrived, he was already there and we met one day. The
2 date itself I cannot remember exactly, but I know it was the
3 beginning of April.

4 Q. Thank you. So you are mentioning the first occasion here;
5 correct?

6 A. Yes.

7 Q. You told us you met him in Kukes. Can you be more specific,
8 because you said you were stationed at that time, can you be more
9 specific as to the factory, the city, the town, the region, to be
10 more specific where you actually met Pjeter Shala on the first
11 occasion.

12 A. I met Pjeter at the factory. He came over, because he himself
13 was in another building somewhere just outside Kukes. So he came to
14 meet me, and we met, we chatted, we had a coffee.

15 Q. How long did this meeting last?

16 A. I don't think it went on for more than half an hour.

17 Q. What happened during that meeting? What was discussed? What
18 was the content of your meeting, if you can tell us?

19 A. As I said, back then he was in another facility. So we just
20 talked about how things were going and what would happen, and
21 because -- back then I cannot remember when he returned, but he was
22 also in the west. I think he was in Belgium with his family, and he
23 came over for the war effort in Kosovo.

24 I know that he said that his intention was to go to the front
25 lines, and he asked me whether I could make sure that I would get him

1 a weapon, and that he had no intention of returning until the end of
2 the war. And that was about it. I made sure he had a weapon, and he
3 went off to the front line.

4 Q. Just a couple of clarification points. You said he was in a
5 different or another facility. Can you tell us what you mean by that
6 when you said he was outside Kukes? Can you tell us what you know
7 about where he was?

8 A. He was elsewhere, not in the same street in Kukes, going towards
9 Krume, but it was another street. It was - how can I put this? - a
10 house in which a group of KLA members were, and Pjeter was a member
11 of that group.

12 Q. So he was not inside the factory; correct?

13 A. No, no, no, it was not.

14 Q. And do you remember what weapon you provided Pjeter Shala with?

15 A. I think he asked for a sniper gun, that type of weapon, and he
16 signed for it. I ordered an officer who dealt with this matter, and
17 he signed the letter of confirmation, the number of the weapon, the
18 serial number, and then he left.

19 Q. Now, you told us in the beginning of page 64 that he had the
20 intention to go to the front. Did you know that, that he went to the
21 front, or was it something that he told you, or did you see him leave
22 to the front?

23 A. I know that after that day and up until the second time I met
24 him, I knew that he was a man of his word and was amongst the first
25 to join the KLA from the very beginnings, from 1988, in the Dukagjini

1 area. He was a very able and capable soldier. I know and I'm
2 convinced 1 million per cent that he did go to the front line where
3 he intended to go.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, try to stick to the
5 question, because the question was just did he go to the front. You
6 could have said "yes" or "no." If we want you to elaborate, you will
7 be given the possibility to elaborate if that's necessary.

8 MR. AOUINI: Thank you, Your Honour.

9 Q. Mr. Witness, now, we spoke about this first occasion, and,
10 again, can you put an approximate date on this meeting? Meaning, a
11 month and a year. For the clarity.

12 A. It could be somewhere between 10th and 15th April. I do not
13 remember the exact date, to be honest. A long time has passed since.

14 Q. Thank you. That is already a considerable effort to remember
15 and try to make as precise as you can.

16 Now, let's move to the second occasion you met Pjeter Shala.
17 When and where did you meet him on this second occasion?

18 A. The second occasion was towards the end of the war, just before
19 the war ended in June. And this was a better, so to say, a more
20 relaxed meeting because we both were aware that the war was coming to
21 an end. And we met by chance not in the factory but in Kukes town.

22 Q. Thank you. And for how long did you see him on that second
23 occasion, if you remember?

24 A. The second time lasted for a bit longer. As I said, we were
25 more relaxed. We were in a café in downtown Kukes. We had a drink

1 or two together and chatted. We had a friendly conversation also as
2 relatives, and I asked him, "Pjeter, what now? What are your plans?"
3 Because we all had our plans what to do after the war. And I
4 remember very well he said to me the following: "With this, I
5 completed my mission. I honoured my father's word." His father had
6 died years, many years, before the war, and he was a patriot, his
7 father, and his wish was to see Kosovo liberated, free.

8 So he said to me, "My family is in Belgium, and I'm going back
9 to them, to my family, to my private life. I'm leaving for Belgium."

10 Q. Thank you, Mr. Witness. Do you remember what Pjeter Shala was
11 wearing on that occasion?

12 A. On that occasion, he was wearing civilian clothes.

13 Q. And do you remember what he was wearing on the first occasion?

14 A. On the first occasion, he was wearing a uniform.

15 Q. Do you have knowledge of where Pjeter Shala went after the
16 second occasion you met him? Do you have any knowledge of that?

17 A. I heard that he left for Belgium, for Brussels, where his family
18 was, his wife and children.

19 Q. Thank you. Did you ever see Pjeter Shala after that moment?

20 A. Well, I don't remember the exact date, but many years later when
21 he came to visit in Kosovo, whether it was 2005, 2006, 2004, really,
22 I don't know, we met in Prishtine.

23 Q. So that was after the war; correct?

24 A. Yes, after the war. Many years after the war.

25 Q. Thank you. Now, during the war, were you aware of any role or

1 position that Pjeter Shala had at the time you met him or during the
2 time of the war?

3 A. I was not aware, did not have any knowledge, but I know that he
4 was a soldier. And when I met him for the first time on the first
5 occasion, he was a soldier, a simple soldier.

6 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, just a small
7 reminder that we are getting near the moment of the break.

