

Additional redactions applied pursuant to F541.

1 Monday, 27 March 2023

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.29 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Court Officer, could 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 the parties and Victims' Counsel to
11 introduce themselves, starting with the Specialist Prosecutor's
12 Office.

13 MR. DE MINICIS: Good morning, Your Honours. Today for the
14 Prosecution, Line Pedersen, our case manager; Giulia Bianchi, our
15 legal intern; Filippo De Minicis, Eva Wyler, Gaia Pergolo, Associate
16 Prosecutors.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Victims' Counsel, you have the floor.

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

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 Now the Defence, please.

24 MR. GILISSEN: Good morning, Your Honours. I am
25 Mr. Jean-Louis Gilissen, lead counsel. We here with

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1 Mr. Pjeter Shala. And I am here with Hedi Aouini, my co-counsel, and
2 my second co-counsel, Ms. Leto Cariolou, and Ms. Dzeneta Petravica,
3 our case manager. And then we are here with Juliette Healy, evidence
4 review assistant; Francisca De Castro, evidence review assistant too;
5 Judit Kolbe, evidence review assistant too; Ms. Xhulia Tepshi, it's
6 an intern and it's a very important person today, that's our
7 translator for Mr. Shala. And then we are here with
8 Ms. Camille Gosson, an intern from France.

9 Thank you very much.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you very much.

11 Today we start with the presentation of the evidence, especially
12 the presentation by the Specialist Prosecutor, and today we will be
13 hearing the testimony of the SPO witness number 08.

14 As already communicated by -- to you by CMU, we will have three
15 session from 9.30, so now, till 11.00; then from 11.30 till 1.00. We
16 have a one-hour break, and then we have a session from 2.00 till
17 4.00. That's the idea. And the same goes for Tuesday and for
18 Wednesday, and then on -- we will see where we stand then.

19 And on Thursday and Friday we revert to the original schedule of
20 every time one and a half hour. That's the idea.

21 Before we start with the testimony of the witness, the Panel
22 will issue two oral orders.

23 The first oral order concerns the items that the SPO intends to
24 use during their questioning of three of the witnesses whom we will
25 be hearing this week; that is, 08, 07 and 09.

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1 The SPO has requested to be allowed to use two newly disclosed
2 maps. The request was made via e-mail on 21 March, last week, at six
3 minutes past 6.00 in the afternoon. The maps were disclosed on the
4 same day, shortly after, which was at nine minutes past 6.00 in the
5 afternoon, which is disclosure package 110.

6 The Defence has responded on 23 March 2003 via e-mail at 1442.
7 It regrets the late disclosure, it communicated to the Panel.
8 However, the Defence sees their utility and does not oppose to the
9 SPO request.

10 And the Victims' Counsel has not raised any objections.

11 For the following reasons, the Panel decides to authorise the
12 SPO to use the two maps during their questioning of the witnesses
13 pursuant to paragraph 44 of the Decision on the Conduct of
14 Proceedings, which is filing F434.

15 The maps were only recently created and were disclosed promptly
16 thereafter. The Defence and Victims' Counsel have had sufficient
17 time to study them. Their use will facilitate the witness
18 testimonies, and the Defence and Victims' Counsel do not oppose to
19 the request.

20 This concludes our first oral order.

21 Then there is a second oral order which concerns the Panel's
22 direction in the Decision on the Conduct of Proceedings that the
23 parties and Victims' Counsel shall indicate in advance any passage
24 they intend to use with any of the documents longer than two pages
25 when questioning witnesses. This is the filing 434, paragraphs 46

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1 and 48. And on 20 March 2023, the Defence requested the Panel, via
2 e-mail sent at 19.43, to direct the SPO to indicate the passages it
3 intends to put to the Witness 08 and 06 from the documents it intends
4 to use which the SPO had not done.

5 And alternatively, the Defence requested the Panel to clarify
6 its directions in case it was misunderstood.

7 The SPO responded on 21 March via e-mail at 10.41 in the
8 morning. And we ruled on the issue on 21 March 2023 also via e-mail
9 at 12.26. And the Panel hereby puts its ruling on record because you
10 already know what we have ruled but we want to have in public and not
11 only via e-mail, of course. So we have to go through this formality,
12 but it is important to have it on record and that everybody can read
13 it. And we clarify that its direction applies to materials other
14 than prior statements of the witnesses. The extent to which the
15 parties and Victims' Counsel will use prior statements during their
16 questioning, if at all, will depend, of course, on the witness
17 testimonies in court. For instance, on the need to refresh their
18 memory or to confront them with any prior inconsistent statements.
19 It is not possible for parties or Victims' Counsel to foresee which
20 exact portions of the prior statements they will put to the
21 witnesses.

22 And then eight of the items that the SPO intends to use with
23 Witness 08 and 06 are written prior statements of the witnesses, and
24 in line with the rationale I just set out, the Panel saw no need to
25 direct the SPO to amend its list of materials in relation to these

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1 items.

2 There is one item which is not a prior statement, and that is
3 ERN 061216-061218 RED, appearing on the list related to Witness 08.
4 And the Panel equally saw no need to order the SPO to amend its list
5 in this particular situation because the SPO indicated already in its
6 response the passage it intended to use, thereby notifying the
7 Defence and Victims' Counsel, and it's really not lengthy. So we
8 don't see a problem in that.

9 And this concludes the Panel's second order.

10 Lastly, one point I would like to discuss. Defence Counsel, we
11 have taken notice of your request for an extension of the time,
12 filing 467.

13 And now in this respect I turn to the SPO. Mr. Prosecutor, are
14 you today in a position to respond to the Defence request orally?

15 MR. DE MINICIS: Your Honours, in light of the circumstances and
16 of the hearings scheduled for this week, we will not oppose a
17 reasonable extension that the Panel may see fit.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. That's really quick.
19 Thank you.

20 I will come to Victims' Counsel later on.

21 There's a second point.

22 Mr. Prosecutor, would it, for the Specialist Prosecutor's
23 Office, be possible to inform the Panel already at this stage when
24 you will be calling Witness 01? We know that based on the conduct of
25 proceedings, it's not due yet, but it would be -- it may be helpful

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1 to know in which -- and it's not necessary to respond now. You can
2 also respond later on. But it would be useful to know if you would
3 be calling him or her already for the first week of May or at a later
4 stadium. It may help in the assessment of the request from the
5 Defence.

6 MR. DE MINICIS: Your Honour, I will probably get back to you
7 with a bit more precision maybe later during this hearing, but we are
8 not currently minded to call him in the next evidentiary block.
9 Perhaps the one after that. I mean, most likely, so ...

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Thank you, Mr. Prosecutor.

12 Victims' Counsel, are you in a position to respond to the
13 Defence request orally today? And I'm talking about filing 467.

14 MR. LAWS: We have no objection to that, Your Honour. Thank
15 you.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Very well.

17 Then we can now proceed with the witness testimony.

18 Court Clerk, would you please usher the witness into the
19 courtroom. Thank you.

20 [The witness entered court]

21 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, good morning, and
22 welcome to the Specialist Chambers. Can you hear me?

23 THE WITNESS: [Interpretation] Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: I did not hear a translation,
25 so ...

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1 THE WITNESS: [Interpretation] Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you. Now I'm hearing
3 you.

4 How are you, first of all?

5 THE WITNESS: [Interpretation] I'm well. Thank you.

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

7 Today we will start with your testimony. And before we begin, I have
8 several remarks.

9 I will first explain the protective measures that have been
10 granted for your testimony.

11 You have been assigned a pseudonym, and it means that we will
12 never mention your name but we will only refer to you as
13 "Mr. Witness." In that way, we make sure that the public does not
14 know your name. You also have face and voice distortion, which means
15 that no one outside the courtroom watching the broadcast can see your
16 face or hear your voice, your real voice, during the testimony.

17 When you reply to questions that will not reveal your identity,
18 we will do that in open session, which means that the public can hear
19 what is said in the courtroom.

20 When you are asked to describe anything that relates
21 specifically to you or that can reveal your identity, we will do so
22 in private session, and that means that there is no broadcast and no
23 one outside the courtroom can hear what is said in the courtroom.

24 And if anything is said during open session that may identify
25 who you are, we will protect that information.

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1 Your testimony will be broadcasted with a delay, and we can
2 remove any such information from the broadcast that can be seen and
3 heard by the public, and from the public transcript of the
4 proceedings.

5 Are the protective measures that I just explained to you, are
6 they clear to you, Mr. Witness?

7 THE WITNESS: [Interpretation] Yes, fully.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Needless to say, I request the parties and Victims' Counsel to
10 respect such protective measures and we should all pay the utmost
11 attention in the course of our examination to avoid disclosure of any
12 confidential information.

13 The hearing is held in open session unless otherwise requested
14 by you, and then we will revert to private session.

15 I also remind you to adhere to the procedure for in-court
16 redactions as set out in paragraph 53 till 55 in the Decision on the
17 Conduct of Proceedings. And if we all act diligently in this
18 respect, we will have a minimal amount of non-in-court redactions and
19 that would be good result.

20 Very well.

21 Mr. Witness, I turn back to you. You are called to testify
22 before the Specialist Chambers in the case of The Specialist
23 Prosecutor versus Pjeter Shala to assist the Panel Judges to reach a
24 verdict. After you have taken your solemn declaration to tell the
25 truth, you will be asked questions by the lawyers for the

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1 Prosecution, on your left side nearest to the Judges with the robe in
2 purple; the lawyers representing the victims admitted to participate
3 in the case, it's on your left side nearest to you, they're sitting
4 over there; and then the Defence Counsel of Mr. Shala and the Defence
5 team, on your right side with the togas partly in red; and by us, the
6 Judges of the Panel. Okay?

7 I would like to provide you with some guidance for answering the
8 questions that you will be asked.

9 Please, Mr. Witness, listen carefully to each question that will
10 be posed to you and if you don't understand it, please feel free to
11 have the question repeated again. We want you to tell the truth. We
12 want you to tell us what you saw, what you heard, what you
13 experienced or sensed yourself. So if you found out in another way,
14 please tell us and explain us how. And if you don't remember all the
15 details, that is not a problem. It is perfectly fine to say, "I
16 don't know" or "I don't remember." And you should not be guessing.
17 Please.

18 Please answer the questions. And if more information is needed
19 or if things should be clarified, there will come a follow-up
20 question and you will be given the opportunity to make it more clear,
21 if necessary.

22 Do you understand all this?

23 THE WITNESS: [Interpretation] Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: Very well. There's also some
25 practical advice I would like to give you in relation to the

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1 answering of the questions, Mr. Witness, and that is that everything
2 that we say here is translated and recorded. So it is important for
3 you to speak into the microphone, to speak clearly, and to speak at a
4 slow pace. And this will allow the interpreters, who are sitting
5 upstairs, to translate -- to interpret everything.

6 And what is also very important is that you should only start
7 speaking when the person asking you the question has finished the
8 question. And when a question is asked, you should wait five seconds
9 before starting with your answer because this will allow the
10 interpreters to finish, to translate what you have just said, and if
11 not, it will be overlapping. And it might be difficult at the
12 beginning, but if it is going too fast, I will interrupt you.

13 If I raise my hand, please stop talking. And sometimes I might
14 ask you to take off your headphones and then you will be ushered out
15 the courtroom because if there is a question with relation to the
16 content of your testimony, sometimes we have to discuss it, and then
17 it's better that you wait outside in order not to be influenced.

18 If you have any questions, if you need a break, or if there is
19 something you would like to communicate, please raise your hand and I
20 will give you the floor. Yes?

21 Have you understood all this, too, Mr. Witness?

22 THE WITNESS: [Interpretation] Yes. Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well. As I must do with
24 every witness, I will now ask you to read the solemn declaration to
25 tell the truth. And I remind you it is an offence to give a false

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1 testimony within the jurisdiction of the Kosovo Specialist Chambers.

2 Do you understand this?

3 THE WITNESS: [Interpretation] Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: Court Clerk, can you assist the
5 witness with his solemn declaration to tell the truth.

6 Mr. Witness, please read the text proceeded to you.

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

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. You are
12 now under oath to tell the truth.

13 We can now begin with the testimony of Witness 08, starting with
14 the questioning by the Specialist Prosecutor's Office.

15 Mr. Prosecutor, I have noted that you have estimated two and a
16 half hours for questioning of the witness. Please, if there are any
17 changes, communicate it to the Panel. Thank you.

18 MR. DE MINICIS: Yes, Your Honour, we will do our best to keep
19 you updated with any changes in our estimate, should there be any.

20 WITNESS: TW4-08

21 [Witness answered through interpreter]

22 Examination by Mr. De Minicis:

23 Q. Good morning, Mr. Witness. As you heard from the Presiding
24 Judge, you have been rendered protective measures, which include the
25 use of a pseudonym, to protect your identity. So I will ask the

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1 Trial Panel to briefly go into private session in order to elicit
2 your personal details. And then we'll move right back into public
3 session and do our best -- I will do my best to try to elicit your
4 testimony as much as possible in public session.

5 MR. DE MINICIS: If we could move into private, Your Honours,
6 briefly.

7 PRESIDING JUDGE VELDT-FOGLIA: Yes. Madam Court Officer, could
8 you bring us into private session, please.

9 [Private session]

10 [Private session text removed]

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1 [Private session text removed]

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1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F541*

13 Q. One last question before we move back into public session. Do
14 you understand English?

15 A. I do understand it, but I do have difficulties speaking it.

[Private Session]

16 [Private session text removed]

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21 [Open session]

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

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

24 Mr. Prosecutor, please proceed.

25 MR. DE MINICIS:

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1 Q. Mr. Witness, are you a Kosovar Albanian?

2 A. Yes.

3 Q. I will now start by asking you some questions about the period
4 of spring 1998.

5 So you told us where you lived in May 1998. Were you living
6 with other people at that time?

7 A. Yes. *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

8 Q. And how old were you at that time?

9 A. At the time I was *[REDACTED] Pursuant to In-Court Redaction Order
F00469RED.*

10 Q. In May 1998, were you a member of the Kosovo Liberation Army?

11 A. Yes. I was in the Territorial Defence of the village, in the
12 local staff in Rashkoc.

13 Q. How did you come to join the Kosovo Liberation Army?

14 A. *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

16 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

17 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

19 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer.

20 Sorry to interrupt you, Mr. Prosecutor.

21 Could you bring us into private session, please.

22 ~~[Private session]~~ [Open Session] *Reclassified Pursuant
to F541*

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

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

25 I would like to give some instructions to the witness.

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1 Mr. Witness, please don't give any information that can identify
2 you or is specifically about you. So don't mention the town, yeah?
3 We all know now about which town we are talking, and there's nobody
4 in the public gallery, so this will be taken out of the broadcast
5 that will go to the public. So don't mention the town.

6 And I would also not give specificities about how many members
7 there are in your family. We know by the questions that were posed
8 to you.

9 And if you would like to have more information about numbers, I
10 think that it's better that we revert back to private.

11 MR. DE MINICIS: Will do.

12 PRESIDING JUDGE VELDT-FOGLIA: Then if there are no further
13 questions, then we can go back to public session.

14 Madam Court Officer, could you bring us to public session,
15 please.

16 THE WITNESS: [Interpretation] All right.

17 ~~{Open session}~~

18 THE COURT OFFICER: Your Honours, we're in open session.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

20 You have the floor, Mr. Prosecutor.

21 MR. DE MINICIS: Thank you, Your Honour.

22 Q. So, Mr. Witness, we both need to be more careful and we will try
23 to.

24 Now, you told us that you joined the defence of your village.

25 And did the KLA point, unit in that village fall under any larger KLA

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1 headquarter at the time?

2 A. It consisted of, more or less, 30 to 40 men.

3 Q. And was it part -- was it part of an area where there was a
4 higher command or was it -- did it ever become part of a bigger KLA
5 zone or headquarters, the village?

6 A. Initially we were organised at the level of the village, with
7 the instructions of the institutions of Kosovo. *[REDACTED] Pursuant to
In-Court Redaction Order F00469RED.*

8 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

9 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

10 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

11 Q. Okay. Thank you very much. So the place where you lived in
12 1998, how far was that from Jabllanice?

13 A. It was about two to three hours on foot from Jabllanice,
14 approximately.

15 MR. DE MINICIS: Your Honours, could I please ask to now use the
16 map that is on our list of exhibits, and specifically I'm referring
17 to SPOE00330881.

