

Additional redactions applied pursuant to F541.

1 Wednesday, 29 March 2023

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Madam Court Officer, can you please call the case.

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

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

10 Firstly, I will ask everybody present to indicate who is here.

11 MS. PERGOLO: Good morning, Your Honours. For the SPO, we have
12 Line Pedersen, case manager; Tim Cebulj, legal intern; and
13 Filippo De Minicis, Eva Wyler, and myself, Gaia Pergolo,
14 Associate Prosecutors.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 Victims' Counsel.

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

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have the
21 floor.

22 MR. GILISSEN: Thank you very much, and good morning.

23 I'm Mr. Gilissen, the lead counsel. We here with Mr. Shala who
24 is in the detention center via videolink. We are with
25 Mr. Hedi Aouini, and Ms. Leto Cariolou, the co-counsel of Mr. Shala;

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1 Ms. Dzeneta Petravica, the case manager; Juliette Healy, Judit Kolbe,
2 Francisca De Castro, who are review assistants; Ms. Camille Gosson,
3 an intern; and Ms. Xhulia Tepshi, intern and translator.

4 It is the same team than before, during the other hearings.

5 Thank you very much.

6 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you, Counsel.

7 For the record, I state that Mr. Shala -- I confirm that
8 Mr. Shala is following the proceedings via videolink. We will give
9 an oral order in this regard.

10 The Panel has taken note of the accused's wish to follow the
11 proceedings via videolink. That was communicated to us yesterday
12 afternoon at 9 minutes after 6.00 via e-mail.

13 We will authorise Mr. Shala to attend today's hearings and, if
14 he so wishes, any hearing for the remainder of the trial proceedings
15 remotely from the Specialist Chambers detention facilities. The
16 Panel incorporates by reference its reasons provided yesterday. I
17 refer to the draft transcript, page 765, line 16, to page 767, line
18 16, and I recall, in particular, that participation through videolink
19 does not prejudice Mr. Shala. He will be able to follow the
20 proceedings and communicate with counsel who will be present in the
21 courtroom, and we consider that this mode of participation will
22 facilitate the fair, efficient, and expeditious conduct of the
23 proceedings.

24 And the Panel orders the Defence to inform the SPO,
25 Victims' Counsel, the Registry, and the Panel via e-mail whether

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1 Mr. Shala intends to participate one day before, in order to make all
2 the necessary organisations, if he will be participating via
3 videolink or if will be coming to the courtroom. And if that is on a
4 Sunday, also then you communicate it on Sunday for the next day.

5 The above is without prejudice to the Panel's power to order
6 Mr. Shala to attend the hearings, where the Panel considers his
7 physical presence necessary or when the rules impose such a presence.

8 And this concludes the oral order of the Panel.

9 Very well. We will continue with the examination of Witness 06
10 by Victims' Counsel. We had to interrupt yesterday afternoon.

11 MR. GILISSEN: Madam President, I would like to say something
12 about that. It's not a comment of your decision, of course. Of
13 course. But I think it's very important to try to explain what's
14 happened with Mr. Shala. Because I saw him yesterday evening in the
15 detention centre, and yesterday when we saw him - Ms. Cariolou,
16 Mr. Hedi Aouini, and myself - here in the underground, it was very
17 painful to speak with him. And, indeed, yesterday we lost Mr. Shala
18 from the hearing. I want to say that the judicial system lost
19 Mr. Shala. The will of Mr. Shala is to be present, and he was
20 present, and the will of Mr. Shala is to be present during the
21 hearing.

22 But he explained me, and I'm very sensible, because it's a
23 sensitive question, he explained me the reason why. He consider,
24 right or wrong -- that's important, I think so, because I think, we
25 have, all of us, we are all professionals and all of us have to think

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1 about that. He explained me that he had the feeling - I repeat,
2 right or wrong - that it was very painful to see that a lot of things
3 are said not in public. He is aware, I can guarantee to you he is
4 fully aware, about the necessity to enforce all the protective
5 measures, of course, and to be fair with the witness. It is not the
6 point. But his feeling was really enforced because he had contact
7 with his former partners in Belgium -- his former partner, and with
8 some friends, and all these people explain him that it is impossible
9 to continue to follow the hearing. It is impossible to understand.
10 This is a [indiscernible] cutting hearing, and for the public it is
11 impossible to understand it. I don't know if it is true, but it is
12 an information that is, in my opinion, very interesting and
13 instructive.

14 All of us are learned with the will to protect the witness. It
15 is a condition to have a fair trial and we have to be fair with the
16 witness. But Mr. Shala, who is -- we have to remember that with a
17 cardiac -- he make two cardiac crisis in his life, two severe cardiac
18 crisis, really he was so nervous because he had the feeling after
19 this contact that it was really impossible to have a sufficient
20 public hearing or trial.

21 He explained a lot of things and, really, Mr. Shala, it's not an
22 idiot. That's a clever person. And I can say that I'm -- I was
23 instruct but -- by his way to explain the things he feel -- he felt
24 with the hearings. It's not a question to criticise or something
25 like that. We are not in. No. It is more interesting than this.

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1 Because I took a look after the discussion with Mr. Shala during the
2 evening, I had a special authorisation to see him in the jail because
3 it was out of the hours, the usual hours, and I took a look yesterday
4 to the transcription, and, indeed, indeed, I think Mr. Shala is
5 right. We do have a problem. When we see -- but, of course, it's
6 not -- I repeat, it is very respectfully I want to say that. But
7 it's a real warning we lost Mr. Shala.

8 I repeat, his will is to be present. It is not -- he was not
9 withdrawal because he was afraid of the witness or something like
10 that, no, no. He didn't support the witness. No, it's not the
11 question. He was really very ill. We can ask to Mr. Aouini and
12 Ms. Cariolou, yesterday when we saw him, it was very difficult to
13 discuss with him because he really had a problem, a physical problem.
14 And I think -- I submit -- very respectfully submit to you that we
15 have to think about that. Really, I ask some people I know in
16 Belgium who try to follow the case, and they told me almost the same.
17 Almost, because they are not the accused, of course.

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, thank you for
19 your remarks in this respect.