8 MR. AOUINI: Yes, Your Honour. With a few minutes, I can finish
9 this part on the role and position. Thank you.

10 Q. So, Mr. Witness, do you remember -- you told us you remember
11 that you were interviewed by the colleagues from the SPO. Do you
12 remember being shown any document or any information about the
13 possible role of Pjeter Shala? Do you remember that? That's the
14 first question.

15 A. Yes. As far as I remember, I was shown one document, and I was
16 a bit surprised, taken aback, because probably that unit where he was
17 appointed brigade commander, which, at the time, did not even exist
18 in reality. And, secondly, I was a bit surprised why Pjeter was
19 appointed commander of that brigade, because I knew Pjeter from his
20 childhood, and to my knowledge he had completed only primary school.
21 And it's not my intention to insult his intelligence or qualities,
22 but to lead a brigade, I, myself, as a military officer, I think you
23 should have someone who is more qualified and professional because a
24 brigade is a difficult thing to lead. You don't need only military
25 academy for that but also experience.

1 PRESIDING JUDGE VELDT-FOGLIA: Okay.

2 MR. AOUINI: Depending on how it goes.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. Good.

4 Then we adjourn for lunch. Thank you.

5 --- Luncheon recess taken at 12.59 p.m.

6 --- On resuming at 2.30 p.m.

7 PRESIDING JUDGE VELDT-FOGLIA: Welcome back after lunch.

8 We will continue with the examination of the witness,

9 Mr. Mark Shala. And I see that on my right-hand side you are in the
10 same composition. It goes also for the Victims' Counsel.

11 And this side, are you in the same composition?

12 MR. GILISSEN: It's almost the same, Madam President.

13 PRESIDING JUDGE VELDT-FOGLIA: Almost. I see --

14 MR. GILISSEN: Livia Veliu, our intern, left. And we have with
15 us Kailin Chen, an assistant legal officer. Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much. Good.

17 We will usher the witness in.

18 Madam Court Usher, could you bring the witness.

19 MR. AOUINI: Your Honour, can we mention one element in the
20 meantime?

21 PRESIDING JUDGE VELDT-FOGLIA: Yes, of course.

22 MR. AOUINI: Thank you, Your Honour. As Your Honour authorised
23 us, we are about to show one document to the witness. And we figured
24 out that the English translation of that page is not in our
25 presentation queue. So with your leave -- we discussed with our

1 colleagues from Victims and Prosecutor. They don't see a problem.
2 We have provided the ERN of the English translation to our colleagues
3 from the Registry to be able to show both of them.

4 PRESIDING JUDGE VELDT-FOGLIA: Of course.

5 MR. AOUINI: Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: Yes, of course, thank you. That
7 has already been organised. We can only agree at this point. Thank
8 you.

9 [The witness takes the stand]

10 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness.

11 THE WITNESS: [Interpretation] Thank you.

12 PRESIDING JUDGE VELDT-FOGLIA: We will continue with your
13 examination as a witness before this Panel, and I will give the floor
14 to the Defence Counsel to continue with the questions.

15 You have the floor, Defence Counsel.

16 MR. AOUINI: Thank you, Your Honour.

17 Q. Good afternoon, Mr. Witness.

18 A. Good afternoon.

19 Q. So when we left before the break, we were discussing a document
20 that was shown to you by the SPO colleagues in your interview 2019,
21 and we propose to show you the document right now and ask you a
22 couple of questions on it.

23 MR. AOUINI: Your Honour, with your leave, the ERN is the same
24 as earlier, 083525-083534 RED. The page is page 8, and that is the
25 original document. The English translation of it is at

Witness: W04754 (Open Session)

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Examination by Mr. Aouini

1 U009-9398-U009-9398-ET.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.

3 MR. AOUINI: Thank you very much.

4 Q. Mr. Witness, do you recognise this to be the document that was
5 shown to you in your interview in 2019?

6 A. Yes, this is the famous document.

7 Q. You gave us a little bit of commentary on the document, but we
8 will take it one step at a time. What is your comment, Mr. Witness,
9 about what this document says about the appointment of a commander,
10 Pjeter Shala, Ujku, to lead an Assault Brigade 128 in Pashtrik?

11 A. As I said earlier before this meeting, this session, that this
12 is an invalid document as far as I'm concerned. Documents of this
13 kind are not written in this way.

14 Here it says "authorisation." Authorisation and appointment in
15 military terminology are different. To authorise somebody means that
16 somebody who is already appointed is being authorised, in this
17 particular case Pjeter Shala, to lead a certain brigade, which here
18 is named as an Assault Brigade 128 Pashtrik. Whereas appointment is,
19 in military terms, that person is being appointed as a commander.

20 In this document, we have authorisation. So there is a great
21 difference between appointment and authorisation.

22 Q. Thank you, Mr. Witness.

23 MR. AOUINI: If we could please scroll down the original
24 Albanian document to see the bottom of the page, because a number of
25 information will come into the questions. Thank you.

Witness: W04754 (Open Session)

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Examination by Mr. Aouini

1 Q. Mr. Witness, do you see the date on the bottom at the left?

2 A. Yes, I do.

3 Q. On 20 March 1999, which is the date appearing in the document,
4 did this brigade exist?

5 A. At that time, I wasn't there and not in Prishtine. Here it says
6 Prishtine. The person who signed this was not at the time, not even
7 before that time, in Kosovo, that is, in Prishtine. So this makes me
8 suspect that this is not an original document, that it's very
9 unclear, and does not make any sense.

10 Q. Thank you, Mr. Witness. But slowly, one step at a time. Okay?
11 Let's focus first -- we will get back to Prishtine. The date,
12 20 March 1999, and this brigade that is mentioned in the document.
13 You told us at page 67, line 21, it's line 19 and following, that
14 this is a document that concerned a brigade that didn't exist yet.