18 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please
19 proceed.

20 MR. DE MINICIS: Very well.

21 Q. Now, Mr. Witness, do you see the map on the screen?

22 A. Yes.

23 Q. We have tried to identify, based on information that we have,
24 the place that we believe was the area where you came from and we
25 have placed a little marker there.

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1 Is that, on the screen, the place where you lived in 1998?

2 A. Yes.

3 MR. DE MINICIS: Your Honours, if it would be possible for the
4 witness perhaps to -- if we have the technology readily available, to
5 circle the town where he lived in 1998 as it appears on the map.

6 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Clerk, could you
7 assist the witness with a pencil to indicate where he lived, if he
8 can do that.

9 THE WITNESS: [Marks]

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you for circling the name
11 of the place where you lived.

12 MR. DE MINICIS:

13 Q. Thank you, Mr. Witness.

14 MR. DE MINICIS: Now, Your Honours, if I could please have the
15 second map which has the same ERN but with a 2 instead of a 1 in the
16 end.

17 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
18 Officer.

19 THE COURT OFFICER: If I could have the indulgence for a moment,
20 please.

21 PRESIDING JUDGE VELDT-FOGLIA: Of course.

22 We have a technical issue, so we will have assistance from the
23 specialised unit, from IT, in order to see if we can solve it as soon
24 as possible.

25 MR. DE MINICIS: If Your Honours have a preference for that, I

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1 can actually also move on and perhaps do this after the break if the
2 issue is resolved, whatever the Court prefers.

3 PRESIDING JUDGE VELDT-FOGLIA: I will ask Madam Court Officer,
4 but I can -- maybe if you want to call up more evidence and we have a
5 frozen computer, then it's difficult to proceed.

6 MR. DE MINICIS: [Microphone not activated]

7 PRESIDING JUDGE VELDT-FOGLIA: We will exercise some patience.
8 Mr. Witness, we have a technical problem. Sorry for that.
9 Defence Counsel, I see you standing. You have the floor.

10 Please [Microphone not activated]

11 MR. AOUNI: Yes, sorry, Your Honour.

12 With your leave, Your Honour, can we use this time to make a
13 proposal, practical proposal? And I think I can make it in public.

14 PRESIDING JUDGE VELDT-FOGLIA: Before you make your proposal, is
15 it a proposal that the witness can be present? It's not on the
16 content of his -- of the testimony?

17 MR. AOUNI: I will try to present the suggestion in very
18 general terms so I don't believe the witness has to be withdrawn.

19 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

20 MR. AOUNI: Thank you, Your Honour. We were discussing this
21 amongst the team and we suggest that we -- our colleagues from the
22 SPO produce a paper in which a number of information about pseudonyms
23 or names or places can be produced which would be kept confidential
24 and the witness could refer to it in order to maximise the extent of
25 public testimony without having to go back and forth. The paper or

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1 the document containing references could be kept confidential and it
2 could allow everyone to go into certain details, especially when
3 specificity is needed, without having to go into private session.

4 This is a suggestion that we put there, so if everyone can agree
5 on the content, number of basic information we can use. But we put
6 it out there.

7 Thank you, Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel. I
9 will give the floor to Mr. Prosecutor and to Victims' Counsel. They
10 can react on now it. And if you would like to have some more time
11 and to come back on it later on, that is also possible.

12 Please, Mr. Prosecutor.

13 MR. DE MINICIS: Your Honours, I understand that we have
14 endeavoured to really restrict the parts that we will do in private
15 session to names of towns or very specific information. I don't
16 think that there would be much to be gained in proceeding in this way
17 right now because of the relatively small amount of information that
18 I'm planning to elicit in private session. Also, this is something
19 which could have been prepared beforehand but maybe perhaps not the
20 most efficient thing come up with this document and list now and
21 proceed on that basis. We would need to probably interrupt the
22 examination.

23 So I will endeavour to continue eliciting as much as possible in
24 public but we would not be inclined to follow that suggestion at this
25 time.

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1 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, you have the
2 floor.

3 MR. LAWS: Thank you.

4 Having reviewed the questions that we may have for this witness,
5 we think they can all be done in open session, public.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.

7 I was informed that we can proceed. That's good.

8 Thank you -- thank you for your suggestion. We still have some
9 time to go. I think that for an efficient use of the time, we have
10 planned for now that we will proceed with the caution we all know
11 that we have to take, that have to apply. However, your
12 consideration is taken on board and we will see how it goes and if
13 there is any further need. Because any suggestion to be as
14 confidential as possible and to proceed as much as possible in public
15 is welcome, but today for sure not.

16 Mr. Prosecutor, I see you standing. Is that to proceed with the
17 witness or you wanted to comment on something I said?

18 MR. DE MINICIS: Your Honour, I was going to proceed with the
19 witness.

20 PRESIDING JUDGE VELDT-FOGLIA: Very well.

21 [Trial Panel and Court Officer confer]

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I was informed
23 that, due to the technical problems, the map with the place where the
24 witness lived was not saved with his markings. So the request is to
25 redo that exercise. So I will ask Mr. Witness again to indicate

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 where he lived with the pencil that will be given to him by the court
2 clerk.

3 Mr. Witness, there has been a technical problem, and your
4 marking of the place where you lived has not been saved. So my
5 question to you is if you can re-indicate where you lived on the map
6 that is provided to you on the screen.

7 Please proceed.

8 THE WITNESS: [Marks]

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. It will
10 now be saved.

11 Madam Court Officer, please inform me as soon as it is done.

12 THE COURT OFFICER: We can proceed, Your Honour. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 Mr. Prosecutor, you have the floor again.

15 MR. DE MINICIS: Thank you.

16 Could I now request the assistance of the court officer to put
17 the next map, same ERN but 2 instead of 1 as last number, on the
18 screen, please.

19 If the part of the map with the marker placed by the SPO could
20 be scrolled further down -- no, zoom out, please -- and with this
21 level of zoom and the map scrolled down. Yes, thank you very much.

22 Q. Now, Mr. Witness, you earlier marked on the previous map the
23 place where you lived in 1998. Now, you told us that it was about a
24 two-, three-hour walk from Jabllanice. Now, do you see Jabllanice on
25 the map that is currently before you? And if you like the map to be

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Additional redactions applied pursuant to F541.

1 zoomed --

2 A. Yes.

3 Q. Could you please circle it, please.

4 A. It used to be called Jabllanice and now it's called Shqiponje.

5 Q. Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]

7 THE INTERPRETER: Microphone for Your Honour, please.

8 PRESIDING JUDGE VELDT-FOGLIA: For the record, I state that the
9 witness has put a circle around the name of the town in blue. And
10 that will be saved now too.

11 Thank you, Madam Court Officer.

12 MR. DE MINICIS:

13 Q. Now, Mr. Witness, now that we have identified the place where
14 you lived in 1998, you helped us locate it on a map, I would like to
15 move on to talk about your father. Of course, we will be careful not
16 to mention his name to protect your identity, and even not to provide
17 too many details about the location where he did the job that I'm
18 about to ask you about.

19 But in the 1990s, what was your father's job?

20 A. From 1990 until 1997, he worked with the police.

21 MR. DE MINICIS: Your Honours, if we could briefly move into
22 private session to ask a couple of more specific questions which
23 could be identifying.

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
25 bring us into private session, please.

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 [Private session]

2 [Private session text removed]

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20 [Open session]

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

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

23 Please proceed, Mr. Prosecutor.

24 MR. DE MINICIS:

25 Q. Mr. Witness, you told us that your father worked as a police

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Additional redactions applied pursuant to F541.

1 officer until 1997. Why did he stop being a police officer on that
2 year?

3 A. Because of the circumstances, war circumstances, the state,
4 Serbia, the Ministry of Interior, forced him to retire. At the time,
5 the situation was not very good. I don't know what the purpose was
6 behind this, but the -- he was forced to retire by Vlastimir
7 Djordjevic who was convicted for war crimes. And there is
8 documentation testifying to this.

9 Q. Thank you. And do you know the reason why this person forced
10 your father to retire?

11 A. I think because he was Albanian.

12 Q. Thank you. Was your father, by virtue of his job, a known
13 person within the local community?

14 A. Yes, he was known, and you can ask the local community about his
15 work. He was never accused by the community for criminal acts or for
16 anything that would involve unlawful activity.

17 Q. Did his employment in the police force affect in any particular
18 way your family's standing within the local community, your relations
19 with your neighbours?

20 A. Could you please repeat the question?

21 Q. Absolutely. Did your father's work as a police officer affect
22 in any way the relation that your family had with the local
23 community?

24 A. Yes, it did. And I believe that was the reason why he was
25 forced to retire.

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 Q. Did any -- could you elaborate a bit further how his position as
2 a local police affected your family within the community where you
3 lived?

4 A. Within the community where we lived, everything was fine. In
5 other words, he was in good relations with everybody in the
6 community. He had good relations with school principals, with people
7 who had responsible positions in the municipality, so he had
8 excellent relations with everybody. And he protected the area of
9 Dushkaja. Nothing unlawful or illegal was committed in that area
10 because of this -- his work. And that is why he was then forced to
11 retire in 1997. He was dismissed.

12 Q. Thanks for your explanation. Thank you very much.

13 Was your father politically active in the 1990s up until 1998?

14 A. He was not politically active, but as a family and my father
15 personally supported the LDK which was led by the late
16 president Ibrahim Rugova.

17 MR. DE MINICIS: Your Honours, could we move briefly into
18 private session for a question or two, please.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes.

20 Madam Court Officer, could you bring us into private session,
21 please.

22 [Private session]

23 [Private session text removed]

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Witness: TW4-08 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

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[Open Session] *Reclassified Pursuant to F541*

2 Q. Did your father do any work with members of the LDK?

3 A. He spoke to them. He had excellent relations with them. The
4 entire family, we were in the LDK. We also have the membership cards
5 and the contributions that we gave to their work.

[Private Session]

6 [Private session text removed]

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Witness: TW4-08 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F541*

23 Q. Mr. Witness, you've already told us that your father would have
24 good relationships with people from the LDK. When I interviewed you
25 [REDACTED], you stated, after I asked you whether your father was

Witness: TW4-08 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 politically active:

2 "He wasn't politically engaged. He would stay close with people
3 belonging to the LDK."

[Private Session]

4 [Private session text removed]

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

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[Open Session] *Reclassified Pursuant to F541*

19 PRESIDING JUDGE VELDT-FOGLIA: I will give the floor to my
20 colleague for a follow-up question in this respect.

21 Mr. Witness, my colleague on my left side will ask you a
22 question.

23 JUDGE BITTI: Thank you, Madam Presiding Judge.

24 Mr. Witness, I have just a simple question. From what you said,
25 can we deduce that all the children from the different communities

Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 went to the same school? That's what you are telling us?

2 THE WITNESS: [Interpretation] No. There were other areas, for
3 example, in Gjakove or in other municipalities, in other areas the
4 school process was held in private houses, in churches, in mosques,
5 because they were not allowed to go to school buildings, to state
6 school buildings. Whereas in Dushkaja area, all the educational
7 process, elementary school, for example, in Bec, Meqe, Jabllanice,
8 Zhabel, Gergoc, Kralan, Cermjan, the pupils went to school buildings
9 not to private houses or mosques or churches.

10 This is what I wanted to explain. This is known in our
11 community. The entire community knows this.

12 JUDGE BITTI: Okay. So I repeat my question. Does that mean
13 that the children from different communities went to one school
14 instead of going to different religious buildings?

15 Is that what you are explaining to us?

16 THE WITNESS: [Interpretation] Yes.

17 JUDGE BITTI: Thank you.

18 Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

20 Mr. Prosecutor, please proceed.

21 MR. DE MINICIS: We're still in private session, Your Honour;
22 correct?

23 PRESIDING JUDGE VELDT-FOGLIA: Yes, we are.

24 MR. DE MINICIS:

25 Q. Thank you for your explanation, Mr. Witness. Just one follow

Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 up. You were telling us how this was the case in the Dushkaja area
2 and you listed a number of towns. You included Jabllanice. Is that
3 correct?

4 A. Yes.

5 Q. So was Jabllanice part of the Dushkaja area?

6 A. Yes.

7 Q. Thank you. One last question in private. Then we can move out.
8 So you told us that your family supported the LDK, together with
9 your father. Was this known within the community?

10 A. Yes. The whole community knows that.

11 MR. DE MINICIS: Your Honour, I think it's now safe to move back
12 into public session.

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
14 bring us into public session, please.

15 ~~[Open session]~~

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

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

18 Mr. Prosecutor, please proceed.

19 MR. DE MINICIS:

20 Q. Mr. Witness, you told us about the place where you lived with
21 your family in May 1998. Did you continue living in that same house
22 throughout the summer of 1998?

23 A. Yes.

24 Q. So, for instance, in June or July 1998, you were still living in
25 the same house where you lived with your family in May? Was that the

Witness: TW4-08 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 case?

2 A. Yes.

3 Q. Now, did anything happen to your family in May 1998?

4 A. Yes. In the latter part of May, as far as I remember, the end
5 of May, two persons came, two persons from Jabllanice, from the KLA,
6 Hamez Ibrahimaj, and another person also by the last name of
7 Ibrahimaj, Naser Ibrahimaj, came the first time. The first time,
8 these two persons came to our house and spoke to my brother allegedly
9 to surrender the weapons that we had for the village defence. My
10 brother told them that my father was not there at the time. I met
11 them on the street close to the house and told them when they asked
12 me, they told me that we needed to surrender the weapons. However, I
13 said that we need that to defend the village and it is not sensible
14 to surrender them. This was the order of Lahi Ibrahimaj. That is
15 what they stated.

16 Two or three days later, they came again, Naser Ibrahimaj, Hamez
17 Ibrahimaj, together with a number of soldiers who were standing around
18 the fence of the house. They had automatic rifles. They had
19 weapons -- another weapon to -- for the destruction of houses or
20 premises. And Naser Ibrahimaj and Hamez Ibrahimaj came inside the
21 courtyard, entered the courtyard, whereas the other ones were
22 standing around the fence. Our house was 25 metres away from where
23 they were positioned. Some of them had masks, some of them had hats,
24 and told us to surrender the weapons, which we did not do because we
25 needed those to defend ourselves, to fight.

Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 Later on, [REDACTED] Pursuant to In-Court Redaction Order
F00469RED. -- some time passed. Some said
2 that -- someone said to the persons who were in the yard to -- to get
3 away from the yard because they were planning to attack the house.
4 They took the revolver from my brother, and my mother told team that
5 [REDACTED] Pursuant to In-Court Redaction Order F00469RED.
6 [REDACTED] Pursuant to In-Court Redaction Order F00469RED.
7 [REDACTED] Pursuant to In-Court Redaction Order F00469RED. Afterwards,
they left towards
8 Jabllanice. They left the house.

9 Q. Okay. Now, thank you for telling us the details of this
10 incident. I would like to ask you a few more questions about it.

11 MR. DE MINICIS: If we could move briefly into private session,
12 Your Honour, please, before I do so.

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please bring
14 us into private session, please.

15 ~~[Private session]~~ [Open Session] *Reclassified Pursuant
to F541*

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

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

18 Mr. Prosecutor, please proceed.

19 MR. DE MINICIS:

20 Q. Mr. Witness, maybe I was -- maybe it's my fault. We should have
21 done this in private session. But you should be careful not to
22 mention perhaps the names of the members of your family. [REDACTED]
23 [REDACTED] I know it's
24 difficult to remember and to pay attention. I would like to do this
25 as much as we can in public, but, of course, there are risks involved

Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 with that.

2 And so now we're in private session, nobody can hear. As we go
3 back, let's try to be careful.

4 MR. DE MINICIS: And, Your Honours, we will be some redactions
5 of the part that the witness has already -- has just stated.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, we are in -- it's
7 a work in progress. We have been doing that too. So we will compare
8 what has come -- what will come in from the SPO with our own
9 proposals. So that's taken care of.

10 MR. DE MINICIS: At this point, Your Honour, there are some
11 risks involved in going back into public session. Considering that
12 we seem to be alone and there is the delay, perhaps we can, for the
13 benefit of the public, go into public session and continue redacting,
14 if that's the case, but ...

15 PRESIDING JUDGE VELDT-FOGLIA: I think I prefer then to do it
16 the other way around.

17 MR. DE MINICIS: Yes, very well.

18 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

19 MR. DE MINICIS: Then we will remain in private session for the
20 time being.

21 PRESIDING JUDGE VELDT-FOGLIA: Yes. And allow me to indicate
22 that we are eight minutes to 11.00, for your planning purposes.