20 I saw Madam Prosecutor standing. Is that related to this topic
21 or something else?

22 MS. PERGOLO: No, Your Honours. I had another point, but, of
23 course, maybe just very briefly on this. Of course, we are very
24 sensitive to the issue of publicity of proceedings and we have tried,
25 endeavoured so far to do our best to do the questioning of the

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1 witnesses in public. We understand, of course, that this has not
2 entirely been possible probably to the satisfaction of everyone, and
3 we'll try to do our best going forward. But, of course, we are also
4 minded to be guided in this regard by the Panel.

5 And then I can raise my other issue later.

6 PRESIDING JUDGE VELDT-FOGLIA: No, I would like to come to --
7 proceed with that after we have finalised this topic.

8 Victims' Counsel, is there anything you would like to raise in
9 this respect?

10 MR. LAWS: Just this. The Court is obviously seeking to strike
11 a balance between the competing interests of a fair trial and the
12 security of the witnesses, and that's something which is never going
13 to be possible to do to everybody's satisfaction. But the absolute
14 priority must be, in our submission, the security and safety of those
15 who come to testify here. And if that means that private sessions
16 have to be used, then private sessions have to be used. And that's,
17 I'm afraid, a product of the reality of Kosovo at the moment, and
18 that is a topic which has been amply rehearsed by different Judges
19 and even witnesses at this court.

20 So that's what we want to say about it.

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

22 Defence Counsel, you have -- you have said what you have to --
23 without repeating, is there something you would like to say in reply
24 to --

25 MR. GILISSEN: Of course, of course. No mind, no mind.

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1 And thank you very much, really, thank you very much to provide
2 me the floor in response.

3 We must be aware sometimes a hearing, a trial is a very delicate
4 thing. But a fair trial, it's more delicate, as you know perfectly
5 well. You know it better than me. I don't try to teach anyone here.
6 We know that.

7 And we can say all along the day, oh, take care with -- we have
8 to be cautious and so on. There are some limits. A trial to be a
9 fair trial must be public, please. The priority is the publicity.
10 It is a guarantee for a trial. But, of course, of course, we have to
11 be very careful with the security and particularly with all the
12 information about identification, identifying information about the
13 witnesses and the security of witnesses. But on the contrary, I
14 submit, I respectfully submit but strongly submit, publicity is a
15 guarantee for the trial itself. And my dear friend from the legal
16 representation of victims is right. It is a very important thing.
17 But this is a balance we have to make. And we know perfectly well,
18 Your Honours. It is very delicate for you. Of course, it's a
19 delicate business and it's very delicate for us, the parties or the
20 participants in the process. But we don't have to forget that the
21 principle is publicity, I think so. I'm sure you know.

22 PRESIDING JUDGE VELDT-FOGLIA: I wanted to give you the floor to
23 redact. But your point is completely clear to me.

24 MR. GILISSEN: I'm sorry. The microphone was --

25 PRESIDING JUDGE VELDT-FOGLIA: No [Overlapping speakers] ...

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1 MR. GILISSEN: -- not open. And that's all. That's really all.
2 Thank you very much.

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

4 It's an important issue to discuss. And also yesterday and the
5 day before yesterday, it has been one of our main priorities to have
6 as much as possible in public. And we have to strike, as a Panel,
7 the balance between the accused's rights, this important right of
8 publicity of proceedings and, on the other hand, as was pointed out,
9 the security and the protection of the witnesses. And I think that
10 we are doing, at the moment, as much as possible to have the part of
11 the proceedings we can in public. I have instructed the parties and
12 Victims' Counsel to give it a thought every time you ask a question,
13 if it can be done in public or in private.

14 I recall that on the first day we have been trying to do a lot
15 in public, and we had a large amount of redactions in this respect.
16 And I also want to recall that a part of the cross-examination was
17 done in private, so that was also a choice. And that's also one of
18 the reasons that on Tuesday I asked everybody present to be very
19 careful in choosing which questions to do in private or public.

20 So I think that is the way we should proceed, bearing in mind
21 all the different interests that are here at stake. And I express
22 again that, in our view, and also based on the law, the presence of
23 Mr. Shala in this courtroom is what we prefer. And I would say to
24 the Defence that you re-discuss with Mr. Shala this choice, although
25 he can, at a distance, participate in the same way as he could

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1 participate here. A question in this respect is if this is the way
2 to solve this different balance we try to strike, by not being here.
3 That's something I give back to you.

4 But we all do our utmost to do as much as possible in public,
5 and there is -- we, as a Panel, we will try to give as much guidance
6 in this respect. And for the parties and Victims' Counsel, it's also
7 a responsibility on you to assess if it is possible or not, and then
8 not only thinking of publicity but also thinking of the security of
9 the witnesses.

10 That's where we are. It's a challenge in this process which we
11 will try to -- to deal with as good as we can.

12 Good. Having said this, one note, yes. If we realise that part
13 of the transcripts that are done in private can be reclassified, we
14 will bring them into -- we will reclassify them and bring them into
15 public. That's an exercise that we have been doing also in another
16 case. So we do our utmost to bring as much as possible to the
17 public.

18 Having said this, we will proceed now with the Witness 06. It's
19 the turn for Victims' Counsel.

20 Madam Court Usher -- oh, yes, there was another point. Thank
21 you.

22 Madam Prosecutor, you have the floor.

23 MS. PERGOLO: Thank you, Your Honours.

24 Just very briefly. This is something regarding the Panel's
25 first oral order that was issued yesterday during the hearing, and I

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1 think its reference is provisional transcript pages 733 and 734. So
2 the Panel granted the Defence's request for an extension of time
3 for -- to file the responses to the motions for filings 463 and 465.
4 The length currently set in the Decision on the Conduct of
5 Proceedings for the SPO replies to those responses is 13 April
6 currently and has not been varied by the Panel.

7 So the SPO would kindly request a similar extension for time for
8 our replies that takes into the account that the extension to the
9 Defence for these responses.

10 That was it.

11 PRESIDING JUDGE VELDT-FOGLIA: That is granted as of now.

12 MS. PERGOLO: Thank you. Thank you very much, Your Honours.

13 PRESIDING JUDGE VELDT-FOGLIA: And the intention was that we
14 follow what is said in Rule 76, so for everybody, everything changes
15 according to the extension given to the Defence. That was the idea
16 of the Panel.