15 So that is my question. From your knowledge, on 20 March 1999,
16 was there a brigade named after this numbering, 128, that existed at
17 that date?

18 A. No, 100 per cent there wasn't.

19 Q. Thank you. Turning now to the right bottom side of the document
20 where we see the name of the minister Azem Sylja and a signature and
21 what you just mentioned, Prishtine. Can you explain to us what is
22 your commentary about the whereabouts of Azem Sylja on that date,
23 whether it is in Prishtine or anywhere else.

24 A. Azem Sylja at that time was in Albania, in Tirana.

25 Q. Thank you, Mr. Witness. Now taking aside --

1 PRESIDING JUDGE VELDT-FOGLIA: The Panel would like to have some
2 basis for knowledge, because this is for now only a statement. And I
3 will not deny it at this moment in time, but this is just a
4 statement.

5 MR. AOUINI: Thank you.

6 Q. Mr. Witness, on what basis do you say Azem Sylja wasn't in
7 Prishtine and was in Albania at that time? Do you have a personal
8 knowledge of that?

9 A. A couple of days later -- the date here is 20 March. I arrived
10 on -- at the end of March, and I met Azem Sylja in Tirana.

11 Q. Did you acquire knowledge when you met Azem Sylja whether he was
12 in the previous days in Prishtine or anywhere else? Do you have a
13 personal knowledge about where he was around 20 March 1999?

14 A. No, but I just suppose that he could not be at two locations in
15 the same time. Move from Tirana to Prishtine. This could not happen
16 within a short period of time, to go from Tirana to Prishtine and
17 then back to Tirana. I don't think this was possible. That's why
18 I'm saying that this document does not make sense and cannot be
19 accurate.

20 PRESIDING JUDGE VELDT-FOGLIA: I leave it to you. I just wanted
21 to have a basis for what the witness was saying. It's your witness
22 for now.

23 MR. AOUINI: Thank you, Your Honour.

24 Q. Mr. Witness, if we take this document aside, do you have any
25 knowledge that Pjeter Shala was at any time in a commanding role of

1 such a brigade? Does this document, the content of the document,
2 match to your personal knowledge of what the situation was, to be
3 clear?

4 A. 100 per cent Pjeter Shala was not in that position, and this
5 brigade did not exist at the time. I personally did not hear of this
6 brigade. I know that later on something else was formed under the
7 leadership of another person, not Pjeter Shala. And in this respect,
8 Pjeter Shala was connected to that other structure but not as a
9 commander. Rather, as a simple soldier.

10 Q. So my question is this: Do you have any personal knowledge of
11 any structural position or role or rank of Pjeter Shala during the
12 time of the war?

13 A. During the time of the war in 1998, to what I heard, in
14 Dukagjini area, he was a platoon commander. Whereas, in 1999, he was
15 at the training centre in Burrel. I think he was a commander of a
16 group of a platoon strength. That is a military police group.

17 However, as for Kukes, I don't know of any other role or
18 position, commanding position that he had, let alone of a position of
19 a brigade commander as it's written here on this document, not an
20 appointment decision but an authorisation.

21 Q. And just to be clear, Mr. Witness, you told us earlier today
22 that Pjeter Shala was a soldier. Do you stand by that statement, was
23 a simple soldier, or do you say that he had any other role or
24 position?

25 A. Back then when I met him --

1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think we have
2 received an answer that he was a simple soldier, and we have now
3 received an answer that, at a certain moment in time, he was a
4 commander of a platoon strength.

5 I don't see what you want -- yeah, I see what you want to
6 achieve, maybe, with this question, but we have an answer. He has
7 given us two answers on this topic. And if you want to put a
8 contradiction to him, but -- you may explore this issue, but I would
9 ask the question in a different way. Because by the way you have put
10 it now, you're almost denying what he just said about the -- that he
11 was a commander of a platoon strength. At least that's the way I
12 understood it. And I don't want to limit you on what you are asking,
13 but for me, it's narrowing down the question too much.

14 MR. AOUINI: No, Your Honour. I will just try to clarify and
15 maybe will ask him also what means a platoon and all this, just to
16 clarify everything for Your Honours.

17 PRESIDING JUDGE VELDT-FOGLIA: Please proceed. But I would
18 reformulate -- or you could ask him how he sees his prior statement
19 with regard to the simple soldier and this being a commander of a
20 platoon strength in 1999. Or maybe you can ask the timeframe of the
21 commander of a platoon strength. Maybe that could help. But I would
22 approach it differently.

23 MR. AOUINI: Thank you, Your Honour.

24 Q. Mr. Witness, at page 67, line 9, you told us that Pjeter Shala,
25 when you met him in Kukes, in the factory, he appeared to you to be a

1 simple soldier. Now you've just given us another description of a
2 commander of a platoon, and can you please position that in time with
3 reference to the time you met Pjeter Shala? Was it before, was it
4 after, at some other point? We're not talking about 1998, just for
5 clarity.

6 A. Yes, I stand by it, by what I've said, and I will say it again.
7 But I do not know whether I'm being understood properly.

8 So like I said, there were different -- different times that
9 Pjeter has acted up until I arrived and we met. And the period prior
10 to my arrival -- he had arrived before me, you see. And initially he
11 was in Burrel, and then he came over to Kukes. When I met him, he
12 was a simple soldier, and now I'm saying that he's a simple soldier.

13 PRESIDING JUDGE VELDT-FOGLIA: But then I would like to have --
14 no, sorry, Defence Counsel. When was he a so-called commander of a
15 platoon strength?