23 MR. DE MINICIS: Thank you very much. I will just then ask a
24 couple of follow-up questions and then we can cut off and continue
25 with the rest of this incident later.

Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 Q. Mr. Witness, the day -- and now we are in private session. The
2 day that this group of people came to your house, were you at home on
3 that day?

4 A. Yes.

5 Q. And you're certain you were at home that day?

6 A. 100 per cent certain. The entire family was present.

7 Q. So I'm just asking you because we have a document which is from
8 2002.

9 MR. DE MINICIS: And if I could have it on the screen. It's
10 061216-061218 RED.

11 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
12 Officer.

13 MR. DE MINICIS: And could we also have the Albanian version
14 bearing essentially the same ERN and show the first paragraph on the
15 first page.

16 Q. And I just would like you to clarify this issue for the Panel.

17 These are notes taken by an investigator [REDACTED]
18 [REDACTED]. And these notes, the first paragraph, appear to
19 record you saying that:

20 "I was not at home at the time."

21 Do you see that?

22 A. At the time when the two persons arrived, the two persons came
23 the first time, Hamez Ibrahimaj, I was not there, only my brother was
24 there. But I met them at the front door. But when these two persons
25 came inside the courtyard the second time with the other KLA

Witness: TW4-08 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F541* Page 644

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Additional redactions applied pursuant to F541.

1 soldiers, 10 to 15 persons that were staying outside of the house,
2 some wearing masks, some wearing hats, carrying automatic rifles, I
3 was present.

4 Q. Thank you very much for clarifying that, Mr. Witness.

5 MR. DE MINICIS: Your Honours, perhaps this could be -- although
6 we are five, six minutes late, before I continue with the rest of the
7 examination of this incident, if we could take the break five minutes
8 earlier, that would be helpful.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

10 Madam Court Officer, could you bring us back into public
11 session, please.

12 ~~{Open session}~~

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

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

15 Mr. Witness, it's time for a break now. We will take a
16 30-minute break. Madam Court Usher will be so kind to usher you out,
17 and we see you back at 11.25.

18 THE WITNESS: [Interpretation] Thank you.

19 [The witness stands down]

20 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will resume in 30
21 minutes.

22 The hearing is adjourned.

23 --- Recess taken at 10.56 a.m.

24 --- On resuming at 11.26 a.m.

25 PRESIDING JUDGE VELDT-FOGLIA: Before -- welcome back.

Witness: TW4-08 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 examination of the witness.

2 MR. DE MINICIS: Thanks, Your Honour. And I take it we're now
3 in public session.

4 PRESIDING JUDGE VELDT-FOGLIA: Yes. We start always in public
5 session.

6 MR. DE MINICIS: Of course.

7 Q. Now --

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, excuse me. There
9 is one thing I still have to say, which is a general remark for all
10 of us. I was asked to convey to you to be very attentive with the
11 button for the microphone. So when the witness is talking, please
12 switch off your microphone in order to avoid that his voice may leak
13 out. So it's important to be careful with that, yes? Good.

14 You have the floor, Mr. Prosecutor.

15 MR. DE MINICIS: Thank you.

16 Q. Mr. Witness, welcome back. Before we took the break, we were
17 talking about -- you were telling us about a time in May 1998 when a
18 group of people came to your house. Some questions -- some follow-up
19 questions about that. The first one is: Were these people wearing
20 uniforms?

21 A. Yes, some of them. Some of them wore uniforms, and there were
22 also some who had part of uniforms and some civilian clothes, mixed.
23 But in general, with uniforms.

24 Q. Were they wearing any insignia on their uniform?

25 A. Yes. The two that were in the courtyard, they had the insignia.

Witness: TW4-08 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 Whereas the rest that were by the fence, I could not see that. It
2 was far, about 20, 25 metres away.

3 Q. What insignia were the two people who came closer to you, what
4 insignia were they displaying on their uniforms?

5 A. It was the KLA insignia.

6 Q. You earlier stated that these people were armed, and I'm
7 referring to page 32, lines 11 and 12 of the provisional transcript.
8 You referred to a weapon for the destruction of the house.

9 Could you clarify what you meant by that, please.

10 A. Weapon for destruction of houses is something that we called a
11 grenade launcher. It is used usually to attack fortifications,
12 buildings.

13 Q. Now, thank you for that clarification.

14 Still on page 32, in lines 1 to 3, you stated that these men
15 talked to your brother, requesting weapons, and he told them that
16 your father was not at home. Were they looking for your father? Is
17 that why he gave them -- you stated that?

18 A. Yes. We hid our father in a room to avoid the worst that could
19 happen.

20 Q. And what did they -- did they specify what they wanted from your
21 father?

22 A. "We have an order from Lahi Brahimaj to hand over your weapons
23 and for your father to report to Jabllanice staff."

24 Q. Thank you. Did your father go with them?

25 A. No.

Witness: TW4-08 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 Q. You had mentioned the names of two people who were part of that
2 group. Do you know anybody else who was part of that group that day?

3 A. That day, only the two that were in the courtyard were the ones
4 that I knew by name because they introduced themselves as people from
5 the staff, from the headquarters. Later on, through neighbours,
6 through information from former KLA members, I learned that there was
7 also Pjeter Shala with the pseudonym Ujku.

8 Q. Did you know Pjeter Shala at the time?

9 A. Never in my life.

10 Q. Could then -- could you then please explain how did you actually
11 learn that he was among the people who were part of that group,
12 starting by telling us from whom you learned that?

13 A. Since my father was held for sometime in Kukes in the factory,
14 metal factory, iron factory, so to say, there, Pjeter Shala
15 personally exercised violence against my father using electricity,
16 baseball bats, axe handles, beating my father and the other detainees
17 badly.

18 Q. I understand. We will get to that later. But if you could more
19 precisely answer my question. How did you learn that Pjeter Shala
20 was part of the group that came to your house on that day in
21 May 1998?

22 A. When they came there, there was some neighbours who asked them,
23 "Why are you here? What are you looking for?" Those who were by the
24 fence told them, "Go away." And the neighbours identified him there
25 as Pjeter Shala. Later on, when I wanted to find out who that person

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 could be, I was told that Pjeter Shala was the person with the
2 rifle -- grenade launcher.

3 So I didn't know him personally, but there were people who knew
4 him and identified him.

5 Q. Did you learn that one -- so you told us that you learned from
6 your neighbours that one of the people was Pjeter Shala. Did you
7 learn that through any other channel, through any other person, in
8 addition to your neighbours?

9 A. Through my neighbours and through my father and other people who
10 were KLA fighters.

11 Q. In fact, my next question was going to be if you know how the
12 people who told you, "That's Pjeter Shala there," how did they know
13 him?

14 A. They knew him because they worked together.

15 Q. And where is it that they worked together? In which location?

16 A. They worked together in the war. So after my family withdrew,
17 they knew who that person was. *[REDACTED] Pursuant to In-Court
Redaction Order F00469RED.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.* And we were
informed about these

19 people later on.

20 Q. Did your neighbours specifically provide you with that name,
21 Pjeter Shala, or did they use any other identifying name or surname?

22 A. They specifically mentioned his pseudonym, Ujku, as he was
23 called.

24 Q. Now, Mr. Witness, is there any --

25 MR. DE MINICIS: If we could have, Your Honours, perhaps the

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 witness's ICTY statement from 2010. ERN U0174052-U0174057 RED2.

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

4 MR. DE MINICIS:

5 Q. Mr. Witness, do you recall giving a statement to the
6 International Tribunal for the former Yugoslavia in the year 2010?

7 A. Yes.

8 Q. As I was preparing for your testimony today, I was perusing the
9 statement and I noticed that, at the time, you did not mention this
10 information that you're telling us today about Pjeter Shala being
11 among the people who came to your house.

12 Is there any specific reason that you may have -- may recall
13 today why you did not -- why the name is not included in that
14 statement?

15 A. [REDACTED]

16 [REDACTED]

17 [REDACTED] I was the
18 one who came to your house. Why didn't you come out when we came to
19 arrest you to take you?" And he told him about the whole violence
20 that he exercised against the people held in Kukes.

21 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please answer the
22 question of the -- of Mr. Prosecutor. He asked you why you did not
23 mention the name of Mr. Shala in your testimony before the ICTY.
24 That was the question.

25 THE WITNESS: [Interpretation] I did give this statement. I

Witness: TW4-08 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 believe it is signed.

2 MR. DE MINICIS:

3 Q. My question was simply if you can recall any reason why the name
4 may not be in the statement. If you don't recall that, we can move
5 on.

6 A. The name in the statement, well, I don't know. Maybe it wasn't
7 important to mention it at that time. There were other people maybe
8 of interest for the investigators, there were other trials, so this
9 could be one of the reasons.

10 Q. Thank you, Mr. Witness.

11 Now, you told us -- you were telling us what Pjeter Shala told
12 your father at the time.

13 MR. DE MINICIS: And, Your Honours, if we could briefly move
14 into private session for a little follow-up. I think that would be
15 safe.

16 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
17 bring us into private session, please. Thank you.

18 [Private session]

19 [Private session text removed]

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Witness: TW4-08 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-08 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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10 [Open session]

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

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 You may proceed, Mr. Prosecutor. It appears earlier on our
14 transcript than it is said.

15 MR. DE MINICIS:

16 Q. We're now back in public session, so we'll both be careful.

17 After -- so now we go back to this incident when people come to
18 your house. We discussed it at length. What happened after these
19 people came? You told us a weapon was given to them. What happened
20 after that?

21 A. After that, they left towards Jabllanice. We were aware that
22 the situation was not good, and we left - the entire family - to go
23 to Gjakove.

24 Q. So if I understand you correctly, after that incident, your
25 family left the house where you were staying until May 1998 and moved

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Additional redactions applied pursuant to F541.

1 to the town of Gjakove; is that correct?

2 A. Yes.

3 Q. How long after this visit that your family received did you move
4 out of the house?

5 A. We left the house on the same day.

6 Q. How long did you remain in Gjakove after you moved there?

7 A. We stayed in Gjakove in a private apartment. We paid for it.
8 And we stayed there until the massive expulsion of the Kosovo
9 population by the Serbian forces towards Albania. This was at the
10 end of March, late March 1999.

11 Q. Thank you. There was one question which relates more to the
12 previous incident that I forgot to ask you, so I will go back to this
13 one. In your answer, try not to provide any detail which may
14 identify you.

15 To the best of your knowledge, why was your father and your
16 household targeted on that day?

17 A. We did not allow him to go outside the house to avoid the worst
18 that could happen.

19 Q. And to the best of your knowledge, why were these people looking
20 for your father on that day?

21 A. The General Staff can know the answer, and they evoked
22 Lahi Brahimaj. They said, "We have orders from Lahi Brahimaj."

23 Q. Thank you. Now, you just told us that it was about the end of
24 March 1999 when your family moved away from Gjakove and went to
25 Albania; that's correct?

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Additional redactions applied pursuant to F541.

1 A. Yes.

2 Q. Why did you decide to move to Albania at the end of March 1999
3 and leave Kosovo?

4 A. The bombing started and the Serbian forces persecuted the entire
5 town, and we left in the direction of Albania in long columns or
6 convoys.

7 Q. At the time was your father still a member of the police?

8 A. No.

9 Q. So where did you first go once you arrived to Albania?

10 A. First we arrived in Kukes. We were received by humanitarian
11 organisations. They gave us food, water, and other support. And
12 then we set off in the direction of Durres, since an aunt of ours was
13 sheltering there. She had also fled because of the war, and she had
14 settled there earlier.

15 Q. I think we're good so far, but be careful not to give any more
16 precise details about the identity of this person, just in case it
17 could identify you. But I think so far we are good.

18 A. At 1200 hours, at midnight, that is, we arrived at

19 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.* in Durres. An
20 Albanian from Albania offered

21 us shelter in his own house. He received us, the whole family, in
22 his house for the night.

23 MR. DE MINICIS: Now, Your Honours, can we please move into
24 private session briefly.

25 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
bring us into private session, please.

Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
to F541

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

3 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you.

4 Mr. Prosecutor.

5 MR. DE MINICIS:

6 Q. Mr. Witness, once you arrived Durres, where did your family
7 initially stay?

8 A. Upon arriving in Durres, my family stayed in a house of an
9 Albanian from Albania. [REDACTED]

10 [REDACTED]

11 Q. Did you stay anywhere else [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A. We stayed in cars there on the road. And then we met this
15 person accidentally.

16 Q. Thank you. And I understand a lot of time has passed. But I
17 would like, with the Panel's permission, to refresh your memory,
18 pursuant to Rule 143(1), by reading you a short passage of the
19 interview you gave to us at that time in 2022 on this topic.

20 PRESIDING JUDGE VELDT-FOGLIA: Could you pull it up on the
21 screen.

22 MR. DE MINICIS: Yes, of course.

23 PRESIDING JUDGE VELDT-FOGLIA: I have a preference for -- you
24 can read it out, but I also like to have it on the screen, please.

25 MR. DE MINICIS: Yes, of course. And this would be

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Additional redactions applied pursuant to F541.

1 105285-TR-ET, Part 2, Your Honours, page 4 in English. And that
2 would also be page 4 in Albanian, lines 12 to 16.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 MR. DE MINICIS:

5 Q. Now, at lines -- I'm going to read lines 4 to 6 in English.

6 We were talking about your stay in Albania and you stated:

7 "So for one week we stayed at our aunt's place. But after that,
8 we were taken -- we went to the place of [REDACTED] because of what
9 was happening at the time there."

10 That's why I was asking you whether you or someone from your
11 family had stayed somewhere else before moving to [REDACTED] place.
12 Does this refresh your recollection of the events at the time,
13 Mr. Witness?

14 A. I remember this. I said that the first time, the person that I
15 mentioned earlier, we stayed there one night. That was [REDACTED].
16 The following day, we went to the place where my aunt was staying.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED] And until we returned to Kosovo, we stayed there.

20 Q. Thanks for the clarification.

21 PRESIDING JUDGE VELDT-FOGLIA: We are in private session,
22 Mr. Prosecutor.

23 MR. DE MINICIS: Yes. We can -- Your Honour, I think it is safe
24 to move back into public session now that we've clarified these
25 details.

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 Madam Court Officer, could you bring us into public session,
3 please.

4 ~~{Open session}~~

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

6 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]

7 MR. DE MINICIS:

8 Q. Now, Mr. Witness, you just explained us how you moved from one
9 place to the other. And you stated that: After several incidents
10 happened, then we moved to this other person's place. And this was
11 page 48, lines 15 to 17 of the provisional transcript.

12 What incidents are you -- did you refer to? Could you please
13 elaborate?

14 A. Yes. The incidents happened one after the other, involving my
15 father and another person called Locka, who was wearing a wig, wanted
16 to abduct my father. First pretending to look for a family, but
17 later on asked him to get into the car. My father at the time was
18 strong physically, so they had a scuffle. He took the weapon from
19 him and told him that he will not come. "Who are you? You need to
20 identify yourself. Who are you?" And then later on, he threw the
21 gun back at him in his car and he left hurriedly.

22 Afterwards, not on the same day --

23 MR. DE MINICIS: [Microphone not activated] ... Your Honour.

24 Q. When this incident happened, at that time, were you staying in
25 the first place or in the place where you moved after that? In

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Additional redactions applied pursuant to F541.

1 which -- were you staying at your aunt's place or in the other place?

2 A. No. This is -- these incidents happened when we stayed at our
3 aunt's place. Three incidents. In one week while we stayed there,
4 these happened.

5 Later on, [REDACTED] Pursuant to In-Court Redaction Order
F00469RED. came and he offered us shelter in Durres.

6 Q. Thank you very much.

7 Now, after you moved to this new place in Durres, did any -- did
8 anything happen to your family?

9 A. My father was abducted there. I was present and the owner of
10 the house, we went for a stroll at the time. A car arrived. It was
11 a blue car, Ascona make, with licence plates AG. I could not
12 remember the numbers on the plates. That was the same vehicle that
13 was used in the incidents where we were staying with my aunt and also
14 when my father was abducted by four persons allegedly from the KLA.
15 That is how they introduced themselves.