17 MS. PERGOLO: Thanks for the clarification.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well.

19 Madam Court Usher, could you bring the witness in. Thank you.

20 And for planning reasons, we will adhere to the schedule of
21 yesterday. So we be working now till 11.00. And then 11.30-1.00,
22 and then one-hour break, and then from 2.00 till 4.00. Yes?

23 [The witness takes the stand]

24 PRESIDING JUDGE VELDT-FOGLIA: Welcome.

25 Welcome, Madam Witness. Can you hear me?

Witness: TW4-06 (Resumed) (Open Session)
Questioned by Victims' Counsel (Continued)

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1 THE WITNESS: [Interpretation] Yes. Glad to see you again,
2 Your Honour, Presiding Judge.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you. I hope you had some
4 rest, Madam Witness.

5 THE WITNESS: [Interpretation] Yes, I'm very well.

6 PRESIDING JUDGE VELDT-FOGLIA: We will now continue with the
7 examination by Victims' Counsel, where we left it yesterday
8 afternoon. And then we will continue with the cross-examination by
9 the Defence Counsel. Yes?

10 Victims' Counsel, you have the floor.

11 THE WITNESS: [Interpretation] I understand.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well.

13 I give the floor now to Victims' Counsel.

14 MR. LAWS: Thank you, Your Honour.

15 WITNESS: TW4-06 [Resumed]

16 [Witness answered through interpreter]

17 Questioned by Victims' Counsel: [Continued]

18 Q. And good morning, Madam Witness.

19 A. Good morning to you.

20 Q. When we broke off yesterday, I was about to ask you some
21 questions about your husband's character. All right?

22 A. My husband, as much as I can assess as a spouse and our entire
23 family, was a man who upheld all human values and that a human being
24 has. He was a decent husband and a good father.

25 Q. Thank you. What was his attitude to the law and to following

Witness: TW4-06 (Resumed) (Open Session)
Questioned by Victims' Counsel (Continued)

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1 the law?

2 A. He took the appropriate position, respected the law, and never
3 did anything unlawful. He would never take such actions.

4 Q. Thank you. I'm going to move on now to ask you some questions
5 about the effects of what had happened on your husband. But I'm
6 going to ask you some questions, so just to explain, that's what's
7 going to be discussed next. All right?

8 A. Understood.

9 Q. Because I'm not going to go over what you told us about the
10 physical effects on him. I think we have that sufficiently covered.

11 A. All right.

12 Q. But I do want to ask you some more questions about the emotional
13 effects on him, and I'm going to do that in just a moment. All
14 right?

15 A. The emotional impact was extremely negative and bad, in
16 different shapes and forms. Psychological impact, emotional one, and
17 as a follow up, he developed the illness, [REDACTED], the trauma, and
18 had to take medical treatment permanently.

19 Q. I wanted to ask you how long those psychological effects lasted
20 after he was released from the metal factory.

21 A. They lasted for a while. One, two years, something like that.
22 However, at a later stage, he started to slightly improve and relax.
23 When justice started working, things got moving, and justice was
24 being served in the country, he felt a satisfaction, he felt relaxed,
25 that justice would be served, and this would be heard everywhere.

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Questioned by Victims' Counsel (Continued)

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1 Q. You mentioned a moment ago that he took medication. What
2 medication was he taking, please?

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. Thank you. Could you tell us for how long he took the
14 tranquillisers, please?

15 A. He took tranquillisers for five to six years. After, his health
16 improved slightly. He gained some weight, and he felt better day by
17 day, relaxed better, but, again, with the help of the medication.

18 Q. You mentioned yesterday - and it's page 825 in the transcript,
19 line 1 to 2 - you mentioned that he suffered from nightmares after he
20 was released from the metal factory; is that right?

21 A. Yes, that's true.

22 Q. And if you don't mind sharing with us, Madam Witness, the
23 nightmares were about what?

24 A. From what we could understand, and as he understood them
25 himself, came of as a consequence of the tortures he was subjected to

Witness: TW4-06 (Resumed) (Open Session)
Questioned by Victims' Counsel (Continued)

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1 by the persons we mentioned earlier at the metal factory. During the
2 night, as soon as he would wake up, his first reaction would be,
3 "Where am I?" He would call for his sons, "Have them come here, all
4 of them, I want to see them." I would reply, "We are home, we are in
5 the room. Our sons are working, they cannot be here." We were all
6 there, myself and my daughter.

7 So during the words he uttered, he would throw his hands in the
8 air, move his legs uncontrollably because of the trauma he had been
9 through. He would ask, "Where are we?" I would reply, "We are home,
10 we are in our room, in our house." And this went on for several
11 years, these emotions.

12 Q. Thank you. Were there any other changes to the way that he
13 would sleep at night?

14 A. Can you please repeat the question once more?

15 Q. Yes. Did anything else change about the way that he would sleep
16 at night after he was released from the metal factory?

17 A. Sometimes, based on what -- on his attitude, his behaviour and
18 what we heard, he would scream. He would do this, "Oh." And we
19 would ask him, "Why are you doing that? Nobody is touching you."
20 And then he would cry and -- without knowing what else to say to us.

21 Q. Would he spend the whole night in bed or would he ever leave his
22 bed?

23 A. When he had these bad dreams, he would step out of bed. He
24 would stand up, he would sit down again. But we always stood besides
25 him. We would ask him, "Where do you need to go? What else do you

Witness: TW4-06 (Resumed) (Open Session)
Questioned by Victims' Counsel (Continued)

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1 need? Do you want to be somewhere else?" He would say no. He would
2 just say, "I just need to stand up."

3 Q. My next question is this: How did what had happened to your
4 husband affect your life as his wife?

5 A. This affected us greatly, creating extraordinarily difficult
6 moments. So many -- such difficult moments that I cannot even count
7 them. Each one of them had a harder impact, tougher impact on me and
8 my entire family. So this impacted us emotionally, psychologically.
9 Our health was impacted and everything.