16 THE WITNESS: [Interpretation] Perhaps -- I mean, he arrived much
17 earlier in Albania when he came over from Belgium. So there was a
18 time when he went to the training centre in Burrel, and I think it
19 was there, the commander of a platoon of the military police. That's
20 what I've heard, anyway.

21 PRESIDING JUDGE VELDT-FOGLIA: But to understand well in terms
22 of time, are you now saying that it was March -- or before the
23 beginning of April 1999?

24 THE WITNESS: [Interpretation] Yes. So that was before I
25 arrived. So he was in Burrel for a while. But he wasn't in Kukes,

1 and he wasn't there as a commander of a platoon or a brigade. He was
2 just a simple soldier.

3 PRESIDING JUDGE VELDT-FOGLIA: Yes. It's just for me to
4 understand the dates well. So when do you -- do you know when he was
5 in Burrel as a commander of a platoon strength?

6 THE WITNESS: [Interpretation] Well, I arrived at the end of
7 March, as I've mentioned earlier. And in the beginning of June, it
8 was when we met, and we met just as I've described earlier. And then
9 he was a simple soldier.

10 PRESIDING JUDGE VELDT-FOGLIA: I'm sorry. I think I did not ask
11 my question clear to you, so I will ask it again. I don't want to
12 confuse you, Mr. Witness.

13 I have understood from your testimony that when you were in --
14 when you met Mr. Shala, both at the end of March, beginning of April,
15 and you just said June 1999, that he was, your words, a simple
16 soldier. Yeah? To your knowledge. Yes.

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Yes. I understood well. And my
19 question is: Do you know when Mr. Shala was in Burrel a commander
20 of, your words, a platoon strength? About what period in time are we
21 talking? And I already know -- I heard you saying "it was before I
22 arrived," and you arrived at the end of March, you said. I heard
23 something about - what was it? - 26 March. And I would like to know
24 from you when, according to your knowledge, he was a commander of a
25 platoon strength in the period before.

1 THE WITNESS: [Interpretation] So do I not know exactly what date
2 he arrived, he got there, but I know when I met him, though. And I
3 know that initially when he had gotten there, he was, first of all,
4 in Burrel, and then he went to Kukes. When I went there at the
5 beginning of April, I met him. And back then, he was a simple
6 soldier. But from what I've heard, during his time in Burrel, he
7 played the role of a commander of a platoon of 10 to 15 soldiers that
8 he was commanding.

9 PRESIDING JUDGE VELDT-FOGLIA: And my question remains if you
10 can put that in time. And if you cannot, that's also an answer.

11 THE WITNESS: [Interpretation] I don't know. I don't know.

12 PRESIDING JUDGE VELDT-FOGLIA: We leave it then now for here.

13 Maybe one more question from our side. Till when did you stay
14 in Kukes at the metal factory or at the Kukes factory?

15 THE WITNESS: [Interpretation] Me, personally? You mean me?

16 PRESIDING JUDGE VELDT-FOGLIA: You, yes. Sorry if I was not
17 clear. You.

18 THE WITNESS: [Interpretation] Until our forces entered Kosovo,
19 so up until the end of the war. I was in Kukes or in Krume when
20 needed or elsewhere in the north of Albania all the time.

21 PRESIDING JUDGE VELDT-FOGLIA: Yes. So can you put a date on
22 that?

23 THE WITNESS: [Interpretation] So from the moment I arrived,
24 which was at the end of March, up until around the 10th or 11th June.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

1 Defence Counsel, you have the floor again.

2 MR. AOUNI: Thank you, Your Honour.

3 Q. And thank you, Mr. Witness, for your explanation. I have one
4 follow-up question. You told us at pages 76, line 21, 25, and page
5 78, lines 10 to 13, that you heard that Pjeter Shala was a commander
6 of a platoon. From whom did you hear that, if you remember?

7 A. From several members who were at the training centre who, when
8 the Arrow operation -- Operation Arrow started, they all came,
9 because Burrel is somewhat closer between Tirana and Kukes. And when
10 they came over from Burrel to the north of Albania, some people who
11 at that time were part of the training, as we were chatting, I heard
12 them say that Pjeter was there too, and he was there leading a group
13 of the military police.

14 Q. Thank you, Mr. Witness. And, again, how many soldiers do you
15 estimate to be the composition of a platoon?

16 A. The platoon can have 15, 20, up to 30 soldiers.

17 Q. Have you heard which platoon he was? Was there a name or a unit
18 or a calling to this unit?

19 A. Well, the platoons in particular in terms of the military
20 police, for instance, or any other type of specialty, they would call
21 a platoon by a particular name. So if it's military police's, it
22 would be the platoon of the military police. So if there are more
23 units of a similar standing, then they would be called by different
24 names or they would be given numbers, for instance. So, yes, that
25 could be the case.

1 Q. Thank you. Now, you told us you heard it from friends that you
2 chatted with. Do you have any names of people who told you that,
3 that you heard it from?

4 A. No, I cannot remember.

5 Q. Mr. Witness, you told us that when you met Pjeter Shala for the
6 first time, and I believe you mentioned around 10th to 15th April, in
7 the factory of Kukes, and he took a weapon, a sniper from your
8 department, and left to the front. Do you have any knowledge which
9 direction in the front he was in? Do you have any knowledge of that?

10 A. I think he went on the fourth direction, which was Kukes-Morine
11 or Gorozhup-Morine.

12 Q. Thank you very much, Mr. Witness. So for the next questions,
13 Mr. Witness, I'll ask you about a number of individuals and show you
14 a few pictures.