16 They stopped the car in a very appropriate place where it's --
17 it's between walls, the street was between walls, and it did not
18 allow for any way to escape that problem. The four persons came out,
19 all of them were armed, and told him to surrender because he was
20 being arrested. My father said to them, "Do you have an arrest
21 warrant? An official?" They told him, "Shut up, you are being
22 arrested." And we again had a scuffle with them, tried to protect
23 ourselves. And the owner of the house told me to go and get my
24 brothers and my cousins.

25 I went to the house where we were staying to seek help, but my

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Additional redactions applied pursuant to F541.

1 father was abducted by these four persons. One of them was
2 Bashkim Lama. The one who was -- who took part in the previous
3 incidents with a wig. But on that day he was not wearing the wig.
4 He did not have any hair. He was bald. And his nickname was Locka.
5 Bashkim Lama knows that better, who they are, who sent them there,
6 who ordered them to go there. Because this wasn't something that was
7 done legally, so there was no arrest warrant. So he was abducted
8 forcibly.

9 Q. Thank you, Mr. Witness. I'm going to ask you just two or three
10 questions in relation to -- as a follow-up to what you just told us.

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, would it be
12 better to go into private? Just depending on what type of questions
13 you would like to ask.

14 MR. DE MINICIS: I think that, at least the first two questions,
15 I can ask them in public session, Your Honour, and then we can
16 proceed.

17 PRESIDING JUDGE VELDT-FOGLIA: Let us go into private session
18 just for one moment.

19 MR. DE MINICIS: Yes, yes.

20 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
21 bring us into private.

22 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
to F541

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

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

25 The name Locka is in the indictment redacted. So I would kindly

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Additional redactions applied pursuant to F541.

1 ask you, Mr. Witness, in public session, it's better that you don't
2 use that name. And also not the name of Lama. Yes?

3 So if you think that you cannot answer the question without
4 mentioning those names, then you ask me or the Prosecutor to go
5 into -- that you cannot say it, and then we go into private session.
6 Yes?

7 Madam Court Officer, could you bring us back into public
8 session, please.

9 ~~{Open session}~~

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

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

12 Mr. Prosecutor, you may proceed.

13 MR. DE MINICIS: Thank you, Your Honour.

14 Q. So you just told us about this time during which you were
15 present, and your father was abducted.

16 Now, page 50, line 14 and 15 of the transcript, you stated:

17 "... when my father was abducted by four persons allegedly from
18 the KLA. That is how they introduced themselves."

19 So did anybody from the group announce that they were members of
20 the Kosovo Liberation Army?

21 A. Yes, Bashkim Lama.

22 Q. Very well. Were they wearing any uniforms?

23 A. They had black -- were wearing black clothes, black T-shirts,
24 all four of them.

25 Q. What distance were you from this group of people as this

Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 situation was unfolding?

2 A. I was together with them. I was resisting.

3 Q. So you had physical contact with them?

4 A. Yes.

5 Q. Could you see if they were wearing any insignia?

6 A. Well, in those moments, I recognised one person.

7 Q. And let's not repeat the names of these people, maybe.

8 A. I recognised one person, but I don't remember anything specific.

9 But they introduced themselves as being from the police, that he was
10 being arrested, and such things.

11 Q. So did they introduce themselves as being from the police or
12 from the Kosovo Liberation Army? Just for my clarity on this.

13 A. The KLA police.

14 Q. Thank you. And now just for clarity, was any of the people
15 involved in this incident also involved in any of the previous
16 attempts that you told us about, those attempts that eventually led
17 to you move out of the house where you were staying? Without
18 mentioning any names, was anybody involved in the previous attempts?

19 A. Yes.

20 MR. DE MINICIS: Your Honours, can we just go into private
21 session quickly. Thank you.

22 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
23 bring us into private session, please.

24 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
to F541

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

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Additional redactions applied pursuant to F541.

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

2 Mr. Prosecutor, please proceed.

3 MR. DE MINICIS:

4 Q. And could you now tell us, now we are safely in private session,
5 who of the four individuals who were involved in this incident that
6 you just told us were also involved in previous incidents looking for
7 your father while you were in Albania?

8 A. During the incident with my father, Locka was there. Whereas
9 where my older brother was held for an hour until my father arrived,
10 they told him that he was being held until such time as my father
11 arrived. And they held him in a van, in a mini-bus until my father
12 arrived. And while he was being held, my father -- my brother saw
13 Bashkim Lama present. This was when we were staying with my aunt,
14 during the first incidents.

15 Q. Which one of your brothers are you talking about was held in a
16 van?

17 [REDACTED]

18 Q. Do you remember how long this happened after your arrival in
19 Albania?

20 A. This happened -- we stayed for one night with [REDACTED] The
21 following day we went to my aunt's. So this was the period when that
22 happened. When we were staying with my aunt. During the days while
23 we were staying with my aunt.

24 Q. I'd just like to go back briefly to the time when you travelled
25 from Kosovo down to Albania. Were you stopped? Was your family

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Additional redactions applied pursuant to F541.

1 stopped by anybody as you were en route from Kosovo to Albania?

2 A. From Kosovo to Albania, yes, we were stopped. They also
3 introduced themselves as being from the KLA police. That was in city
4 of Lac in Albania. But there, we presented our IDs to the Albanian
5 police, saw the documents. They asked where they were going, and so
6 forth, and they released us.

7 Q. Thank you. Now, do you remember the -- I'm moving forward again
8 to the time that this abduction happened.

9 Do you remember -- a lot of time has passed, but do you remember
10 with any precision the date in which this incident took place?

11 A. [REDACTED]

12 [REDACTED]

13 [REDACTED] It happened while we were taking a stroll, as I
14 mentioned earlier, with the owner of the house, and we were met by
15 this car, Opel Ascona in blue colour, with Swiss licence plates AG.

16 Q. I understand. Thank you very much. And just for the record,
17 we're talking about May 1999 now; correct?

18 A. 1999.

19 Q. Was this group of people successful in abducting your father on
20 that day, [REDACTED] May 1999?

21 A. Yes, he was abducted.

22 Q. What did you do after this group of people abducted your father?

23 A. I went immediately to the police station in Albania. I reported
24 the case. Afterwards, I also went to OSCE centres, USAID and other
25 organisations there who had their offices in Albania.

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Additional redactions applied pursuant to F541.

1 Q. Did you go alone or with anybody else to report the incident to
2 the police?

3 A. With the owner of the house.

4 Q. How long after your father was taken away did you report this
5 incident to the police?

6 A. Immediately after that.

7 Q. Did the police take any immediate action upon your report of
8 your father's abduction?

9 A. They took the statement. I was present, giving statements.
10 They reached two patrols in the field. I heard them communicating
11 through radio communications, and that was all. There were no
12 results that came from that.

[Private Session]

13 [Private session text removed]

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Additional redactions applied pursuant to F541.

1 [Open session]

2 THE COURT OFFICER: Your Honours, we're in open session. Thank
3 you.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you have the
5 floor.

6 MR. DE MINICIS:

7 Q. We're now back in open session.

8 Now, you told us how your father was kidnapped, how you reported
9 the kidnapping to the police. After that day, did you see your
10 father again?

11 A. No. We saw my father again 13 days after that. That was, he
12 was released beginning of April [REDACTED] Pursuant to In-Court
Redaction Order F00469RED.

13 [REDACTED] Pursuant to In-Court Redaction Order F00469RED.

14 [REDACTED] Pursuant to In-Court Redaction Order F00469RED.

15 Q. Now, just to clarify because I think you said he was released at
16 the beginning of April, but you told us he was kidnapped in mid-May.
17 So perhaps ...

18 A. I apologise. Beginning of June.

19 Q. Thank you. I thought that. And when you saw him again, you
20 told us that [REDACTED] Pursuant to In-Court Redaction Order F00469RED.

21 [REDACTED] Pursuant to In-Court Redaction Order F00469RED. Where did
they bring him back?

22 A. Yes.

23 Q. Where did they bring back your father upon his release?

24 A. They brought my father to [REDACTED] Pursuant to In-Court Redaction
Order F00469RED.

25 [REDACTED] Pursuant to In-Court Redaction Order F00469RED.

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Additional redactions applied pursuant to F541.

1 Q. Thank you. Now, were you present when your father was brought
2 back?

3 A. Yes.

4 Q. And he had been away for 13 days; correct?

5 A. That is correct.

6 Q. What was your father's condition when he was brought back?

7 A. When my father came back, he was in a completely inhuman state.
8 He stunk; that is, he was not clean. He had wounds on his head. His
9 elbow was injured. He had lost weight. And when he came inside, we
10 also noticed other things, such as burn marks on his chest. You
11 could see that he was brutally beaten from the state that he was in.

12 Q. And did you personally see these marks that you are now
13 describing to the Panel?

14 A. I saw all of them personally.

15 Q. Did you notice any other change in your father's appearance, in
16 addition to those you have just described to the Panel?

17 A. I noticed the physical changes, the weight loss.

18 Q. Thank you. Now, what we have just discussed is what you saw
19 upon your father's return from this 13-day absence. You've told us
20 what you had personally seen. And in this regard before we move on,
21 I'd like to ask you who else was present with you when your father
22 came back?

23 A. The entire family, except for one brother who was in Kosovo.

24 Q. Now, after having asked you what you noticed from your father's
25 appearance upon his return, I'd like to ask you if you -- if your

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Additional redactions applied pursuant to F541.

1 father ever shared with you or with other members of the family
2 anything that had happened to him during these 13 days.

3 Did your father at any point tell you what had happened to him?

4 A. Yes.

5 Q. And how long after his return did he begin sharing this
6 information with you?

7 A. The following day, because he needed to recover. Because when
8 he was brought by the intelligence service, his condition was
9 terrible. But he didn't say anything. We all saw them ourselves.
10 But the following day, he started talking little by little. He told
11 us of the horrible things he had experienced there. He was held for
12 two days in a centre in Ramallak, and two days later he was sent to
13 Kukes, at the metal factory. And there, a violence ensued that you
14 can never do against a human being, not only against my father but
15 also against all the detainees that were held there.

16 Q. You told us that your father, upon his abduction, was taken to a
17 place that you have referred to as Ramallak, I believe, and
18 thereafter he was moved to Kukes. Correct?

19 A. Yes.

20 Q. You generally described the conditions and you have made
21 reference to "all the detainees that were held there."

22 Now my question is: Did you -- how did you learn that there
23 were other people? Did your father tell you there were other people
24 detained with him during that time?

25 A. Yes.

Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 Q. And are you referring to Ramallak or Kukes?

2 A. Kukes. I'm referring to Kukes. But such things happened also
3 in Ramallak. Because when my father was sent to Kukes, he was
4 escorted by four persons -- or he was with four detainees. He was
5 the fourth detainee. According to my father, there were four of
6 them.

7 Q. Thank you. Do you recall if your father, as he was telling you
8 about his detention in Kukes, did he name any of those people who
9 were detained with him? Did he provide any names or did he refer to
10 them in any way?

11 A. Yes.

12 Q. And do you recall here today the names of any of the people who
13 were --

14 MR. DE MINICIS: Your Honours, perhaps we could move into
15 private session before we continue with this question.

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

18 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
19 *to F541*

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

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 Mr. Prosecutor, you may proceed.

22 Mr. Witness, we are in private session now.

23 MR. DE MINICIS:

24 Q. So who -- what names or details do you remember today? I
25 understand a lot of time has passed. But what names do you remember

Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 your father told you were the people detained with him?

2 A. Related to the persons that were detained there, those are
3 Sabit Geci, Xhemshit Krasniqi, and Pjeter Shala.

4 Q. Now, I should be more precise.

5 You earlier told us that there were other detainees there; so
6 people that, like your father, were detained there. Do you recall
7 these people who you've just mentioned now, were they detained in
8 Kukes like your father? Were they prisoners?

9 A. Yes.

10 Q. Okay. Now, so your father was kidnapped and deprived of liberty
11 and you told us earlier -- so I'm reading at page 59 of your
12 testimony, provisional transcript, lines 14 -- 13 - sorry - to 15.
13 And you said:

14 "And there, a violence ensued that you can never do against a
15 human being, not only against my father but also against all the
16 detainees that were held there."

17 Now my question was who -- if you remember, if your father told
18 you the identities of the people you referred to here as "all the
19 detainees who were held there"? So the people who, like your father,
20 were detained there, did your father tell you who these people were,
21 the identity of any of them?

22 A. Yes.

23 Q. Do you recall them nowadays, today?

24 A. There were approximately about ten people who were detained
25 there. At least from what my father could see. [REDACTED]

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Additional redactions applied pursuant to F541.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. Thank you. Thank you very much.

5 Now, you have provided a general description of your father's
6 treatment, page 59, and stating the following day, he started talking
7 about "the horrible things he had experienced there."

8 Now, do you recall with any additional precision if your father
9 was able to provide any additional detail of these horrible things
10 that happened to him there during that time?

11 A. According to my father, all the detainees there were brutally
12 beaten. In other words, they would wake them up in the middle of the
13 night and beat them using different instruments.

14 Q. I apologise for interrupting you.

15 MR. DE MINICIS: Your Honour, perhaps we could, Your Honours,
16 move back into public session now that we have identified the people
17 and do this part in public session.

18 PRESIDING JUDGE VELDT-FOGLIA: Yes, we will.

19 Mr. Witness, be careful not to mention any names you have just
20 been mentioning in private. So you can give a description but not
21 mention names.

22 Madam Court Officer, could you please bring us into public
23 session.

24 ~~[Open session]~~

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

Witness: TW4-08 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 Mr. Prosecutor, you may proceed.

3 MR. DE MINICIS:

4 Q. Mr. Witness, I apologise for the interruption, but I thought
5 that it was important for this part to be said in public session.

6 So I will repeat the question. Do you recall any details that
7 your father told you about the mistreatment that he received at the
8 time at the Kukes metal factory?

9 A. Yes. He was hit on the head with a handgun. He was burnt by
10 cigarettes. The cigarettes were put out on his body. He was
11 electrocuted. They used baseball bats, blunt instruments.

12 Q. Did he tell you if this happened, once, twice, or more?

13 A. This happened up until he was brought back home by the people I
14 mentioned earlier. This happened regularly during the entire time
15 that he spent in this improvised prison.

16 Q. Was your father questioned during this time in Kukes?

17 A. Questions, two, three words. "You killed 100 persons," they
18 would tell him. "You raped." Questions? Questions that they knew
19 best. And confession. They would tell him, "Here, sign that you've
20 killed this many persons." And then my father told them, "Just bring
21 one to face me and then I'll do that." So they wanted to force him
22 to sign a confession about something that he didn't do.

23 Q. Now, earlier, a few seconds ago, you told us - and we will not
24 repeat them in the public session - the names of some of the people
25 who were detained with your father. Did your father at any point

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Additional redactions applied pursuant to F541.

1 mention the identity of those who carried out these mistreatments and
2 interrogations?

3 A. Yes.

4 Q. Do you recall these names?

5 A. Yes. Sabit Geci, Xhemshit Krasniqi, Pjeter Shala, together with
6 others whose names he did not know.

7 MR. AOUINI: Excuse me.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes, no, I see, but I want to
9 take care of this first.

10 Defence Counsel, before you take the floor, is it something that
11 I need first to escort the witness out?

12 MR. AOUINI: No need, Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: Then you have the floor.

14 MR. AOUINI: Yes. Just as a point of clarification. We had
15 from the incident that everybody talked to -- to this series of
16 questions and Your Honour asked the witness to mention it, but it's
17 not present in the question, the source of the information. We are
18 -- having information is difficult for us to cross-examine when we
19 don't have the source of the information. Is it personal knowledge?
20 If it is not, what is the source of the information? There has been
21 a number of questions and answers where the source of the information
22 acquired by the witness is not clear.

23 And this last question and answer is an example. We have one
24 thing and the opposite.

25 PRESIDING JUDGE VELDT-FOGLIA: I'm not getting your question.

Additional redactions applied pursuant to F541.

1 What is your concrete question in this respect?

2 MR. AOUINI: Can we have the source of the information when --

3 PRESIDING JUDGE VELDT-FOGLIA: But that -- for me, it's clear
4 who was the source of information. Although I don't -- we are now
5 getting into the content, so I have to ask the witness to go out, but
6 then I will answer your question, in order not to influence the
7 witness. Because this would be my interpretation.