10 Q. Thank you. After the war, could you tell us how the family was
11 perceived by others in your community?

12 A. People around us perceived us -- are you referring to the
13 incident that occurred or the person?

14 I also have a question for the assistant of the victims. Can I
15 ask this question?

16 MR. LAWS: I'm in the Court's hands. I don't know what the
17 question is, but I'm perfectly happy to be asked it, if Your Honours
18 allow.

19 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, you can ask the
20 question and we can see -- we take it from there. Yes?

21 THE WITNESS: [Interpretation] All right. Is your question how
22 my husband was treated or how people talked about him, or are you
23 referring to the incident that happened to us?

24 MR. LAWS:

25 Q. My question was about how people perceived the family after the

Witness: TW4-06 (Resumed) (Open Session)
Questioned by Victims' Counsel (Continued)

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1 war, after what had happened to your husband, and by that I mean what
2 you understand people in your community thought about the family,
3 what they were saying about the family.

4 Does that make it clearer, Madam Witness?

5 A. Yes, yes. People only spoke well. They appreciated us just as
6 they did before the war. We were well spoken of from the entire
7 community where we lived and where we stayed, be that my family, my
8 husband, my children. Good words and the respect to -- for everyone
9 of us.

10 Q. Did your daughters continue in their schooling after the war?

11 A. No. They were not in a position to continue schooling because
12 of safety reasons, because, at that moment, we were now kind of
13 watched. The case had been reported to the justice authorities,
14 institutions acting at the time - namely, EULEX - and we were not
15 safe at that time. As a result, my daughters interrupted schooling
16 because of safety reasons.

17 A lot of incidents were happening. Immoral actions were
18 committed and, as a result, we decided to interrupt our daughters'
19 schooling.

20 Q. It's a topic that I want you to help us all to understand. How
21 does being a victim of the crimes that happened to your husband, how
22 does being a victim of those crimes or being in his family, how does
23 that make you unsafe?

24 A. We felt unsafe. We didn't know what could possibly happen to us
25 every day. Despite the fact that certain individuals, those

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1 individuals had committed crimes, criminal offences, we still
2 expected from them and even -- even other worse things committed by
3 them to us. But this was in respect specific persons, not everybody
4 or -- I'm not referring to KLA soldiers in general but these persons,
5 in particular, who had committed criminal acts and who were able to
6 commit again every day.

7 Q. Thank you very much. Finally, Madam Witness, I think it's right
8 that there`s a photograph of you and your husband that you have
9 provided that you would wish to share with the Judges; is that right?

10 A. Yes.

11 MR. LAWS: May we have, please, item 7 on our presentation
12 queue. I should emphasise that is not to be broadcasted.

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please load
14 the evidence.

15 MR. LAWS: And its ERN is V04030001.

16 Q. Madam Witness, who is in the photograph that's now on your
17 screen?

18 A. In this photograph, you can see my husband and myself when we
19 were just engaged. And this was taken in 1973.

20 Q. Thank you very much, Madam Witness. I have no other questions.

21 A. Thank you to you, too.

22 MR. LAWS: I'm going to ask, please, that that photograph
23 becomes an exhibit.

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
25 proceed with allocating a number to this exhibit.

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1 THE COURT OFFICER: Your Honours, that would receive Exhibit
2 Number V1.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
4 Thank you, Victims' Counsel. I said thank you,
5 Victims' Counsel.

6 MR. LAWS: Oh, thank you, Your Honour.

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, we will now turn
8 to the Defence for its cross-examination.

9 Defence Counsel, before I give you the floor, the Panel will
10 give an oral order.

11 We have taken note of the Defence request to use during its
12 examination of this witness, and also Witness 07 and Witness 09, item
13 ERN DPS00065-DPS00068. This is the e-mail you sent to us on 27 March
14 at 18.43.

15 We have already seen this item on Monday and it has been
16 essentially discussed during the questioning of Witness 08 and we
17 authorise to use it also for this witness, and the other two
18 witnesses.

19 I give you the floor, and you have, in principle, the same time
20 as was given to the Specialist Prosecutor's Office, and that's a
21 little bit more than two hours.

22 You have the floor.

23 MR. GILISSEN: Thank you very much, Your Honour. Thank you very
24 much.

25 Cross-examination by Mr. Gilissen:

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Cross-examination by Mr. Gilissen

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1 Q. Good morning, Madam Witness. As you know --

2 A. Good morning to you, too.

3 Q. As you know, I am the Defence Counsel of Mr. Shala. But don't
4 be afraid. There is no --

5 A. I understand.

6 Q. Thank you very much. There is no trick questions or no trap.
7 Really, we need, as the Victims' Counsel explained, we need you to
8 try to understand all together some elements to not commit a mistake,
9 to not commit a mistake. Okay? This is the only purpose of this
10 thing.

11 So my first question is --

12 A. Understood.

13 Q. Perfect, thank you. So it's --

14 MR. GILISSEN: My first question, I think it's public,
15 Madam President.

16 Q. Yesterday, Madam Witness, you told us that Mr. Pjeter Shala, it
17 is Mr. Pjeter Shala himself, who told your husband that he came to
18 your house in May 1998. So my question referred to the transcript
19 page 83, 84, lines 17, 6, and transcript page 84, line 15 to 23?

20 So my question is very simple: Did you confirm that it is
21 your -- Mr. Shala that informed your husband he was there during this
22 famous visit in May 1998?

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you be
24 more specific with regard to which visit.

25 MR. GILISSEN: In May, [REDACTED] Pursuant to In-Court Redaction
Order F471. May 1998. The visit we discussed

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Additional redactions applied pursuant to F541.

1 yesterday a long time.

2 PRESIDING JUDGE VELDT-FOGLIA: Is that sufficiently clear for
3 you, Madam Witness?

4 THE WITNESS: [Interpretation] Yes. Yes. I can confirm and I
5 can answer.

6 My husband told me, he told me that Pjeter Shala himself, in the
7 arbitrary prison where he was detained, the metal factory in Kukes,
8 he said, "Don't label anyone else. I fired shots at [REDACTED]. I
9 also came to your house" on the mentioned year. "I also came to your
10 house to shoot at your house." This was Pjeter Shala himself telling
11 this to my husband. And this is how my husband reported it to me,
12 and this is the truth.