15 MR. AOUINI: And, Your Honours, with your leave, I would like to
16 go to private session to do a part of this exercise.

17 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
18 bring us into private session, please.

19 [Private session]

20 [Private session text removed]

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Witness: W04754 (Private Session)

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Examination by Mr. Aouini

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Witness: W04754 (Private Session)

Page 2986

Examination by Mr. Aouini

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Witness: W04754 (Private Session)

Page 2987

Examination by Mr. Aouini

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Witness: W04754 (Private Session)

Page 2988

Examination by Mr. Aouini

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Witness: W04754 (Private Session)

Page 2989

Examination by Mr. Aouini

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Witness: W04754 (Private Session)

Page 2990

Examination by Mr. Aouini

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1 [Private session text removed]

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7 [Open session]

8 THE COURT OFFICER: Your Honours, we are now in public session.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.

10 Defence Counsel, you have the floor.

11 MR. AOUINI: Thank you, Your Honour. If we could please go to

12 ERN 083525. It's the same document we've been using, so far at

13 least, today at page 9, where there is a picture.

14 PRESIDING JUDGE VELDT-FOGLIA: Please proceed,

15 Madam Court Officer.

16 MR. AOUINI:

17 Q. Mr. Witness, do you remember being shown this picture in your

18 interview of 2019?

19 A. Yes, I do.

20 Q. Do you recognise anyone, including yourself, in this picture?

21 A. I recognise the best myself. I have marked the persons on the

22 photograph with numbers. Number 1 is Bislím Zyrapi. Number 2, Spiro

23 Butka. This one, number 3, Sylejmani was his last name, a young man

24 from Llap. Number 4, I really cannot recall at this moment. I don't

25 know if he was an escort or an assistant of Bislím Zyrapi. I really

Witness: W04754 (Open Session)

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Examination by Mr. Aouini

1 can't remember. Number 5, his last name is also Shala, full name
2 Alush Shala. And number 6 is Mark Shala.

3 Q. Thank you, Mr. Witness. We will ask you a few questions on some
4 of the persons depicted in this picture. But first, do you remember
5 where and when this picture was taken?

6 A. This was taken somewhere in May, and this office was used by
7 Bislum Zyrapi. So it was made in his office. After the meeting we
8 had, we had a coffee together. You can see the coffees on the table
9 as well. You could also smoke, so you can see people smoking.

10 I remember it was somewhere in May, but I do not remember the
11 exact date.

12 Q. It goes without saying, but May 1999; correct?

13 PRESIDING JUDGE VELDT-FOGLIA: And more specificity --

14 THE WITNESS: [Interpretation] Of course, yes.

15 PRESIDING JUDGE VELDT-FOGLIA: And more specificity about the
16 where.

17 MR. AOUINI:

18 Q. So you told us it was after a meeting. Do you know which
19 office, which building? If you could refer us -- no, let's start.
20 Do you know where in general this was taken?

21 A. On the 2nd floor near the operations centre was this office, the
22 office of Bislum Zyrapi. An office that he used. When he would stay
23 in Kukes, he would use this office for meetings. So this is in his
24 office, the picture.

25 Q. And from tying the information you gave us so far, a 2nd floor

1 is only present in the sub-premises, the building that you numbered
2 number 2 and you called a command building. So that is the place
3 where this office is --

4 A. Building number 2, yes.

5 PRESIDING JUDGE VELDT-FOGLIA: At the metal factory, just to
6 have it on record.

7 MR. AOUINI:

8 Q. At the metal factory; correct?

9 PRESIDING JUDGE VELDT-FOGLIA: I see you nodding, so that is a
10 yes.

11 MR. AOUINI:

12 Q. Now, you mentioned under the number 2, Spiro Butka. And we
13 spoke earlier about an Albanian officer that was in that building
14 number 2 in the operations at page 27, lines 2 to 4. Is this the
15 same person we are talking about, Spiro Butka?

16 A. Yes, the same person. It's the same person.

17 Q. Now, if we look at number 5, Alush Shala you told us a few
18 seconds ago. What can you tell us about this person, Alush Shala?

19 A. When we arrived in Kukes, he was already there. As far as I
20 know, and as he told me, he had been in Albania for a long time even
21 before the war started. He was -- he had been a political prisoner
22 and had left Kosovo much earlier. So he went to Albania and was
23 involved in organising and making all the preparations for the war in
24 Kosovo.

25 Q. At the time this picture was taken, do you know what was his

1 role, his position, what group he belonged to, any details about his
2 role or position?

3 A. I only know that he was not a member of logistics sector. As
4 far as I know, he was under the command of Xheladin Gashi. That is
5 the first group that was there since 1997, 1998, in Albania, that is.
6 So he was part of that group. He was not in logistics. Those who
7 were in logistics, I know who they were, what their function, role
8 was. For this person, I only know that he came there, joined this
9 meeting, but I don't know what his role was.

10 Q. And just to clarify, you said he was under Xheladin Gashi. Does
11 that mean that his section or the section he belonged to was the
12 mobilisation section?

13 A. Well, in general I would say yes, dealt with those matters, but
14 I don't know exactly what.

15 Q. What did you observe him do or go to? In order to help us.
16 What was his role? You told us that he was part of a group that was
17 there from 1997, but can you tell us a little bit more detail what
18 you saw him do?

19 A. Since he'd been in Albania for a longer time, to what I could
20 see, he knew quite a lot of people, both local -- locals but also
21 members of the Albanian army. So he was like a liaison between the
22 KLA and the locals and the Albanian army on the other side.

23 Q. Thank you. And how often did you see him in the factory there?
24 Was he present most of the time that you saw him, or you saw him
25 rarely? Can you describe the level of presence that he had inside

1 the factory?