8 Mr. Witness, we will ask you to leave the courtroom just for
9 two, three minutes, to discuss something.

10 Madam Court Clerk will escort you out.

11 THE WITNESS: [Interpretation] All right. Thank you.

12 [The witness stands down]

13 PRESIDING JUDGE VELDT-FOGLIA: I will give Mr. Prosecutor the
14 floor to answer your question. And then I can answer that --

15 MR. AOUINI: May I complete it --

16 PRESIDING JUDGE VELDT-FOGLIA: Of course.

17 MR. AOUINI: -- so not to be misunderstood.

18 PRESIDING JUDGE VELDT-FOGLIA: Of course. Yes.

19 MR. AOUINI: I'm sorry. I apologise for everyone.

20 PRESIDING JUDGE VELDT-FOGLIA: No, no, no apologies.

21 MR. AOUINI: Sometimes we have a story but we don't know who is
22 telling the witness this story. He said this happened. And the last
23 question and answer is, we have three people mentioned as detained
24 and then as perpetrators.

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

Additional redactions applied pursuant to F541.

1 you indicate the lines for me.

2 MR. AOUINI: Yes, sure.

3 PRESIDING JUDGE VELDT-FOGLIA: But to put it bluntly, I think
4 that the source of the information is the father. That's how I have
5 understood it till now. Nothing different. I think that the
6 Prosecutor asked: What else did your father share with you?

7 Mr. Prosecutor.

8 MR. DE MINICIS: Yes. Your Honour, at the end of page 58,
9 beginning of 59 of the provisional transcript, I asked the witness if
10 his father ever shared with him or any other member of the family
11 anything that had happened to him during those 13 days.

12 I believe also earlier I made a distinction between things he
13 had seen and things he had learned from his father.

14 So what flowed from there, to me, it was clearly a story that he
15 learned from his father, a story that he started to tell
16 approximately one day after he was brought back. I don't know what
17 other source that could be.

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, does that
19 clarify the question you -- or the concern you had?

20 MR. AOUINI: Very well, Your Honour.

21 PRESIDING JUDGE VELDT-FOGLIA: Yes.

22 MR. AOUINI: Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you.

24 Oh, you're still standing. Or is this -- okay. No, no, okay.

25 Good. Thank you.

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Additional redactions applied pursuant to F541.

1 Madam Court Clerk left us. Oh, I see that Madam Court Officer
2 is phoning her. Thank you. Thank you, yes.

3 [The witness takes the stand]

4 PRESIDING JUDGE VELDT-FOGLIA: Please have a seat.

5 Welcome back, Mr. Witness. Thank you for your patience. We
6 will still have some ten minutes more, and then at 1.00 we will take
7 a break.

8 I will give the floor back to Mr. Prosecutor to continue with
9 his examination.

10 Mr. Prosecutor, you have the floor.

11 MR. DE MINICIS: Thank you, Your Honour.

12 Q. Now, Mr. Witness, earlier, when we were talking about the time
13 that the KLA came to your house in 1998, 1998, I asked you how you
14 knew that Pjeter Shala was among those people.

15 You told us, when in Kukes, Pjeter Shala --

16 MR. DE MINICIS: And I will provide the reference later,
17 Your Honour. I don't have it readily available but I will provide
18 it.

19 Q. That Pjeter Shala himself told him, "It was me at the time" --
20 or better, "Why did you not come out at the time when we looked for
21 you?"

22 Now, did Pjeter Shala tell your father that at this time when he
23 was detained in Kukes in 1999?

24 A. Yes, that's correct.

25 Q. And did your father specifically tell you that?

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Additional redactions applied pursuant to F541.

1 A. Yes, my father personally.

2 Q. Are you certain about that?

3 A. 100 per cent.

4 Q. Thank you very much.

5 Now, Mr. Witness, we discussed your father's abduction. You
6 told us the state in which you saw him when he came back, and you've
7 also told us what your father told you upon his return. Now I'd like
8 to discuss another issue, and I think we're coming towards the end of
9 my questioning.

10 How did this event affect your family?

11 A. Very badly. It had a very bad effect.

12 Q. Would you be able to elaborate a bit further for the Panel? And
13 I understand that it may not be easy, but to the best of your
14 ability.

15 A. It was full of emotions, concerns, how to continue further.
16 Everything looked bad. My father's illness. Up until the day he
17 died, everything was bad.

18 Q. You told us about the physical injuries that your father
19 sustained and that you witnessed during his detention in Kukes. As
20 his son, did you notice if he was affected in the spirit as well,
21 psychologically, by that experience?

22 A. Yes. And not only him. The entire family suffered such
23 consequences. The entire family.

24 Q. Thank you. Thank you very much, Mr. Witness.

25 MR. DE MINICIS: Your Honours, I see that the time is now five

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Additional redactions applied pursuant to F541.

1 minutes to 1.00 p.m. We're close to the break. If we could take the
2 break now, that would allow me to confer with my colleagues during
3 the break to see if there's anything else we would like to ask the
4 witness before we finish our examination-in-chief.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor. Could
6 you indicate how much time you think you would be needing after the
7 break?

8 MR. DE MINICIS: Your Honours, I think no longer than ten
9 minutes. 15 at the latest, the maximum.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. Thank you for that.
11 Then what we will do is we take a break now for one hour, and I
12 see you back at 2.00. I think that's the most -- yes, yes, yes, the
13 most easiest thing to do.

14 Madam Court Usher, could you accompany the witness out.

15 Mr. Witness, we will take a break for one hour. We will be back
16 here at 2.00, and then we will continue with examination by the
17 Specialist Prosecutor's Office for a short while. Then I will give
18 the floor to Victims' Counsel. Then I think we also will start today
19 with the cross-examination by the Defence. So that is how this
20 afternoon will look like.

21 I wish you a good lunch break and take some rest, and we see you
22 afterwards. Thank you.

23 THE WITNESS: [Interpretation] Thank you. I am ready for
24 everything.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

Additional redactions applied pursuant to F541.

1 [The witness stands down]

2 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]

3 --- Luncheon recess taken at 12.57 p.m.

4 --- On resuming at 2.04 p.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

6 Composition, let me see. SPO, are you -- Mr. Prosecutor, are
7 you in the same composition?

8 MR. DE MINICIS: Yes, Your Honour, same persons.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well.

10 I see for the Victims' Counsel.

11 MR. LAWS: Your Honour, yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 Defence Counsel.

14 MR. GILISSEN: It is the same, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much.

16 Before I usher the witness in, I would like to discuss two
17 things.

18 One is with regard to the public and private sessions. We have
19 discussed it within the Panel and I think it's best that we only do
20 in public session if we think that there is no risk. I know that
21 it's a broad criterion, but we have had too many in-court redactions
22 this morning in order to proceed in that way, and we must be sure
23 that we can keep up and that we don't miss anything. So I have a
24 preference that we go more into private session.

25 I appreciate the effort very much to do it more in public

Additional redactions applied pursuant to F541.

1 session. It is a desire the Panel has as such, but, yes, I think we
2 should try to do it now differently. But if we can be in public
3 session, please proceed in public session. That is also for the
4 Victims' Counsel and for you.

5 The cross-examination, I prefer to go in private than going back
6 and forward, because I realise that it is not always easy also for
7 the witness to realise when we are in public and private session.
8 So, yes, a slightly different approach.

9 What we will do now is we will continue with the SPO and the
10 examination by the SPO. In the meanwhile, I received a notice that
11 the Defence Counsel will propose an extra item to be put on the list
12 to be used to examine the witness; is that correct? Yes. And I --
13 before we enter into the examination, I would like to discuss this to
14 see what this is about.

15 So I would like to give you the floor, Defence Counsel, to give
16 reasons for this extra item you would like to put on the list.

17 And then I will give the floor to the SPO and to
18 Victims' Counsel to hear their views.

19 MR. GILISSEN: Yes, Your Honour. I pretend that the witness
20 committed a mistake today, it's an important one, about electrocution
21 and the place where some electrocution took place. And in the
22 statement we would like to use, if it is necessary, this is a
23 statement of the father, the father explained well where these
24 electrocution took place, and it is not in Kukes and not with
25 Mr. Shala. That's why I would like to avoid an error or a mistake

Additional redactions applied pursuant to F541.

1 because every one of us, everyone who reads the case and the files,
2 are perfectly aware about this mistake. And it's in the interest,
3 that's what I pretend, of the truth to correct this mistake.

4 Thank you very much.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. I was put on notice that
6 the information has already been shared with the Specialist
7 Prosecutor's Office and Victims' Counsel; is that correct? So the
8 number of the document.

9 MR. GILISSEN: Yes, Your Honour. We did it.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay, good.

11 Mr. Prosecutor, or one of the colleagues, please, you have the
12 floor to react to this.

13 MR. DE MINICIS: Your Honours, I have to admit that I haven't
14 yet been able to pull up the document because I realised the
15 notification as soon as I entered the courtroom. And right now I am
16 having difficulties in pulling it up in Legal Workflow here. I will
17 do my best, but if I could get back to Your Honours with our thoughts
18 on that after we finish our examination, I will have no more than
19 five minutes. And then while Victims' Counsel is examining the
20 witness, I can look it up and be ready perhaps after that to make
21 submissions.

22 PRESIDING JUDGE VELDT-FOGLIA: Very well. And if necessary, we
23 could also take a five-minute break, although I know that it is not
24 easy, but we could also wait a little while for you to look at it.

25 And the same goes for Victims' Counsel. I will ask you to give

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Additional redactions applied pursuant to F541.

1 your view and if you need, in some way, some time, then please let me
2 know.

3 MR. LAWS: Thank you, Your Honour.

4 PRESIDING JUDGE VELDT-FOGLIA: Good.

5 Then, Madam Court Clerk, could you please usher the witness in.

6 [The witness takes the stand]

7 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Please have a
8 seat.

9 Can you hear me?

10 THE WITNESS: [Interpretation] Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Good. As I said, welcome back,
12 and we will continue with the examination by the Specialist
13 Prosecutor's Office.

14 And I give the floor to Mr. Prosecutor.

15 MR. DE MINICIS:

16 Q. Good morning, Mr. Witness. I only have a couple of questions
17 left for you.

18 MR. DE MINICIS: And, Your Honours, I think we can do this in
19 public session.

20 Q. At page 58, lines 6 to 14 of the provisional transcript, which
21 is what was recorded of your testimony this morning, you talked about
22 the conditions of your father when he came back, when he was brought
23 back to the place where your family was staying in Albania. You
24 listed a number of conditions that your father displayed, and you
25 stated he had wounds on his head. He was not washed and not clean.

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Additional redactions applied pursuant to F541.

1 He had burns on his chest.

2 Do you recall any other detail about your father's general
3 appearance and condition upon his return after being freed, in
4 addition to what you told us?

5 A. Well, he was unclean. The blood had dried on his forehead, on
6 his head.

7 Q. Thank you. And this was my first question.

8 Now, the second question that I have is your father -- you told
9 us, you told the Panel, how your father described some of the
10 mistreatments that he received while he was at the Kukes metal
11 factory. Did he provide -- did he tell you anything about the
12 conditions in which he was held, such as the place where he slept,
13 the food he received, this type of information? Did he share that
14 with you and the family?

15 A. Yes. It was a room that had three windows with metal bars but
16 no glass. The room was concrete, had concrete floors. Some had some
17 mattresses to sleep on. They could not wash themselves. And they
18 all stayed in the same room.

19 Q. Thank you very much. Thank you.

20 MR. DE MINICIS: Your Honours, I will just confer with my
21 colleagues briefly.

22 [Specialist Prosecutor confers]

23 MR. DE MINICIS: Your Honours, we have no further questions for
24 this witness. This concludes our examination-in-chief.

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

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Additional redactions applied pursuant to F541.

1 you, Mr. Prosecutor.

2 Before we proceed with the examination by the Victims' Counsel,
3 Mr. Witness, I have one question to you which I already would like to
4 pose to you, and that is the following. At the incident where you
5 shared with us that you -- that there was a person with a -- with
6 this machine that you said that could destroy buildings, that person
7 that you indicated that you later heard that his name was Mr. Shala,
8 could you -- did you see that person back then? I mean, did you see
9 that person?

10 THE WITNESS: [Interpretation] Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: And after so many years, could
12 you still describe him, how he looked back then?

13 THE WITNESS: [Interpretation] The person was far, but the
14 grenade -- I saw the grenade launcher. He was -- it was being held
15 by the first person close to the gate.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes. But could you give a
17 description of that person?

18 THE WITNESS: [Interpretation] I only saw the person at the time
19 because he was behind the fence. I could see the head. But the
20 weapon was standing, was on the wall. It was ready to be shot.

21 PRESIDING JUDGE VELDT-FOGLIA: Yes. So do I understand you well
22 that what you are telling me is that you could see a person but
23 because of the distance, you find it difficult to give more details
24 or any details?

25 THE WITNESS: [Interpretation] Yes.

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 question, switch off your microphone. Thank you.

2 Sorry to interrupt you, Mr. Witness. Please proceed with your
3 answer.

4 THE WITNESS: [Interpretation] Yes. Since he was young, his
5 occupation was that. He started when he was 23 or 24 until 52 years
6 of age approximately. He worked 35 years. He worked as a police
7 officer for 35 years in the former Yugoslavia.

8 MR. LAWS:

9 Q. Yes, thank you. I want to move on to the topic of the effect
10 that this abduction and mistreatment had on your family. All right?

11 A. Yes, the effects were great, with lots of emotions. My father
12 had trauma.

13 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness. Please continue.

14 THE WITNESS: [Interpretation] It had an emotional effect. My
15 father had psychological traumas. He was destroyed because of his
16 detention in Kukes.

17 MR. LAWS:

18 Q. What was it that you noticed that had changed about him?

19 A. The changes, of course, had an effect on his illness. His
20 health deteriorated, and so on. He had -- he was ill from time to
21 time until he was -- he was also -- he was blind. He lost his sight
22 because of it, because of the -- his detention at that camp.

23 Q. You mentioned the word "trauma" just a few moments ago. Could
24 you tell the Judges what you noticed about your father that made you
25 think that he was suffering in that way?

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 A. The ill-treatment that he suffered during the days that he was
2 held. That is the result.

3 Q. How did he change as a person as a result of this trauma?

4 A. Everything changed. He became more aggressive, psychological
5 effects. That all had an effect on him. The last was loss of his
6 sight. He suffered from [REDACTED], and so on.

7 Q. How was it for you as a family to live with these changes in
8 your father?

9 A. The experience was harrowing because we all suffered the
10 effects. And the experience was harrowing, in all aspects.

11 Q. I'm going to leave this topic, I assure you, after this
12 question. But is there anything you can tell the Judges to
13 communicate to them how it was harrowing for you?

14 A. It was harrowing because we felt the condition that was caused
15 to him. He mostly experienced difficult nights. He was not how he
16 was before, before the war. His condition changed dramatically
17 afterwards.

18 Q. Thank you. I just want to ask you about one other aspect of
19 this. During the time that he was detained, the 13 days that he was
20 away, how were the family affected by his absence?

21 A. Badly. Psychologically, we were all in a very bad condition.
22 We didn't know anything about him. We had no information until he
23 was brought to the apartment where we were staying by the [REDACTED]
Pursuant to In-Court Redaction Order F00469RED.

24 *[REDACTED] Pursuant to In-Court Redaction Order F00469RED.*

25 Q. I want to ask you a question specifically about your sisters,

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 and it's important that we don't name them. All right? Had they
2 been going to school before your father was abducted?

3 A. Yes. But they did not go to school after the war because of the
4 situation that was created. Even us, as brothers, were afraid that
5 something will befall them, so they didn't.

6 Q. I just want to make sure that everybody understands that. What
7 was it that you were frightened about that meant that your sisters
8 could no longer go to school?

9 PRESIDING JUDGE VELDT-FOGLIA: Please switch off the ...

10 THE WITNESS: [Interpretation] We were afraid that we were under
11 surveillance even after we returned to Kosovo. We were under
12 surveillance, who were we talking to. So we were under surveillance
13 the entire time.

14 MR. LAWS:

15 Q. And so that we are clear, the reason that you think people were
16 watching you was what exactly?

17 A. I believe that because UNMIK came, they were afraid that we will
18 make statements to tell the truth.

19 Q. And my last question for you, sir. How do you feel about what
20 happened to your father now? How is it for you to live with it?