13 MR. GILISSEN:

14 Q. Yes, thank you very much.

15 MR. GILISSEN: I ask the Court Officer to pull ERN 105370-TR-ET,
16 Part 1, RED, the redacted version of transcript of SPO interview of
17 [REDACTED] Pursuant to In-Court Redaction Order F471., Part 1,
18 [REDACTED], page 15, lines 16 to 19.

18 Q. So do you remember, Madam Witness, being interviewed by the SPO
19 [REDACTED].

20 THE COURT OFFICER: Your Honours, could counsel confirm the
21 Albanian page number.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, yes. Could you
23 please confirm the Albanian -- in the Albanian version, which page
24 should be uploaded.

25 MR. GILISSEN: I will provide you the element.

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1 I'm sorry for the delay.

2 PRESIDING JUDGE VELDT-FOGLIA: Please take your time. We just
3 want to have it all organised here.

4 MR. GILISSEN: It seems -- I'm sorry, we have a problem,
5 Madam President. I'm sorry. I don't know exactly why, but we do
6 have a problem to find it.

7 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Can it
8 not be page 14 or 15? Because the page we are shown is on page 13 of
9 the English version.

10 MS. PERGOLO: Your Honours.

11 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, you have the
12 floor.

13 MS. PERGOLO: Yes, perhaps I can assist Defence Counsel with the
14 reference to the Albanian.

15 If I understand correctly that what counsel is looking at is ERN
16 105370, Part 1, page 15, lines 16 to 19, so then the Albanian would
17 be page 18, lines 2 to 4, I believe.

18 [Trial Panel confers]

19 MR. GILISSEN: It seems to be correct, yeah. We look at and it
20 seems to be correct. I'm sorry for this delicate moment.

21 So with your leave, Madam President.

22 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

23 MR. GILISSEN: Yes.

24 Q. Madam Witness, you state at this moment in the -- your meeting
25 with the investigators:

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1 "We have learned, we have heard from our neighbours that the
2 person that was carrying that tromblon, that rocket-propelled
3 grenade, they wanted to hit our house. That was Pjeter Shala also
4 called also or known as Uke."

5 Do you remember stating this to the SPO, Madam Witness?

6 A. Yes.

7 Q. Thank you very much. Did you find out the neighbours that Shala
8 was the person holding the grenade launcher?

9 A. My husband learned about this. However, he did not mention the
10 name who he learned it from. He didn't give us the name of the
11 person who told him this.

12 Q. Yeah, thank you very much. It is very clear. Thank you.

13 And it was your husband who learned from them it was
14 Pjeter Shala who held the launcher in 1999, in May 1999. When was
15 this information came to your husband, to your husband?

16 PRESIDING JUDGE VELDT-FOGLIA: It's 1998.

17 MR. GILISSEN: 1998. Thank you very much.

18 Q. The question is to try to understand what --

19 A. He learned this immediately in the aftermath, in the immediate
20 aftermath of this incident, so a week or two later. He inquired,
21 wanted to know who was that person since we didn't know the other
22 persons. We only recognised the two persons who came into the
23 courtyard. We didn't recognise or know the others.

24 My husband was told by one or two persons that that person in
25 question was Pjeter Shala. However, we don't know who these persons

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1 were; meaning those who told my husband this information.

2 This was then verified again when Pjeter Shala himself told him
3 in the prison in Kukes, at the metal factory in Kukes. It was then
4 that he understood this even better and more precisely.

5 Q. Thank you very much. It is very clear, Madam Witness. What we
6 would like to understand is the process of the knowledge of the name
7 or the nickname. Did you first learn the nickname, like Ujku, Uki or
8 something else, Uke, or directly the name of Shala, or Pjeter Shala?

9 A. Based on what my husband told us, it was first the name and then
10 the pseudonym, based on what -- the people who conveyed this
11 information to my husband. This is what my husband told us.

12 Q. Okay, thank you very much. It's very helpful for us and for us
13 you all. Thank you very much.

14 So my second question, my second topic is this. Did you know
15 that your husband gave an interview to the SPO on [REDACTED]?

16 A. Yes, he told me about this. He told me that he gave a
17 statement. He was interested and contacted by the international
18 court. It was before the authorities of this Court that he told
19 about all these statements and the incidents.

20 Q. Thank you. I would like to refer to the statement of your
21 husband.

22 MR. GILISSEN: And ask the court officer to pull for our screens
23 082892-TR-ET, Part 1, RED3, Part 1, RED3, page 36, lines 15 to 17.

24 And I will try to obtain the information for the Albanian document.

25 PRESIDING JUDGE VELDT-FOGLIA: I propose that you proceed,

1 Defence Counsel, and as soon as the information is available, you --
2 the case manager shares it with us, and then for the upcoming days
3 and upcoming weeks, we try to prepare that in advance so we don't use
4 time. It is a kind of courtesy to have both texts. Yes?

5 MR. GILISSEN: Thank you very much. Thank you very much for
6 your understanding. I think it's the best way to try to proceed
7 without losing some time.

8 Q. So your husband said, and I read:

9 "My wife tells me that Commander Uki and his son were in front."

10 So my question is very simple. Do you tell your husband that
11 Commander Uki and his son were in the front of your house or in the
12 front of your property?

13 A. No. What I told to my husband was that Hamez Ibrahimaj and
14 Naser Ibrahimaj entered into our courtyard. We knew Hamez, however,
15 we didn't know Naser Ibrahimaj. That was the first time on the day
16 of the incident that I saw him. No, unless somebody else told him
17 this. I don't know.

18 Q. Thank you very much. It is very clear. And did your husband
19 tell you such an information about Commander Uki and his son?

20 A. Yes, he did tell this to us. When they heard what these people
21 told him, he explained to us family members as well that Commander
22 Pjeter Shala with a grenade launcher was there and wanted to hit the
23 house. However, he also admitted this himself in Durres -- sorry, in
24 Kukes. My husband told us what he learned from other people and then
25 shared this information with us, the family members; meaning that

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1 Pjeter Shala was there.