2 A. He wasn't present that often. He was on the ground most of the
3 time outside. I know that he also slept somewhere outside.

4 Sometimes when I would go, we would meet, but not very often.

5 Q. And maybe finally on this picture, do you know what was
6 discussed during that meeting or that gathering that we saw in the
7 picture?

8 A. All the meetings concerned the activities, organisational
9 issues, works that had to be done. I had the logistics sector. I
10 would receive tasks in relation to supplies, with vehicles,
11 ammunition, oil derivatives, so with those sort of things. So those
12 things that were related to logistics.

13 Q. Do you remember the contribution of Alush Shala to those
14 discussions?

15 A. I don't remember what he discussed, but he was there. And this
16 meeting, and this -- him on this photograph is accidental, because he
17 would not take part in the meetings of the command, with
18 Bislím Zyrapi.

19 Q. Thank you.

20 MR. AOUINI: Your Honour, we are done with this picture, unless
21 there are questions from Your Honours.

22 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, you can take
23 the picture down.

24 MR. AOUINI:

25 Q. So, Mr. Witness, you mentioned earlier somebody who was named

1 Zijadin Hoxha. Can you tell us who Zijadin Hoxha is?

2 A. Could you please repeat that?

3 Q. Earlier today we spoke about, when we were discussing the
4 markings in the picture, a soldier named Zijadin Hoxha, and I am
5 asking you to give us a little bit of details on who Zijadin Hoxha --
6 you mentioned that at page 49, for the transcript, at line 8 and
7 following, Zijadin Hoxha, when we were discussing the depots or
8 storage.

9 A. Zijadin, Zijadin Hoxha.

10 Q. Exactly, that's the name. Zijadin Hoxha.

11 A. Yes. He was a unit commander, that is, the commander of the
12 unit that dealt with weapons maintenance. He would go out on the
13 ground, would collect the weapons that were damaged or defective, and
14 he would bring them to the location where the weapons were repaired,
15 maintained. And that's -- at that service point, those who had
16 defective weapons would bring them there and then their weapons would
17 be replaced with functioning ones. So he dealt with these matters.
18 He had a very good knowledge of weapons.

19 PRESIDING JUDGE VELDT-FOGLIA: Two remarks, Defence Counsel. My
20 question is would you be asking more questions about this specific
21 person?

22 MR. AOUINI: Your Honour, I was just proposing to establish the
23 section he belonged to and move on to other names. We are dealing
24 with a few names [Overlapping speakers] ...

25 PRESIDING JUDGE VELDT-FOGLIA: No, no, I -- just with regard to

1 this specific person. Only the section?

2 MR. AOUINI: Only the section.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. And just for
4 your information that we are now at about the three hours you
5 requested and you were allocated, but I won't pressure you to speed
6 up, but just that you know. Good.

7 You have the floor again.

8 MR. AOUINI: Thank you, Your Honour. We are hopeful to finish
9 within ten minutes, but no promises.

10 Q. So one last question, Mr. Witness, about Zijadin Hoxha. You
11 said he repaired the weapons. Does that mean that he belonged to the
12 section that you belonged to, that is, logistics, or was it part of
13 another section?

14 A. It was part of the logistics sector.

15 Q. Thank you. Have you ever seen someone named Bardhyl Mahmuti in
16 the factory during the time you spent there?

17 A. No.

18 Q. Do you know a person named Bardhyl Mahmuti?

19 A. Yes, of course I do.

20 Q. So you know him but you are affirmative that you didn't see him
21 there. Is that your testimony; right?

22 A. I do know him. I heard about him even before I joined the KLA.
23 He was the spokesperson of the Kosovo Liberation Army in exile. I
24 came to personally meet him, get to know him after the war in
25 Prishtine.

1 Q. That is clear. Thank you. Did you ever see Daut Haradinaj in
2 the Kukes metal factory?

3 A. No, never.

4 Q. Do you know Daut Haradinaj?

5 A. Only after the war.

6 Q. The same question for Ramush Haradinaj. Did you ever see
7 Ramush Haradinaj in the Kukes metal factory?

8 A. Him neither. I never saw him there.

9 Q. But this is a person you know?

10 A. I do know him, and I've heard about him. He was the commander
11 of the Dukagjini operational zone. I met him after the war. And for
12 some time, he was deputy commander of the Kosovo Protection Corps in
13 Prishtine. I was in the General Staff there, and that's from where I
14 know him. I did not know him before that.

15 Q. Thank you. Do you know somebody by the name Osman Kryeziu?

16 A. No.

17 Q. Do you know somebody by the name Ruzhdi Saramati?

18 A. Excuse me, maybe Kadri Kryeziu. Yes, Kadri Kryeziu I know, but
19 Osman Kryeziu, no. So I don't know who you are -- you are referring
20 to.

21 Q. I am referring to Osman Kryeziu. But is this Kadri Kryeziu
22 anyhow related to the factory, Kukes metal factory? If not, we're
23 not interested.

24 A. No, he's not related.

25 Q. Thank you, Mr. Witness. Do you know somebody called

1 Ruzhdi Saramati?

2 A. Yes, I know Ruzhdi Saramati.

3 Q. Do you know who he is? What his -- what do you know about him
4 in relation to the war?

5 A. When we arrived in Kukes, we met Ruzhdi Saramati there. Before
6 the commencement of Arrow operation, Ruzhdi Saramati was appointed
7 commander of one of the directions that formed the Arrow operation.