21 A. That something bad happened to him. And, of course, that had a
22 bad effect on him. To him personally and to the family, it had a bad
23 effect. And life in general, afterwards up until now. However, I
24 came here to tell what he told me and what I also said, what I also
25 saw, because I was most of the time present with my father except for

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1 the days that he was detained, I wasn't with him. But in all other
2 incidents, I am the person who was always close to him.

3 Q. Thank you very much.

4 MR. LAWS: I have no further questions, Your Honour.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.

6 Mr. Witness, I have one follow-up question with regard to a
7 question asked by Victims' Counsel. And that is, you said you felt
8 under surveillance, that they were watching you. And who was
9 watching you? Can you name them?

10 THE WITNESS: [Interpretation] Yes. Their groups who were afraid
11 because of what they did during the war. They were afraid that we
12 would give statements related to what happened to my father.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you, Mr. Witness.
14 We will now proceed with the examination by the Defence Counsel.

15 But before that, we have to give an oral order. But before I
16 give that oral order, we have still to deal with the request of the
17 Defence to add one specific document. And if I got it right - I look
18 at the Defence now - it's a document that was also on the list of the
19 SPO. I think it was. But ...

20 I will give the floor to Specialist Prosecutor's Office and to
21 Victims' Counsel to hear their views on this addition to the list.

22 Mr. Prosecutor, you have the floor.

23 MR. DE MINICIS: Your Honours, the specific document, we have no
24 objection to the Defence's use of it in cross-examination.

25 I am not certain it was on our list of exhibits. Nevertheless,

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Additional redactions applied pursuant to F541.

1 be that as it may, we have no objection to that, Your Honours.

2 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] I will
3 check that, but you say that it is not on your list. It's just to be
4 sure that the Panel is aware of the appropriate document.

5 MR. DE MINICIS: Your Honour, I think that the information the
6 Defence maybe --

7 MR. GILISSEN: If I could provide some --

8 PRESIDING JUDGE VELDT-FOGLIA: What I do is -- I have a
9 preference to go into private for a moment --

10 MR. DE MINICIS: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: -- just to be sure that we don't
12 reveal any confidential information. And I will be very careful to
13 see that we don't discuss anything that should not be heard by the
14 witness.

15 But I want to avoid that you have to come and go, so let us see.
16 If it is not necessary, I try to keep you here.

17 Madam Court Clerk, could you bring us into private session,
18 please.

19 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
to F541

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

21 PRESIDING JUDGE VELDT-FOGLIA: What I see now -- thank you,
22 Madam Court Officer.

23 What I see now is that it was a different day. That could --
24 yes. And I see the Defence nodding. Is that the point?

25 MR. GILISSEN: Yeah, I can confirm it's not in the list. We

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Additional redactions applied pursuant to F541.

1 check, we commit the same mistake because it's very close but it's
2 not a good one. So it is not in the list of the SPO.

3 PRESIDING JUDGE VELDT-FOGLIA: But it's another day. That is
4 it.

5 MR. GILISSEN: Yeah, exactly.

6 PRESIDING JUDGE VELDT-FOGLIA: It's another -- it's the same
7 trial but another day. Good.

8 I heard that you said that you did not oppose to the document as
9 such and then --

10 MR. DE MINICIS: Correct. We have no objection to the Defence
11 using that document in cross-examination, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay, good. Thank you.
13 Victims' Counsel.

14 MR. LAWS: No objection from us, Your Honour. Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. That is clear.
16 Then it was not really necessary to go into private.

17 Madam Court Officer, could you bring us into public, please.

18 ~~{Open session}~~

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

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

21 I will first rule on another issue with regard to the lists of
22 the Defence and then I will come back to this one.

23 Our oral order is the Panel notes that the Defence intends to
24 use during its examination of the witness newly disclosed material.
25 This is item ERN DPS00065 till last numbers 68, which was disclosed

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Additional redactions applied pursuant to F541.

1 on 24 March 2023, disclosure package 113. The Panel notes that the
2 Defence has not sought leave from the Panel to use this material, and
3 reminds the Defence of the Panel's direction in the Decision on the
4 Conduct of Proceedings, filing 434, paragraph 44.

5 Be it as it may, the Panel notes that the material is limited,
6 and the SPO and Victims' Counsel have had time to study it. We did
7 not hear any objections in this regard, and we authorise the Defence
8 use the material during its questioning.

9 And we will also authorise to add the material you just proposed
10 to add which we have now discussed.

11 And the Panel clarifies, for the benefit of the parties and
12 Victims' Counsel, that you are expected to disclose any material that
13 you intend to use during your questioning at the latest by the
14 deadline set by the Panel for the submission of your respective lists
15 of items to be used. And any material that is disclosed the day the
16 list is submitted to the Panel, or shortly before, qualifies as
17 material that is not disclosed previously within the meaning of
18 paragraph 44.

19 So everything what has been done before, but if it's just the
20 day before or the day on, we would like you to request leave.

21 You must seek leave from the Panel to use such newly disclosed
22 material with the e-mail with which you transmit the list of items
23 you intend to use to the Panel. That is the idea.

24 And you must also include this material, even if we have not
25 granted yet our permission or not, on the list of items so that we

1 have them all together, and also in your presentation queue. Even if
2 the use, as said, is subject to the Panel's authorisation.

3 The Panel will rule on the request prior to the material's
4 intended use. And this is no different than what we already said in
5 paragraphs 44 till 49 on the Decision on the Conduct of Proceedings,
6 but we were under the impression that it needed some clarification
7 here in court. So, therefore, I am explaining it here again. And I
8 hope that now the procedure is clear. And if there are any further
9 questions, then please.

10 I will make a round, if that's okay.

11 MR. DE MINICIS: Your Honours, with regard to the pictures, we
12 have raised no objection because there is some indication in the
13 Legal Workflow description of what these pictures are. But I would
14 hope that if counsel intends to use them with the witness, that some
15 more clarification as to what these pictures actually depict is
16 provided.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you.

18 Victims' Counsel, is there something you would like to add to
19 the clarification we just gave?

20 MR. LAWS: No, thank you, Your Honour.

21 PRESIDING JUDGE VELDT-FOGLIA: I saw one of the Defence Counsel
22 standing.

23 Please.

24 MR. AOUBINI: Thank you, Your Honour, for the clarification.

25 In light of the clarification, since we might use the same

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Additional redactions applied pursuant to F541.

1 material which is newly disclosed with other witnesses coming very
2 soon afterwards, would Your Honours expect a request for leave to use
3 them or --

4 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes.

5 MR. AOUINI: Okay.

6 PRESIDING JUDGE VELDT-FOGLIA: Because if not, I think it's
7 going to be kind of confusing. And we don't have to spend too many
8 words on it if it is not problematic, but it is good to just put it
9 on a -- or to do it in court or to send an e-mail. Because normally,
10 you would need to have it in the list and in the queue, the queue for
11 presentation here in court.

12 MR. AOUINI: We will make that request after ...

13 PRESIDING JUDGE VELDT-FOGLIA: Okay, very well.

14 Then the moment is there, and we are in public session. The
15 moment is there, Defence Counsel, that you are given the floor for
16 cross-examination of the witness.

17 And, Mr. Witness, it is now Defence counsel who will ask
18 questions to you.

19 Defence Counsel.

20 MR. GILISSEN: Thank you very much, Your Honour. Thank you very
21 much.

22 Cross-examination by Mr. Gilissen:

23 Q. Good afternoon, Mr. Witness. I am Mr. Jean-Louis Gilissen. I
24 am the Defence Counsel of Mr. Shala, as you know. And in this court,
25 the witness are called to testify under oath, that's what you made in

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Additional redactions applied pursuant to F541.

1 the morning, so I am going to ask you a few questions. Don't be
2 afraid. There is no trick question. I would like just to say that
3 the purpose of this question is to better understand the statement
4 you made and to clarify some of the points you raised to avoid any
5 misunderstanding of your explanation.

6 Therefore, if you don't understand a question, don't hesitate to
7 say it. I will try to rephrase it or to repeat it properly. Thank
8 you very much.

9 MR. GILISSEN: So I think we could try to be in public session
10 for the first question. I would like to -- I will try to manage the
11 question and it depends on the answer, of course, as you said, of the
12 witness, if we have to go back to open session or to closed session.

13 Q. So, Mr. Witness, this morning you explained you lived in a
14 village, you provide us with the name of the village, in your
15 grandmother's house. So are you able enough to explain us what
16 surrounded this house, this property?

17 A. You mean what was around the house?

18 Q. Around the property.

19 A. On the day the house was surrounded or when? I don't
20 understand.

21 Around the house there was a fence. It was not a wall built of
22 bricks, but it was a fence. And two persons were inside in the
23 courtyard, whereas the rest were behind the fence, on the outer side
24 of the fence. The distance between the house and the fence was about
25 25 metres.

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 Q. Yes. Could you make a sketch of the house and the property,
2 including the fence, with the road just in front of the house, to
3 permit to us try to understand exactly.

4 PRESIDING JUDGE VELDT-FOGLIA: Is that possible? I am looking
5 at -- is that possible to have the witness make a sketch?

6 [Trial Panel and Court Officer confer]

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Clerk, could you
8 assist the witness with trying to make the sketch and then on the
9 screen.

10 And I'm going to ask Mr. Witness if it's clear for him what the
11 Defence Counsel has asked him to design.

12 Do you understand what the question is of Defence Counsel?

13 THE WITNESS: [Interpretation] Yes, I understand him. I think he
14 is asking me to draw the house, the fence, and the road leading to
15 the house.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please proceed.

17 THE WITNESS: [Interpretation] This is approximately a drawing
18 showing the house.

19 PRESIDING JUDGE VELDT-FOGLIA: For the record, Mr. Witness has
20 made a digital drawing of -- on request of Defence Counsel, and I
21 will refrain from describing what it exactly is, other than three
22 houses, a road, and something that could be interpreted as a fence,
23 because it will be part also of the record, this design. Thank you.

24 Defence Counsel, you may proceed.

25 MR. GILISSEN: Thank you very much.

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 Q. Mr. Witness, I suppose the line I see under the sketch is the
2 fence. You have the road first and the fence. Are you able enough
3 to code it 1 on the road and 2 on the fence?

4 A. [Marks]

5 Q. Thank you very much.

6 A. Plus the road to the house.

7 Q. Yes, it was my question. I suppose this -- this is the entry of
8 the property, I suppose.

9 A. Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: It's -- no, let me see. I see a
11 1, I see a 2, and -- yes, now I also see a 3, and the 3 was the road
12 to the house.

13 MR. GILISSEN:

14 Q. And according to you, the distance between the house and the
15 fence is almost around 25 metres, you say, I think so?

16 A. Between 20 and 25 metres.

17 Q. Thank you very much. It is very clear. It is very clear.

18 So on that day, *[REDACTED] Pursuant to In-Court Redaction Order*
F00469RED. May 1888, I would like to know where you

19 was when the armed group of persons arrived --

20 PRESIDING JUDGE VELDT-FOGLIA: No, no, Defence Counsel. What
21 date did you say?

22 MR. GILISSEN: *[REDACTED] Pursuant to In-Court Redaction Order*
F00469RED. May 1898, I think so. 1990.

23 PRESIDING JUDGE VELDT-FOGLIA: The *[REDACTED] Pursuant to In-Court*
Redaction Order F00469RED. of May, 1999? I don't

24 know. I'm not examining. For me it is not clear which date and
25 which year.

Witness: TW4-08 (Open Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 MR. GILISSEN: Yeah, I prefer to repeat it. It's [REDACTED]
Pursuant to In-Court Redaction Order F00469RED. May 1998.

2 PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you.

3 MR. GILISSEN: If I commit a mistake, I'm sorry.

4 PRESIDING JUDGE VELDT-FOGLIA: No, it's not about mistakes.

5 It's just to have it clear on record because we have both relevant
6 dates in 1998 and in 1999.

7 MR. GILISSEN: Of course, of course.

8 Q. So I hope you understand the question. So I would like to know
9 where you were when this armed group of persons arrived near your
10 property.

11 A. I was inside the house and came out when they arrived.

12 Q. Who saw them arrive? Who saw them first arriving?

13 A. We saw them through the window. We saw them coming and we, all
14 of us, went outside, myself, my mother, brothers.

15 Q. Okay. So four persons, if I understand?

16 A. Two persons came to the yard, whereas the rest were by the
17 fence.

18 Q. I'm sorry. I'm asking about the people who saw them arrived.
19 You say your mother, yourself, and brothers. Two brothers? You were
20 four persons to see them arrive?

21 A. The whole family was in the house. My father, my sisters. But
22 myself, my two brothers, and my mother went outside. We asked our
23 father to stay inside so that we could talk to them first to avoid
24 anything bad from happening. So we talked to them, they took the
25 handgun and left.

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Additional redactions applied pursuant to F541.

1 Q. Yeah. But, first, you saw them arrive. What do you see? What
2 did you see at this moment? They arrive by foot? By car? What do
3 you say about that?

4 A. They came on foot. Two persons came through this road and were
5 here in the courtyard. Whereas the rest were here by the fence on
6 the side of the street, on the outer side of the fence.

7 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, for the
8 understanding of everybody present, you said twice "here," but I
9 cannot see where the "here" is. So could you put a cross where the
10 people were standing near the fence and two crosses where you said
11 you were standing outside.

12 THE WITNESS: [Marks]

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

14 [Microphone not activated].

15 MR. GILISSEN:

16 Q. So we know perfectly well, you explained perfectly well that two
17 persons came inside the courtyard. And can you say, the people who
18 didn't enter the courtyard, what did they do while the others entered
19 your property? Are you able enough to show us where they were on the
20 picture or on the sketch you made and to explain what they made?

21 PRESIDING JUDGE VELDT-FOGLIA: It is my understanding that he
22 put a cross where the people were standing near the fence.

23 MR. GILISSEN: Yeah, but only one. And we know that there were
24 a lot of persons. I want to know if they were a group on this place
25 or if they took place -- I'm sorry to say that, but an army, like an

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Additional redactions applied pursuant to F541.

1 army.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you indicate
3 where the people were standing near the fence. And how, how they
4 were positioned.

5 THE WITNESS: [Interpretation] They were positioned, all of them,
6 from here to here. Here, there was the person with the grenade
7 launcher, and his hand was here on the fence. Here were two persons.
8 And here, above, there were ten to 15 persons. Two walked through
9 this road and came in the courtyard, and we communicated with them.
10 Whereas those by the fence, they covered this whole area. And all
11 the weapons were directed towards us.

12 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think that in
13 order to make it clear - and I will leave it to you because it's your
14 examination, and I can always take over - but that we work with
15 codes. Because now we have some dots and crosses, but that is not
16 sufficient for a later moment if we would like to use it in any way.

17 MR. GILISSEN:

18 Q. So I would like, did anyone enter in the house itself?

19 A. No. Entered the yard. This road inside the courtyard is a
20 private road. It's in the property of my family. It's our property.
21 So they entered our property, and the fence itself was our property.
22 They had therefore entered our property.

23 Q. It's very clear. Thank you very much.

24 Are you able enough to put another cross on the position you had
25 when the persons came to the courtyard and into the courtyard?

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: I propose to use number 5.

2 Because, if not, we have too many crosses.

3 Could you indicate with number 5 where you were standing?

4 Although I think you already told us.

5 MR. DE MINICIS: May I, Your Honour?

6 PRESIDING JUDGE VELDT-FOGLIA: Yes, Mr. Prosecutor.

7 MR. DE MINICIS: Perhaps the witness could remove the --

8 PRESIDING JUDGE VELDT-FOGLIA: No, no, then it's better that --
9 if he -- is it on the content? It's not a problem if we have to
10 discuss something, but then I will usher him out.

11 MR. DE MINICIS: Well, I think there's no damage in saying that
12 I understand the witness has already indicated his position on the
13 map by --

14 PRESIDING JUDGE VELDT-FOGLIA: That's what I was saying too.
15 The two small crosses on the right side, I understood that the family
16 members were standing there. So my proposal would be to indicate
17 that with the number 5, because that is what the witness said.

18 And then I would like to -- because I don't want to get to
19 another topic.

20 So, Mr. Witness, where were you standing? And can you indicate
21 that with number 5.

22 THE WITNESS: [Interpretation] Here.

23 PRESIDING JUDGE VELDT-FOGLIA: Can you put a 5?

24 THE WITNESS: [Marks]

25 PRESIDING JUDGE VELDT-FOGLIA: Maybe you can put the 5 a little

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1 bit more below. Then I can see it better.