2 Q. And my question is very clear, and thank you to be very precise.

3 With his son, was the information he received?

4 A. Who?

5 Q. Your husband provided you with information, you told us about.

6 But is it --

7 A. Yes, yes.

8 Q. -- including with the Commander Uki and his son? This is the
9 question of the son. The presence of a so-called son.

10 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, could you take
11 your headphones off?

12 Just to be clear, Defence Counsel, the question to
13 Madam Witness, to understand, if I understood it right, is: Did your
14 husband tell you about the presence of the son of Commander Uki?

15 MR. GILISSEN: Yeah. It is both. Of course, the son, that is
16 really the purpose of the question.

17 PRESIDING JUDGE VELDT-FOGLIA: Yeah, the first part is already
18 discussed.

19 MR. GILISSEN: Yeah, but --

20 PRESIDING JUDGE VELDT-FOGLIA: But now you want to know about
21 the son.

22 MR. GILISSEN: Yeah, but --

23 PRESIDING JUDGE VELDT-FOGLIA: I would really focus the
24 question: Did your husband tell that you the son of Commander Uki
25 was present? And I think then it's --

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1 MR. GILISSEN: There is both elements. I think so, to be fair
2 with the witness, it's a Commander Uki and his son. So we have both
3 elements, both identifying elements. I think so.

4 PRESIDING JUDGE VELDT-FOGLIA: In a question, it is better to
5 ask one question. So you first -- if I may, we first deal with the
6 commander, you get an answer on that. And then you proceed, and
7 together with the commander was also the son, so then we get a
8 precise answer. Because I had the impression that Madam Witness was
9 lost.

10 I give the floor back to you.

11 MR. GILISSEN: I do have the same feeling. That's why I tried
12 to be very careful.

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

14 MR. GILISSEN:

15 Q. Thank you very much. Thank you very much to be with us and to
16 try to understand what I try to explain to you.

17 My wish is to know if your husband told you something about a
18 Commander Uki.

19 A. He only told us that the person carrying the grenade launcher,
20 handheld grenade launcher was Ujku, or, otherwise, Pjeter Shala, who
21 went by the pseudonym Ujku. Just like those persons who told him
22 that Pjeter Shala was there, or reported, this is what he told us as
23 well, and nothing less, nothing more.

24 Q. Thank you very much. And my second question is: Did your
25 husband told you something about the son of this Commander Uki or

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1 Ujku?

2 A. No. Not to us.

3 Q. So thank you very much. It is very, very clear.

4 So in May 1998, did you know a Commander Uki or Ujku, or it was
5 a nickname that you were not aware about?

6 A. No, not before that.

7 Q. Thank you very much. Thank you for your help.

8 So my --

9 A. Thank you as well.

10 MR. GILISSEN: So my third question is public, too, Madam
11 President.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 MR. GILISSEN:

14 Q. Madam Witness, when you were asked yesterday about the
15 perpetrators that your husband identified as having mistreated him at
16 Kukes, you stated he told you - and you told us today - that
17 Pjeter Shala was one of them. This is transcript page 88, lines 9 to
18 10.

19 However, this is not the first time you had to answer this
20 question, isn't it?

21 A. Yes. This is what he told us. This is what he told us: That
22 he was present during the torture, that he admitted, saying, "I came
23 there, shot at [REDACTED] [REDACTED] Pursuant to In-Court Redaction Order
F471 and I also came to your house,"

24 a year later, two years later, which is 1998, in the village of
25 [REDACTED] Pursuant to In-Court Redaction Order F471 at our house.

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1 Q. Yes, thank you. You were interviewed by the SPO.

2 MR. GILISSEN: And I ask the court officer to put on the screen
3 ERN 105370-TR-ET, Part 2, transcript of the SPO of the interview of
4 Witness 04 --

5 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] I
6 prefer that we don't share this type of information in public
7 session.

8 MR. GILISSEN: Yeah?

9 PRESIDING JUDGE VELDT-FOGLIA: The ERN number will suffice.

10 MR. GILISSEN: Okay. Part 2, Part 2, date [REDACTED].

11 PRESIDING JUDGE VELDT-FOGLIA: And I would like to know why we
12 are pulling up this document so I can agree on it or not.

13 MR. GILISSEN: You prefer not in public?

14 PRESIDING JUDGE VELDT-FOGLIA: I would like to know -- if you
15 tell the Panel beforehand why we are pulling it up. So, yes.

16 MR. GILISSEN: So I would like to show to the witness her own
17 statement at this moment and to compare with what she explained us,
18 to have information and to be sure not to commit a mistake when we
19 have to take some conclusion about that.

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MR. GILISSEN: So for the court officer, I say Part 2 and
22 focusing on page 9, lines 12 to 18.

23 Q. So, Madam Witness, you were asked, and I read the question:

24 "Now, in addition to Sabit Geci, Xhemshit Krasniqi, and" a third
25 person, I don't know I have to name it today. I want to be careful.

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1 But we are able to read the name on the screen.

2 "... do you remember if your husband named any other person who
3 detained him and who otherwise mistreat him in Kukes? Any other
4 person in addition to those?"

5 And your answer - and we will continue it after - was: "No" --

6 A. Yes.

7 Q. Yeah. And your answer was:

8 "No, he didn't tell me of -- he didn't tell me of any other
9 names. Perhaps there were other people, but he could not recognise
10 any of them."

11 So I would like to hear you, to confirm you say that or not?

12 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would -- if
13 you are citing, I think you have to cite what the witness says two
14 lines or three lines under it.

15 MR. GILISSEN: Of course. And this is the purpose of my
16 question.

17 PRESIDING JUDGE VELDT-FOGLIA: No. But I think -- I suggest,
18 because that's the reason that I asked why you pulled this up, first
19 I would say you ask the question if she can tell us who she remembers
20 that her husband told her that --

21 Could you take off your headphones, please, Madam Witness.

22 MR. GILISSEN: My intent is to quote line 19 to 25, and page 10,
23 line 1, to be complete.

24 PRESIDING JUDGE VELDT-FOGLIA: But to ask -- I would -- your
25 question was: So I would like to hear if you can confirm that.