8 Q. So he was appointed for one of the directions. What position
9 did he have? What position was he appointed to?

10 A. Commander.

11 Q. And do you know which brigade or unit or group he was commander
12 of?

13 A. Operation Arrow comprised of four directions or axes.
14 Ruzhdi Saramati was commander of one of them, and those units were
15 more or less of a strength of a battalion.

16 Q. Can you quantify numbers, what is the strength of battalion, for
17 laymen like us? How many soldiers would a battalion have?

18 A. A battalion, depending on its type, for example, an infantry
19 battalion can be made of 600 people. But if it has other units, for
20 example, artillery units accompanying it, then it can be of a greater
21 strength. However, an infantry battalion, for example, would count
22 600 members.

23 Q. And referring to the group for which Ruzhdi Saramati was a
24 commander, how many soldiers, if you know, this group had?

25 A. He was commander of one axis: Kukes-Gorozhup-Qafe-Morine. And

1 as far as I know, at that time, he had 150 to 200 soldiers. As far
2 as I know.

3 Q. Do you know anything about the brigade that we mentioned
4 earlier, that is, Brigade 128?

5 A. No.

6 Q. Now, referring back to the direction of the soldiers along with
7 Ruzhdi Saramati, do you know during the time you were serving, during
8 the Operation Arrow, when that group went to the front?

9 A. This group went sometime after 20 May. It was around that time
10 that it went in the direction of Gorozhup.

11 Q. Thank you. And can you position in time the appointment of
12 Ruzhdi Saramati as the commander of that group and the leaving to the
13 front of that group?

14 A. At the time, the commander of Operation Arrow was Fatmir Limaj.
15 As a commander, he appointed him as commander of the axis that I
16 mentioned earlier.

17 Q. Mr. Witness, the time. Do you have a date? You said that
18 around May -- after 20 May this group went to the front. Do you
19 situate in time when the appointment came about? Was it before? How
20 long before? Was it after? Was it at that moment? Can you help us
21 with that?

22 A. Well, before the operation started, a few days before that, he
23 was appointed commander, and his task was to organise his unit. He
24 took soldiers from the training centres where soldiers were being
25 trained, formed his own unit. And when the order came for the

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1 operation to begin, he too began with combat operations in the
2 direction of Gorozhup.

3 Q. Thank you. And speaking about Gorozhup, do you remember a time
4 during your stay and service at the Kukes factory where members of
5 this group were injured at the front?

6 A. Not only injured, but they were also killed. Five or six
7 soldiers were killed, and more than ten were injured. Amongst them
8 was a relative of Ruzhdi Saramati. His name was Sali Saramati. He
9 was killed.

10 Q. Can you help us with when this event happened, the injuries and
11 deaths amongst the soldiers of that group?

12 A. After the commencement of the operation, I think it was two or
13 three days later during the first fightings. A group of his soldiers
14 was hit by the Serbian artillery, and this attack resulted in six --
15 about six soldiers killed and others injured from the ranks of the
16 KLA.

17 Q. You mentioned that a relative of Ruzhdi was -- had fallen as a
18 result of the attack by the Serbians. Do you know if one or many
19 others of family members or relatives of Ruzhdi also died or were
20 injured during the same attack?

21 A. As far as I know, it was that relative of his. I think there
22 was another one, and some other people that were close to him,
23 perhaps even family members who were killed in the same group.

24 Q. From open information we have, during that period, a soldier
25 named Gani Saramati that passed away during that period. Do you

1 identify this as possibly one of the fallen soldiers? If that rings
2 a bell for you.

3 A. Yes, in all likelihood I think so, but I could not recall his
4 name.

5 Q. Thank you, Mr. Witness, for your effort. Do you remember if
6 there was any funerals or any treatments or anything that happened as
7 a result of this event that happened on the front that took place
8 inside the factory, the Kukes factory? Can you tell us about
9 anything in the aftermath of this attack by the Serbians?

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please don't answer
11 yet. I see Madam Prosecutor standing.

12 Madam Prosecutor, it's better to usher the witness out?

13 MS. PERGOLO: No, Your Honours. Just a remark. We were
14 hesitating in interrupting, but we feel there was a series of
15 increasingly leading questions in this regard, especially after this
16 last question. We believe a more open question could have been posed
17 to the witness in terms of what happened after this. Instead, it was
18 directed to a specific location, a specific event. So that would be
19 our objection. Thank you.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Prosecutor. I'm
21 sure that Defence Counsel can take that on board.

22 MR. AOUINI: Yes, Your Honour. I'm just trying to close on a
23 non-contentious, I thought, issue, since there are traces in his
24 statement, but be it as it may.

25 Q. Mr. Witness, do you remember what happened to the injured and

1 dead soldiers that were hit and fallen in the front? Do you have any
2 knowledge about what happened?

3 A. All of the soldiers, not only the Saramati ones but also others
4 who fell elsewhere, the ones that had passed away, for all of them it
5 was that a funeral service was prepared, and they were buried in
6 military honours in the Kukes cemetery. All of them.

7 Whereas the ones who were wounded, they were taken away from the
8 front or where they were wounded, and they were sent -- those who
9 were lightly wounded, rather, were sent to the field hospitals. As I
10 mentioned, one was in Krume and the other in Helshan. Whereas those
11 that were more seriously injured were sent to the Kukes hospital,
12 which is a civilian hospital. And those who were very, very
13 seriously injured and who had just about survived, they were sent to
14 Tirana.

15 And there were cases, for instance, when even though they were
16 sent to Tirana, either on the way there or in the hospital in Tirana
17 they passed away, and then the same were then brought back. The
18 bodies were brought back from Tirana. And they were also buried in
19 the cemetery of the same city, in Kukes, in full military honours,
20 obviously. But there were a lot of civilians who attended the
21 funeral to give them the last farewell because they fell for Kosovo
22 and in the fight against the Serbs.