2 THE WITNESS: [Marks]

3 PRESIDING JUDGE VELDT-FOGLIA: Yes. Thank you.

4 Defence Counsel, allow me to clarify some other points because I
5 don't want to leave them in the air.

6 MR. GILISSEN: Yeah.

7 PRESIDING JUDGE VELDT-FOGLIA: The person with the rocket
8 grenade, where was he standing? I think I know, but I don't want to
9 put any words in your mouth. Could you indicate that with 6.

10 THE WITNESS: [Marks]

11 PRESIDING JUDGE VELDT-FOGLIA: Very well. Yes. And the people
12 who were standing next to the fence, you indicated one cross. But
13 were they standing all together or were they distributed over the
14 fence -- along the fence?

15 THE WITNESS: [Interpretation] Here. From here up to here. So
16 starting from here to here. Along the entire fence.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay. Yes. We could indicate --
18 if you put at the cross at the left side a 7, along the fence.

19 THE WITNESS: [Marks]

20 PRESIDING JUDGE VELDT-FOGLIA: Yes. And then a 7 at the
21 beginning to where they were standing.

22 THE WITNESS: [Marks]

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. And then I put here on
24 record that between those two 7s there were people standing.

25 Is my understanding correct? I see you nodding.

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 THE WITNESS: [Interpretation] Correct.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well.

3 Defence Counsel, you have the floor again.

4 MR. GILISSEN: Yes.

5 Q. And I would like -- because I saw the cross, but we have to know
6 where was your mother and where were your brothers on the sketch. It
7 is the same.

8 A. When we came out to the courtyard, my family was there. Here,
9 here, and here, and also next to the number 5. Whereas the locations
10 marked with X are the two persons who arrived. There, we spoke to
11 those people. We had a scuffle until they took the handgun. And as
12 soon as they got the handgun, they walked away. My mother told them
13 that we will all go to Jabllanice the following day.

14 Q. Yes, but this is not my question. I would like to know the
15 place occupied by your mother, please, and then by your brothers.

16 PRESIDING JUDGE VELDT-FOGLIA: My proposal would be,
17 Mr. Witness, can you put an 8 and a 9. An 8 would be for your mother
18 and a 9 for your brothers.

19 THE WITNESS: [Marks]

20 PRESIDING JUDGE VELDT-FOGLIA: Yes.

21 THE WITNESS: [Interpretation] During this time, we also moved
22 around the courtyard, to the left or to the right, because we were
23 just before an attack.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. You're
25 doing a very good effort. Thank you.

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Additional redactions applied pursuant to F541.

1 MR. GILISSEN: And this is very clear. Thank you. Now we have
2 a full vision of that.

3 I would like to present to the witness the document code DPS
4 00065, 66, 67 and 68.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we will first
6 save this drawing and we will give the court officer time to take
7 care of that. And then I will allow for the other document to be
8 pulled up. Thank you.

9 MR. GILISSEN: Madam President, the pictures are confidential, I
10 think so. It's better to go to private session.

11 PRESIDING JUDGE VELDT-FOGLIA: No evidence is being broadcast,
12 but thank you for making this request.

13 Madam Court Officer, as soon as you are in a position, please
14 bring us into private session, please.

15 [Private session]

16 [Private session text removed]

17

18

19

[Open Session] *Reclassified Pursuant to F541*

20 Q. So, Mr. Witness, do you recognise this place?

21 A. Yes. This is where I lived. I lived there eight years.

22 Q. Thank you. And this is the place we are talking about?

23 A. Yes, this is the place, exactly. The place we are talking
24 about.

25 Q. Yes, thank you. And I would like to know if this is the fence

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 you were talking just before we see on this picture?

2 A. No, this picture is from later. But the fence that we had at
3 the time had wooden planks. This is a recent photo, from after the
4 war. It was not like this before the war. This picture depicts the
5 location after the war. I believe this is from many years after the
6 war. Seven or eight years after the war.

7 PRESIDING JUDGE VELDT-FOGLIA: Sorry, Defence Counsel. The
8 witness has said, "This is where I lived."

9 I would like to clarify, before we continue with the
10 questioning, where it is where he lived because I see several houses.
11 And I can interpret the picture, but I prefer that it is indicated
12 clearly what he means.

13 Madam Court Clerk, could you please assist Mr. Witness again by
14 giving him a pencil.

15 And, Mr. Witness, could you indicate where you lived?

16 THE WITNESS: [Interpretation] We lived here. This is our
17 property. That is the neighbours' property. And this is also
18 neighbours' property. So the fence that you see here now used to be
19 a wooden fence. It wasn't with a barbed wire. And this fence as
20 well was also with wooden planks.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. What I
22 will do now is to put all this on record.

23 Could you put two 4s next to the iron fence which used to be
24 wooden fence. So a 4.

25 MR. AOUINI: Your Honour, there is a 4 already on the picture.

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Okay. Yes. So where the 4 --
2 where you put the 4s, there used to be a wooden fence. Am I right?

3 THE WITNESS: [Interpretation] Yes, that's correct. It wasn't
4 open. It was closed, completely closed off, until approximately to
5 here.

6 PRESIDING JUDGE VELDT-FOGLIA: "To here" means? You indicated
7 halfway your tie? Was that what you are saying? You say "till
8 here."

9 THE WITNESS: [No interpretation]

10 PRESIDING JUDGE VELDT-FOGLIA: Yes, so breast height.

11 THE WITNESS: [Interpretation] Yes, yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Because if you say, Mr. Witness,
13 if you say "this," it's not on record. So every movement you make I
14 have to put it in words. So breast height.

15 And then back to the picture. Number 1 is where you used to
16 live?

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Yes. 2 was the house of where
19 the neighbours were. And 3 was also ...

[Private Session]

20 [Private session text removed]

21

[Open Session] *Reclassified Pursuant to F541*

22 PRESIDING JUDGE VELDT-FOGLIA: Okay. And number 3?

23 THE WITNESS: [Interpretation] The neighbours' house. Number 4
24 also neighbours' house, but now it's a wall here. But in the earlier
25 period, this part here, the road, here and here, there was some sort

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 of a border, a division between us and the neighbours. And this was
2 the road that was leading to our house.

3 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]

4 THE INTERPRETER: Microphone, please.

5 PRESIDING JUDGE VELDT-FOGLIA: Could you put a 6, please, where
6 the road used to be.

7 THE WITNESS: [Marks]

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And let me see,
9 because to avoid -- or to clarify, we have next to the road which you
10 indicated with 6, a 4, there was a fence. We have in the front part
11 of the picture a 4, which was also a fence. And there is a third 4
12 at the right side of the picture indicating, if I'm right, both the
13 house of the neighbour and where the fence was? Am I right?

14 THE WITNESS: [Interpretation] Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: I see you nodding. Thank you.

16 Defence Counsel, I think I have exhausted for now putting of
17 numbers on this picture.

18 Thank you very much, Mr. Witness.

19 Please, you have the floor. And if you would like to add
20 something, please.

21 MR. GILISSEN: Thank you very much.

22 Q. Thank you, Mr. Witness. This was a delicate business to make.
23 It is difficult always to make such a sketch. I understand it. I
24 fully understand.

25 So you explain us you recognise the Ibrahimaj brothers, two

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 persons who entered in your courtyard.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I don't think
3 that that has been said. Not at all.

4 Mr. Prosecutor.

5 MR. DE MINICIS: No, if I may. Just as a general practice, if
6 we could provide references when putting back to the witness previous
7 evidence, that would be helpful also for us to be able to follow.

8 MR. GILISSEN: I can rephrase. I can rephrase it.

9 PRESIDING JUDGE VELDT-FOGLIA: Yes. But the point
10 Mr. Prosecutor is making is correct. And I think you owe me a
11 reference, still, one.

12 But, yes, it's very important to have a reference when you refer
13 to parts of the transcript because then we can right away look it up
14 and confront it with what you are saying. And I don't think the word
15 "brothers" were used.

16 MR. GILISSEN: It is better to ask to the witness.

17 Q. Did you recognise the persons who entered in the courtyard?

18 A. Yes. They were not brothers, but they had the same last name
19 Naser Ibrahimaj, and Hamez Ibrahimaj. They were not brothers. Both
20 from Jabllanice.

21 Q. Thank you. And I would like to know, did anybody recognise any
22 of the armed persons present in this incident other than the
23 Ibrahimaj persons we were talking just before?

24 A. No. Because some of them were covered by masks, some of them
25 had hats. You were not able to identify them there and then, apart

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Additional redactions applied pursuant to F541.

1 from the persons who entered the courtyard at the time. I'm
2 referring to the time when these two persons came into the courtyard,
3 not the others. Only these two I was able to identify.

4 Q. Thank you very much. And I would like to know if during the
5 incident, the incident, the [indiscernible] incident, someone was
6 able to recognise some persons who were on the road near the fence?

7 PRESIDING JUDGE VELDT-FOGLIA: Apologies, Defence Counsel. I
8 don't know to which incident you are referring. I didn't hear. The
9 rings incident?

10 MR. GILISSEN: The incident of the day. Yeah.

11 PRESIDING JUDGE VELDT-FOGLIA: Ah.

12 MR. GILISSEN: The incident of the day.

[Private Session]

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[Open Session] *Reclassified Pursuant to F541*

21 Q. But was there an identification of a person who were a part of
22 this group or perhaps the Ibrahimaj persons?

23 A. None of them. None of them. None of them among them. Because
24 we were focused on the two persons. We were speaking to who were in
25 the courtyard. We were speaking to them when we noticed that the

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Additional redactions applied pursuant to F541.

1 entire length of the fence, there were ten to 15 persons along the
2 fence. Between ten to 15 persons were standing along the fence, on
3 the side of the road. But the two persons who I named by names, they
4 came inside the courtyard.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, is this
6 questioning leading to a follow-up question? Because this specific
7 part which we have been doing has been elicited this morning, and I
8 think that the witness on this point gave clear information. So I
9 would always allow -- I would have a preference that you say: This
10 morning you said, and then you repeat what he said and then you have
11 your follow-up question. But I prefer that we don't do a double
12 exercise. And I am under the impression that we are doing that now.

13 So please proceed.

14 MR. GILISSEN: Don't worry, I think we have a misunderstanding.
15 Q. Because, Mr. Witness, this morning you explain us you receive
16 some information about the identification of the person who were on
17 the road with the launcher, with this terrible gun. And I would like
18 to know in which condition you received this information, this
19 identifying information.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could clarify
21 for the witness what you mean with "in which condition"? Because I
22 don't understand what you mean with "in which condition."

23 MR. GILISSEN: Oh. The witness explain that him and his family
24 were not able to recognise anybody.

25 PRESIDING JUDGE VELDT-FOGLIA: Yes.

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Additional redactions applied pursuant to F541.

1 MR. GILISSEN: So someone else recognised or pretend to
2 recognise the guy who were -- the men who were on the road, and I
3 would like to know how happened the things. Who, when, which --
4 which reference, to understand the processes of the notification.

5 PRESIDING JUDGE VELDT-FOGLIA: This morning we have gone into
6 that, but I will allow you to proceed on this line because it's
7 important. But I think it's better then to use these specific steps:
8 Who, when, because that's easier for the witness to give an answer
9 on.

10 MR. GILISSEN:

11 Q. So, Mr. Witness, I would like to understand how you received
12 this information first? From whom?

13 A. This information, we received this information from my father
14 who was detained there, where the person admitted everything while he
15 was interrogating him, beating him. He told him that he was at the
16 house. He said, "Why didn't you come out when we were there?" And
17 when -- that was when he was held at the metal factory in Kukes. He
18 said that himself, and the neighbours who lived close to us, because
19 he operated in the Dushkaja area. But I came to know who Ujku was,
20 his first name, last name. And we received the accurate information.
21 But, first of all, from my father to whom he admitted while he was
22 exercising violence against him, inhumane treatment.

23 Q. Yes. I would like to receive an answer to my question. The day
24 of the incident --

25 PRESIDING JUDGE VELDT-FOGLIA: Defence -- no, Defence Counsel.

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 No, I will now stop you here and also be conferring with the
2 colleagues. This is has been -- we went into this this morning and
3 -- no, and then you cite the -- you can cite the passage what he said
4 this morning. But now you are making him repeat. Everything he said
5 now is already on record.

6 I don't want to have a cross-examination in which we are
7 repeating the direct examination. But I will give the floor to make
8 any follow-up question or question to clarify but not repeating what
9 he already said. Then I prefer that you cite what he said. But now
10 he's talking -- he told us about what apparently his father told him,
11 and he told us about the neighbour.

12 So we are not going to do things twice.

13 MR. GILISSEN: I don't have the intent to make things twice,
14 Madam President. I would like to have a name, an identification of
15 the neighbour, because I tried to understand what's happened this
16 day, who provided the information --

17 PRESIDING JUDGE VELDT-FOGLIA: But in that case, my proposal
18 would be, Defence Counsel, you say: This morning you shared with
19 the -- you gave information that the neighbour gave you the name of
20 Mr. Shala. Could you tell us who is that neighbour? And then we
21 have one question, very clear for the witness, and he can give an
22 answer. He can say, "I know," "I don't know." "It is this person."
23 But it's not necessary to repeat everything what he said.

24 MR. GILISSEN: I fully agree with you. I'm talking about only
25 the day of the incident, not information received later.

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

[Private Session]

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F541*

8 PRESIDING JUDGE VELDT-FOGLIA: No, because why? Why can't you
9 give it to us?

10 THE WITNESS: [Interpretation] Because I could put that person at
11 risk. If I name him by name, he could be put at risk by the people
12 who were active there, who were active during the war. I asked about
13 this in details during the war. But he admitted everything to my
14 father. He told him, "This is how it was. [REDACTED]

15 [REDACTED] Why did you not come out when I came to your house?" In
16 Kukes,
17 he admitted this, while he was treating him inhumanely.

18 I will repeat it. I think I said it three times when I gave the
19 statements. I repeated it in the past, I am repeating it now, I will
20 repeat it in the future. I will remember this until the day I die.
21 Because I will go after this criminal group. I will face all of
22 them.

23 PRESIDING JUDGE VELDT-FOGLIA: But you are under an obligation
24 to share with us what you know. You are not the one to decide what
25 you can say or not. You have to tell the truth and you have to share
with us the information you know. So that means that if you know who

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 told you, you have to tell us.

2 THE WITNESS: [Interpretation] The neighbours. Cousins. Many of
3 them. Many of them live close to us. The first time I received that
4 information was from my father.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, the floor is
6 yours.

7 MR. GILISSEN:

8 Q. Yes, but I would like to know if the day of the incident we are
9 talking about, your father was able to recognise this person
10 identified as the one we are talking about, Mr. Shala, Ujku --

11 MR. DE MINICIS: Your Honour --

12 THE WITNESS: [Interpretation] No, no.

13 PRESIDING JUDGE VELDT-FOGLIA: I see everybody standing and I
14 feel also some -- Defence Counsel - before I give you the floor,
15 Mr. Prosecutor - that is not what the witness has said. And the
16 witness has said -- I don't want to read it out to you again. But
17 the witness has said very clear when this information was
18 communicated to him by his father to him. That's what he has said.

19 MR. GILISSEN: Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you have the
21 floor.

22 MR. DE MINICIS: Your Honour, I was objecting to the question
23 which seems premised on something that the witness did not say today.
24 He said that his father was in the house as this incident unfolded.
25 So he never said that the father recognised the man. He said

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Additional redactions applied pursuant to F541.

1 something else that happened one year later. But I think the
2 question was ill-posed and could risk misrepresenting --
3 misrepresenting the evidence of the witness today.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

5 Defence Counsel, I propose that from now on when we discuss
6 matters with the witness and we are referring to what he has said
7 before, we cite the information and then we can go back to that
8 specific information.

9 You have the floor.

10 MR. GILISSEN: Thank you.

11 Q. I would like to make sure I understand correctly. Based on what
12 did these unknown people identify Pjeter Shala? Based on what?

13 MR. DE MINICIS: Your Honour, again, objection.

14 PRESIDING JUDGE VELDT-FOGLIA: Please.

15 MR. DE MINICIS: I have said it. I mean, this is information
16 which we have elicited from the witness, so we can go back and then
17 we can further elaborate on the information. But this is a *de novo*
18 -- the -- asking again a question which the witness has already
19 answered.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, this morning he
21 said that he was given this information by the neighbours and by his
22 father. What do you want to know more?