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1 MR. GILISSEN: Yeah.

2 PRESIDING JUDGE VELDT-FOGLIA: But, in my view, that is not
3 putting the whole picture of what she has said, because it's clear
4 what she said after that.

5 But I would like to back one step ahead, because the transcript
6 is our point of departure and our ending point, as it comes to the
7 evidence that will be on record. My suggestion would be that you
8 first ask the question and then, based on that answer, we can go to
9 prior statements.

10 MR. GILISSEN: I fully understand.

11 PRESIDING JUDGE VELDT-FOGLIA: That's the approach. Because the
12 prior statements can only be introduced to be part of the evidence
13 through discussing it here in court. But I would like first to hear
14 from the witness what she has to say about it.

15 MR. GILISSEN: Of course.

16 PRESIDING JUDGE VELDT-FOGLIA: And if you only present her first
17 with three lines, ask her an answer, and then go to the next one, I
18 think it could be -- it is not your intention, but it could be
19 confusing. And I think that if you read her answer as a whole, yeah,
20 it gives a different view on what she intended to say.

21 MR. GILISSEN: Yeah. My feeling was it was better to make it in
22 two times. But, of course, it is absolutely not a problem to make it
23 in one time. Of course.

24 PRESIDING JUDGE VELDT-FOGLIA: But I would first ask her the
25 general -- the question and then we can always go back to the -- and

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1 I see where you're going to, but there are different ways, I would
2 say, to make that point, why she did not come up with the fourth name
3 right away. I understand you.

4 MR. GILISSEN: So I ask --

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

6 MR. GILISSEN: So I ask to show to the witness and to put on the
7 screen the same document, page 9, lines 19 to 25, and page 10,
8 line 1.

9 And I quote it to be complete -- and I provide the information
10 in Albanian, this is better, page 10, line 22, page 11, line 5.

11 Q. And I quote for the witness:

12 "Now, madam, do you -- do you remember at the beginning" - this
13 is the question - "we talked about when the KLA came to your house in
14 May 1998?"

15 The answer is: "Yes."

16 The question from the investigator: "And you mentioned a man by
17 the name Pjeter Shala?"

18 The answer is: "Yes."

19 "Did your husband ever mention Pjeter Shala, mention to you in
20 relation to the events that happened in Kukes?"

21 And the answer is: "Yes, yes. Yes, he was there."

22 A. Yes.

23 Q. So my question is very simple. We had the feeling that the
24 investigators offer you this name. And I would like to have your
25 version or your feeling about what I put to you about our feeling

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1 about that.

2 A. I think and I said what my husband told me, that it is
3 Pjeter Shala.

4 Q. So I want to be clear, because I want to be fair. Did you have
5 or not the feeling that the investigator put in your mouth the name
6 that you didn't remember?

7 A. No. Only my husband. Only what my husband told me. This is
8 what I reported and then stated in my interview.

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

10 For the first topic I would like to approach with you is about
11 an investigator or a journalist. And do you recall an investigator
12 or journalist called Mike, or Michael, meeting your husband?

13 A. Yes. Yes, he gave interviews. Perhaps it was the EULEX court.
14 Anyway, an international one. And he told me, indeed, that he was a
15 person by the name of Michael interested in such things. He
16 mentioned him. And that's all.

17 Q. Do you know if this Mike, or Michael, was Mr. Michael
18 Montgomery?

19 A. No. I personally don't. Only Michael.

20 Q. And do you know if this person discussed only with your husband
21 or with the other members of the family?

22 A. No. Only with my husband. It was only my husband who gave
23 interviews at that time.

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

25 And, according to you, if you are aware about that, how many

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1 times did this Michael met your husband?

2 A. Any time he was invited to be interviewed. He only met with
3 Michael for interviews. When he was invited, summonsed for
4 interviews, he went there. I don't know about any other occasions.
5 Only during the interview he gave.

6 Q. And do you know if it was several times or only once?

7 A. I -- with respect to the interview, I don't know if he was
8 invited once or twice. I cannot know better.

9 Q. Thank you. Thank you very much. And do you know if your
10 husband provide -- ever provided him with any documents or notes?

11 A. No, I don't know about that. Only my husband knew. He
12 transmitted, gave him everything.

13 Q. Perfect. Thank you very much. And did your husband ever
14 mention to you or any of your family anything about a yellow house, a
15 yellow house in Albania?

16 A. Never. Never did to me or to other family members.

17 Q. Thank you, it's very clear. And the same, did you know if your
18 husband ever mentioned to you or to someone else about a yellow
19 Mercedes?

20 A. No.

21 Q. Perfect. It is very clear. Thank you very much.

22 And did you know if your husband mentioned anything about an
23 organ trafficking?

24 A. Never, never.

25 Q. It is very clear.

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I will give the
2 floor to Madam Prosecutor.

3 MS. PERGOLO: Yeah, Your Honours, just that we don't really know
4 where Defence Counsel is going with this questioning. It doesn't
5 really seem relevant to what was discussed in -- during
6 examination-in-chief.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 I was giving you some leeway, Defence Counsel, because it is
9 cross-examination and I didn't want to stop you. But the question
10 has come to my mind, too, where you were going with this. So could
11 you explain already at this moment in time what is the background of
12 this question.

13 MR. GILISSEN: Yes, of course. I was --

14 PRESIDING JUDGE VELDT-FOGLIA: Shall I ask Madam Witness to take
15 her headphones off?

16 MR. GILISSEN: It could be better. It could be better.

17 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, would you like to
18 take off ...

19 Defence Counsel, please.

20 MR. GILISSEN: Thank you very much.

21 I was talking about that because there is a statement of the
22 husband of the witness, of Madam Witness, and he was talking about
23 during a statement provided *[REDACTED]* Pursuant to In-Court Redaction
Order F471.

24 *[REDACTED]* Pursuant to In-Court Redaction Order F471. I can provide the
line, I can provide the information. I'm
25 not sure it is necessary, but I can -- it is ready.