23 Q. Thank you, Mr. Witness. Can you perhaps make an effort, we know
24 a little bit the timeframe of going to the front and the event, but
25 specifically about the funerals. Do you have any specifics about

1 dates on when those funerals took place from your recollection?

2 A. No, I perhaps do not know exactly, but perhaps roughly. I mean,
3 exactly, I wouldn't know the dates. Perhaps I have written it down
4 somewhere, but at the moment I cannot tell you the exact dates, what
5 those dates were, because there were several at different times.
6 Because it depends really when these people were killed, because
7 there were several funeral services, not just a single one.

8 Q. And one last effort with dates. Was it a few days, a few weeks
9 after they went to the front?

10 A. The Ruzhdi Saramati group, it was a few days after. Perhaps two
11 to three days later. I cannot remember exactly. But some actually
12 died later. And some died in the minefields, the fields that were
13 mined by the Serbs, especially in between the border between Kosovo
14 and Albania. So in some cases we had that happen, for instance. And
15 all of the funerary services took place in the cemetery in Kukes.
16 And after the war, they were reburied in the territory of Kosovo.

17 Q. Mr. Witness, did you attend any or were you present at any of
18 those funerals?

19 A. Yes, in almost all of the ones that I could go. Yes, I did
20 attend them.

21 Q. Thank you. Now, Mr. Witness, we're coming to the end. When the
22 war ended, you told us around June you left Kukes back to Kosovo.
23 Can you help us with what exactly you did? Where did you go when you
24 entered Kosovo?

25 A. All of the units which served in various directions, they

1 carried on along the particular direction. So, for instance, the
2 Gorozhup-Morine one, they stationed themselves just outside Prizren.
3 The other directions or axes, some were, like, in a village called
4 Gjonaj. Some went towards Gjakove --

5 PRESIDING JUDGE VELDT-FOGLIA: But the question -- the question
6 was where you went.

7 THE WITNESS: [Interpretation] Yes. Now, given the order that
8 was given to me by the chief of staff of the KLA, a group that I was
9 in, the logistics, our task was to collect all of the weapons or
10 equipment that the soldiers themselves couldn't take along
11 themselves. To collect them, to put them in trucks, all the vehicles
12 that were made available for our use. All of the ammunition, the
13 weapons, everything that had been left behind and that our soldiers
14 had already -- and in agreement with KFOR, we went towards the
15 Kosovo-Albania border in Morine, and that's where we went through.
16 KFOR was waiting for us. And that's how we actually took them to
17 where we were told and where the order basically stated that we were
18 to take them.

19 MR. AOUNI:

20 Q. Were you positioned in any city that you can name after you
21 collected the weapons and stored them with the help of KFOR?

22 A. I personally informed the chief of staff of the KLA, and at the
23 then time, that was General Agim Ceku. And it was through him I was
24 given some days off because I hadn't seen my family in months. And
25 my family, my wife, and my two daughters were in Croatia back then,

1 and so I spent several days to visit my family. Actually, first of
2 all, I found my family - father, mother, brother - who had been sent
3 away from the village. And then afterwards, I left for Croatia. So
4 I met them first and then I went to Croatia.

5 MR. AOUINI: If you allow me a moment, Your Honours.

6 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

7 [Specialist Counsel confer]

8 MR. AOUINI: Thank you, Your Honour.

9 Q. *Faleminderit*. Thank you, Mr. Witness, for your tremendous
10 effort to help us today.

11 MR. AOUINI: Those are our questions, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.

13 We have completed the questioning by the Defence of you,
14 Mr. Witness. It's now five minutes to 4.00. We will continue
15 tomorrow with the questioning by the Specialist Prosecutor's Office
16 and by Victims' Counsel and by the Panel. So for today, Mr. Witness,
17 thank you for your efforts.

18 I recall that you should not talk about your testimony before
19 this Panel to anybody. I advise you to take some rest this evening,
20 and we see you back tomorrow in court at 9.30. Madam Court Usher
21 will usher you out. Thank you.

22 THE WITNESS: [Interpretation] Thank you.

23 [The witness stands down]

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Good. Before we adjourn for today, I will do the regular round

1 to see if there is anything you would like to raise with the Panel.

2 Madam Prosecutor.

3 MS. PERGOLO: Nothing from our side. Thank you, Your Honours.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 Victims' Counsel.

6 MR. LAWS: Your Honour, yes, please. Just one short matter.

7 Your Honour may recall that the written responses from Dr. Lerz are
8 due to be served by 1 November, and we're, in fact, in a position to
9 serve them tomorrow. We received them last week.

10 We would like just to make some short observations about what we
11 submit is the way forward with regard to that part of the case, and
12 we'd rather do it in writing. But in essence, we want to suggest
13 that the issues have now been adequately dealt with, but we'd like to
14 set that out in writing if we may, with Your Honours' leave, whilst
15 we transmit the answers from Dr. Lerz in one filing, effectively.

16 PRESIDING JUDGE VELDT-FOGLIA: Of course, yes.

17 MR. LAWS: Thank you.

18 PRESIDING JUDGE VELDT-FOGLIA: You may proceed in that way.

19 Defence Counsel, something you would like to raise with the
20 Panel?

21 MR. AOUNI: I'm looking at my colleagues. Nothing from our
22 side. Thank you, Your Honours.

23 PRESIDING JUDGE VELDT-FOGLIA: Good. Then we will adjourn till
24 tomorrow, 9.30.

25 --- Whereupon the hearing adjourned at 4.00 p.m.