23 MR. GILISSEN: I would like to understand how these people
24 during the incident were able to recognise, to identify the one who
25 named - we don't know what - Pjeter Shala, Ujku, Ujki. We don't

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 know. That is my next question, of course.

2 PRESIDING JUDGE VELDT-FOGLIA: If you want to know this, I can
3 ask a question to the witness, but that can be much more
4 straightforward, in my view.

5 Mr. Witness, do you know how it was that the neighbours knew
6 Mr. Shala?

7 THE WITNESS: [Interpretation] He operated during the war in
8 Dushkaja area, in Rashkoc. He stayed in Rashkoc, in Cermjan. And he
9 was known in the region of Dushkaja with the nickname Ujku.

10 PRESIDING JUDGE VELDT-FOGLIA: Did you ever ask your neighbours
11 how they knew Mr. Shala?

12 THE WITNESS: [Interpretation] I asked, and, as I said, he
13 operated in Rashkoc, Cermjan, Jabllanice, in these villages. But
14 because we didn't know him, we didn't know who he was, he told my
15 father while he was beating him in Kukes. He knows that very well.

16 PRESIDING JUDGE VELDT-FOGLIA: But what the Defence Counsel
17 would like to know, and I'm going to repeat it only once more, if you
18 know how your neighbours knew Mr. Shala? And you say -- you told us,
19 yeah, he was known in the area. So you think now -- was that you
20 think that they knew him because he was known in the area? Is that
21 what you're trying to say?

22 THE WITNESS: [Interpretation] Yes, he was known by the nickname
23 Ujku. However, the primary source is my father. Because he said
24 that to him when he was being kept in Cahan, in Kukes. Afterwards, I
25 also spoke to people, because he spent a lot of time in Rashkoc,

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Additional redactions applied pursuant to F541.

1 Cermjan and Jabllanice, and the people came to know him. Maybe even
2 in that -- during -- there, when they saw them then and there, they
3 didn't know him. But in the meantime, they learned who Ujku was.

4 I was interested. I asked.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 Defence Counsel.

7 MR. GILISSEN: Yes.

8 Q. I would like to understand, the day of the incident you received
9 some identifying information. What was --

10 PRESIDING JUDGE VELDT-FOGLIA: That is not -- Defence Counsel,
11 that is not what the witness has shared with us. That's not -- he
12 has said that only afterwards he received information about some of
13 the people present and that two persons, yeah, he recognised. That's
14 what he said. Nothing more. Nothing else.

15 And, yes. So don't put words in the mouth of the witness he has
16 not said.

17 MR. GILISSEN: I would like to know which identifying
18 information you received? A name? A nickname? A description? What
19 did you receive?

20 PRESIDING JUDGE VELDT-FOGLIA: No, but that is not -- he did not
21 receive on that day any identifying information. That's not what the
22 witness has said.

23 MR. GILISSEN: That's what I try to understand. Who, we didn't
24 know. What, and then when.

25 PRESIDING JUDGE VELDT-FOGLIA: But I must say, I don't

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Additional redactions applied pursuant to F541.

1 understand this question at all.

2 Mr. Prosecutor.

3 MR. DE MINICIS: If I may, under what, again? This information
4 was provided by the witness today. I specifically asked him to
5 specify what names he received. He gave us certain specific
6 information. Now he's trying to ask again the same question.

7 So it's a ...

8 MR. GILISSEN: I would like to understand what is the first
9 identifying information received. A name? Mr. Pjeter Shala?
10 Mr. Shala? Ujku?

11 PRESIDING JUDGE VELDT-FOGLIA: But you must be more concrete.
12 Because the witness has already said that that specific day he did
13 not receive any identifying information with regard to Mr. Shala.
14 That's what I understood what the witness said.

15 So you can do any cross-examination you want, but you should be
16 more specific in your question, yeah, and not repeat what has already
17 been asked.

18 MR. GILISSEN: No, but I would like when he received the first
19 identifying information.

20 PRESIDING JUDGE VELDT-FOGLIA: But that he has already said.

21 MR. GILISSEN: No, he don't provide --

22 PRESIDING JUDGE VELDT-FOGLIA: What I understood --

23 MR. GILISSEN: He don't provide us a date or a moment. He said
24 he didn't receive it on the spot. Okay. But the day after? Two
25 days after? One week after?

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: But if you want to know that,
2 Defence Counsel, we have avoided this whole discussion and you ask
3 him: Can you remember -- because with regard to the father,
4 Mr. Witness told us that his father shared it when he came back. And
5 he started talking about what happened one day after. So that
6 information you have.

7 And if you want to know something with regard to the neighbours,
8 you ask one clear question: Do you remember when you heard from the
9 neighbours any information with regard to Mr. Shala? That's one
10 question that can you ask. But that's a very specific question.

11 MR. GILISSEN: Yeah.

[Private Session]

12 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F541*

21 PRESIDING JUDGE VELDT-FOGLIA: And the information with regard
22 -- by the neighbours, when did you receive that? Do you remember if
23 that was in the month of June, or July, or August? Or in the year
24 2000?

25 THE WITNESS: [Interpretation] After we returned, once the war --

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Additional redactions applied pursuant to F541.

1 after the war. It was in September or something, when we went to see
2 the house. It was raining. So I wanted to know, to have this
3 information.

4 PRESIDING JUDGE VELDT-FOGLIA: And if you say "September," of
5 which year?

6 THE WITNESS: [Interpretation] 1999.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 Defence Counsel, you have the floor.

9 MR. GILISSEN: Thank you very much. Thank you very much.

10 Q. So we were talking about the neighbours. And you explained us
11 you received some information from people from the KLA. I would like
12 to know exactly the same things. When did you receive this
13 information?

14 A. I cannot give you a date. But whenever I would meet with
15 people, I wanted to know regarding what had happened to my family.
16 So I was interested in every detail. I wanted to find out every
17 detail.

18 Q. I would like to know if it is in the same time or almost the
19 same time you received the information from the neighbour. Was it
20 after the war or before the end of the war?

21 A. After the war.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, can you confirm
23 that what you are now giving follow-up questions is from the
24 provisional transcript page 39, lines 10 till 14? Because we did not
25 receive any reference up till now. And it is important to give the

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Additional redactions applied pursuant to F541.

1 reference.

2 MR. GILISSEN: No, no, that's sure. And it is.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. For next time, I prefer
4 that the Defence gives the references and not we.

5 MR. GILISSEN: I would like that the witness will be able to --
6 could be able to see the other picture. We have four pictures.

7 Q. That's almost the same picture, but we see the road. This is
8 the good road. This is the place where the people -- where the armed
9 people were, Mr. Witness.

10 PRESIDING JUDGE VELDT-FOGLIA: Can you pose an open question,
11 Defence Counsel.

12 MR. GILISSEN: Yes.

13 Q. Is it the road where the armed persons were present?

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, where were the armed
15 people standing?

16 THE WITNESS: [Interpretation] Here, along this barbed wire, but
17 at the time it was a wooden fence. From this house here, up to here.

18 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]

19 THE INTERPRETER: Microphone, please.

20 PRESIDING JUDGE VELDT-FOGLIA: We will ask Madam Court Clerk
21 again to assist, although I see that Mr. Witness has already marked
22 with two numbers, a 1 and a 2.

23 Can you indicate what you mean with the 1 and the 2,
24 Mr. Witness?

25 THE WITNESS: [Interpretation] Number 1 was with the hand-held

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Additional redactions applied pursuant to F541.

1 grenade launcher. Here, there were other soldiers. And number 2 is
2 for the last soldier, so to say. Some were with masks. Some were
3 with hats. So along this fence here.

4 PRESIDING JUDGE VELDT-FOGLIA: And for the record, I state that
5 the Xs are persons who were standing there?

6 THE WITNESS: [Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Yes.

8 You have the floor, Defence Counsel -- oh.

9 Please, I see that Mr. Prosecutor is standing.

10 MR. DE MINICIS: Just one detail. At the beginning I said that
11 we would appreciate some details on these pictures. For instance,
12 some details on when they were taken, who took them. Any information
13 that might assist us following better the questioning. For example,
14 when the pictures were taken would be of assistance.

15 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] those
16 are two questions and relevant ones. I'm sure that Defence Counsel
17 can answer them.

18 MR. GILISSEN: Yes, I will provide you with exact dates. It's
19 almost mid -- or the beginning of March, but I have to check the
20 date. And, indeed, the witness is right. It is a very new pictures.

21 PRESIDING JUDGE VELDT-FOGLIA: March which year?

22 MR. GILISSEN: Of this year.

23 PRESIDING JUDGE VELDT-FOGLIA: 2023.

24 MR. GILISSEN: Yeah, yeah.

25 PRESIDING JUDGE VELDT-FOGLIA: And they were taken by whom?

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 MR. GILISSEN: By our investigators in Kosovo, yeah.

2 PRESIDING JUDGE VELDT-FOGLIA: Will that do? I'm looking at

3 Mr. Prosecutor --

4 MR. DE MINICIS: Yes. Thank you very much.

5 PRESIDING JUDGE VELDT-FOGLIA: Yes? Thank you, Defence Counsel.

6 MR. GILISSEN: It was my pleasure.

7 PRESIDING JUDGE VELDT-FOGLIA: We have public in the public
8 gallery. We are now in private session so -- we are careful, but
9 it's good to know that when we are in public session we have to be
10 very careful.

11 MR. GILISSEN: So I have to ask a question about someone. I
12 prefer to go to closed session.

13 PRESIDING JUDGE VELDT-FOGLIA: We are -- we are in private
14 session, so we can -- we can remain where we are.

15 MR. GILISSEN: Okay. Yes.

16 Q. Mr. Witness, do you recall anyone by the name of Lahi Brahimaj?

17 A. Yes.

18 Q. So who was he? What kind of information can you provide us
19 about Mr. Lahi Brahimaj?

20 A. Lahi Brahimaj, to what I know from information, was commander of
21 the Jabllanice staff, or commander of the General Staff of the KLA.
22 One of the commanders of the Main Staff.

23 Q. Yes. And what was the relationship between your family and the
24 Brahimaj family?

25 A. There was nothing bad between us. There was no problem between

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 us. At the time when I heard his name through these two persons in
2 the yard, that Lahi Brahimaj said that you should hand over the
3 weapons, that he was in Jabllanice staff. So this is what I heard
4 from them.

5 Q. Yeah. What can you tell us about Lahi Brahimaj's mother's
6 death? Do you have information about that?

7 A. I have no information about that.

8 Q. Thank you very much.

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, before we
10 proceed, I would like to put on record, because we did not do it and
11 we must do some record-keeping, that the second picture we showed and
12 where the witness indicated the numbers 1, 2 and the crosses is ERN
13 DPS00 -- and I think this was DPS 00066 -- *nee*, 68. Or 66.

14 Madam Court Officer, could you ...

15 [Trial Panel confers]

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. 68. So that's on record.
17 And the other picture we have shown was -- no, it's -- no, no.

18 THE COURT OFFICER: No, Your Honour.

19 PRESIDING JUDGE VELDT-FOGLIA: I said 66. Yes. No, 66. Here.
20 Okay. Good.

21 MR. GILISSEN: I think we have two more additional pictures.

22 PRESIDING JUDGE VELDT-FOGLIA: That's good. But it's important
23 that we are clear in our household keeping of documents. Yes.

24 Sorry for interrupting you, Defence Counsel. You may proceed.

25 MR. GILISSEN: I would like that the witness could see the two

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 other pictures we provided the Court with.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes, Madam Court Officer, please
3 proceed.

4 And for your information, Defence Counsel, we have ten minutes
5 to go before it's 4.00. Time passed by quickly this afternoon. And
6 you have used -- at 15.45 you had used one hour and five minutes.

7 Please proceed.

8 MR. GILISSEN:

9 Q. So I would like to know if Mr. Witness recognises this picture
10 or the things on these pictures.

11 A. Yes. This is the kitchen. This, with the semi-circle. And
12 this is the sitting room, the main living room. But you can see for
13 yourselves the condition it's in. Maybe you can still use it but for
14 animals. So it used to be a place where you could live but now
15 it's -- it cannot be used for animals.

16 PRESIDING JUDGE VELDT-FOGLIA: Just for the record, we are
17 looking at picture DPS00067. And I think that for the future, it's
18 good, Defence Counsel, that you name -- you mention the number and
19 then you proceed with the question. That will give more clarity to
20 our transcript.

21 MR. DE MINICIS: I'm just wondering, Your Honour, if it's still
22 necessary to remain in private session, since the picture is not
23 being broadcast to the public.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor. The
25 initiative, in principle, is with the Defence.

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 Defence Counsel, what kind of questions do you foresee that you
2 will be asking?

3 MR. GILISSEN: Just to see the last picture we provided.

4 PRESIDING JUDGE VELDT-FOGLIA: Yes. And do you think that we
5 need to do that in private or can we do that also in public?

6 MR. GILISSEN: I prefer in private session.

7 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good.

8 Because the last question with regard to the picture we just saw
9 could have been done in public also. So we have been talking about
10 the kitchen and a semi-circle and a main living-room. I mean, that's
11 nothing -- that has nothing to do with something confidential.

12 MR. GILISSEN: This one is 68, DPS00068. And I think it's
13 better to see it. To see it in private session.

14 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

15 MR. GILISSEN: So I would like to have an answer from
16 Mr. Witness.

17 Q. If he recognise the place, is it the same place that we saw on
18 the other pictures?

19 A. Yes, I recognise it. Here, on the front, is where the fence
20 was, the main road, and that's where the soldier's standing behind
21 the fence.

22 Q. Thank you very much.

23 MR. GILISSEN: I have one last question before the break, with
24 your authorisation, Your Honours.

25 PRESIDING JUDGE VELDT-FOGLIA: Yes. But for me, it's not clear.

Witness: TW4-08 (Private Session)

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Additional redactions applied pursuant to F541.

1 On this picture, Mr. Witness, could you indicate with a 1 - and
2 Madam Court Clerk is so kind to assist Mr. Witness - could you
3 indicate where your former house was situated?

4 THE WITNESS: [Interpretation] You cannot see the house from this
5 picture. But it was somewhere here, where I marked it with 1.

6 PRESIDING JUDGE VELDT-FOGLIA: And now we're looking at the
7 fence. That's the idea?

8 THE WITNESS: [Interpretation] Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: So the fence is where we see the
10 car? The fence was, I should say.

11 THE WITNESS: [Interpretation] Yes. Was. It was a closed fence,
12 covered with wood.

13 PRESIDING JUDGE VELDT-FOGLIA: Can you put a 2.

14 THE WITNESS: [Marks]

15 PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you, Mr. Witness.
16 Defence Counsel, you have the floor.

17 MR. GILISSEN: Thank you very much.

18 [Private Session]
[Private session text removed]

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Witness: TW4-08 (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-08 (Private Session)

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Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-08 (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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5 [Open session]

6 THE COURT OFFICER: Your Honours, we're back in open session.

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

8 Yes, Defence Counsel, I understand that you want to swap to a
9 new topic. And taking into account that it's now 4.00, and I agreed
10 that -- also with the interpretation unit that we would call it a day
11 at 4.00. We already did half an hour extra today from the normal
12 schedule. So we will be adjourning the hearing for today, and then
13 we will continue tomorrow morning with the cross-examination by the
14 Defence.

15 So I will thank everybody for their participation today in this
16 hearing. I want to thank the security and the interpreters and the
17 stenographer -- and the stenographer and CMU for their assistance.

18 Mr. Witness, you will be escorted out now. We will continue
19 tomorrow. It has been a long day. Thank you. I must remind you
20 that you should not discuss anything you have been sharing with the
21 Court today with anyone.

22 I would say take a good rest and then we will continue tomorrow
23 with the examination -- the cross-examination by the Defence. Yes?

24 Thank you.

25 Madam will escort you out. Thank you.

Additional redactions applied pursuant to F541.

1 THE WITNESS: [Interpretation] Thank you.

2 [The witness stands down]

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Clerk.

4 Is there anything you would like to raise still today with the
5 Panel?

6 MR. DE MINICIS: No, Your Honour. Thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel.

8 MR. LAWS: No, thank you, Your Honour.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay.

10 Defence Counsel.

11 MR. GILISSEN: No, thank you very much.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we will resume
13 tomorrow morning.

14 The hearing is adjourned.

15 --- Whereupon the hearing adjourned at 4.02 p.m.

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