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1 PRESIDING JUDGE VELDT-FOGLIA: Just a short summary. Because I
2 don't see where you're going. Maybe you have two key words and then
3 we are --

4 MR. GILISSEN: As we know, this Tribunal has been set up because
5 of organ trafficking. This was what we know --

6 PRESIDING JUDGE VELDT-FOGLIA: No, that is your summary of the
7 reasons.

8 MR. GILISSEN: Yeah. And these -- that witness were part of a
9 process about that. And it is very interesting to see that he was
10 not only a witness in this case but in the problem of organ
11 trafficking. He was provided some information to this
12 Mr. Montgomery. And I'm sure that when we have to conclude and to
13 present our argument, we will be fully aware to understand why we
14 wanted to ask the question to the wife of this dead witness.

15 I can argue that now, but I'm not sure it's time. But I'm ready
16 to, if it is necessary.

17 PRESIDING JUDGE VELDT-FOGLIA: I think that -- the Prosecutor is
18 standing. I see also that we are approaching 11.00.

19 Madam Prosecutor, I will give you the floor and then I will --
20 proceed.

21 MS. PERGOLO: Thank you, Your Honour. Just I would kindly ask
22 Defence Counsel to provide maybe a reference for us to identify this
23 document that is he talking about from 2018 because -- just for
24 reference and for our -- thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Yes, Defence Counsel, you were

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1 ready to provide it. Could you provide only the ERN number.

2 MR. GILISSEN: I will. And I want to say that there is no more
3 question about that, because the answer is the answer. The answer
4 from Madam Witness is very clear. She is not aware about it, so
5 there is no more questions.

6 The document is ERN 082892-TR-ET. And this is enough. I can
7 provide more but, as you ask, I stop here.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes. I would like, however, some
9 further clarification. The page number is asked.

10 MR. GILISSEN: [Microphone not activated]

11 PRESIDING JUDGE VELDT-FOGLIA: Please, the mic.

12 MR. GILISSEN: Oh, I'm sorry. Page 3 -- sorry, Part 3, page 17
13 to 18. And line is 5 to 13.

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

15 I would like to discuss this further but in private session.

16 But because we are approaching 11.00, I will first thank
17 Madam Witness, for now, because now we will be concluding.

18 MR. GILISSEN: Yeah, because this is over for me.

19 PRESIDING JUDGE VELDT-FOGLIA: Oh, it's over, the --

20 MR. GILISSEN: Yeah, that's what I want to inform you.

21 Q. And I want to say thank you very much, Madam Witness. Thank you
22 very much.

23 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, we are going --
24 oh, yes.

25 Can you hear me, Madam Witness?

Additional redactions applied pursuant to F541.

1 THE WITNESS: [Interpretation] Yes, loud and clear.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel has informed the
3 Panel and the Prosecutor and the Victims' Counsel, and I am informing
4 that he is done with your cross-examination. So, for now, he doesn't
5 have any questions anymore.

6 This coincides with the moment for the break. After the break,
7 we will have possibly a second round. So now we have a break, and
8 then I see you in half an hour.

9 THE WITNESS: [Interpretation] I understand.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you. You may go with Madam
11 Court Usher.

12 THE WITNESS: [Interpretation] Thank you.

13 [The witness stands down]

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

15 Madam Court Officer, can we go shortly into private session, if
16 that is okay for the interpretation booth.

17 THE INTERPRETER: It is okay.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 [Private session]

20 [Private session text removed]

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Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Procedural Matters

Additional redactions applied pursuant to F541.

1 [Open session]

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

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

4 It's now 11.00. We will have a break of half an hour. I would
5 like to see all of you back at 11.30, and then we can start right
6 away with the second round.

7 --- Recess taken at 11.03 a.m.

8 --- On resuming at 11.30 a.m.

9 PRESIDING JUDGE VELDT-FOGLIA: Welcome back to everybody.

10 We will first check composition. I see the same composition.

11 Yes.

12 Also for Victims' Counsel.

13 And here at our left-hand side, yes, I see the Defence nodding.

14 Very well.

15 Madam Court Usher, could you please usher the witness back into
16 the courtroom, please.

17 And for the record, Mr. Shala is participating via videolink.

18 [The witness takes the stand]

19 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

20 Madam Witness, we will now give the parties and Victims' Counsel
21 the opportunity in a second round, if they want to put any more
22 questions to you, to do so.

23 So I will start with the Specialist Prosecutor's Office. Do you
24 wish to proceed with redirect examination, Madam Prosecutor?

25 MS. PERGOLO: No, Your Honours. No need for further questions

Witness: TW4-06 (Resumed) (Open Session)

Page 871

Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 from the SPO. Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

3 Victims' Counsel, do you want to re-examine?

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

5 PRESIDING JUDGE VELDT-FOGLIA: Very well.

6 And Defence counsel, would you like --

7 MR. GILISSEN: No, thank you very much, Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: No? Good.

9 Madam Witness, the parties and Victims' Counsel do not have any
10 questions anymore for you but the Panel has. So I will give the
11 floor to the Judges to ask you some further clarifying questions with
12 regard to the statement you have given today and yesterday.

13 THE WITNESS: [Interpretation] Understood.

14 PRESIDING JUDGE VELDT-FOGLIA: I did not hear the translation.

15 THE WITNESS: [Interpretation] Understood.

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

17 Yes, I turn to my left-hand side. Judge Bitti, you have the
18 floor.

19 Questioned by the Trial Panel:

20 JUDGE BITTI: I have a few questions for you, mostly to clarify
21 some of the things you said yesterday.

22 Yesterday, at page 82 of the transcript, lines 21, 22, you were
23 speaking about the metal factory in Kukes, and you said the
24 following:

25 "... it was a place where many other prisoners were also held."

Witness: TW4-06 (Resumed) (Open Session)

Page 872

Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 You told us yesterday already of some names of the detainees.

2 You do not have to repeat those names. I'm more interested about the
3 words you used, "many other prisoners."

4 From whom or from where did you get that information?

5 A. From my husband. My husband told me that there were many other
6 prisoners there.

7 JUDGE BITTI: Thank you. Could you be a bit more precise about
8 what he meant by "many other prisoners"? Did he give you some
9 details, some more precise numbers? Was it in the tens, in the
10 dozens? Did he say something more precise?

11 A. No. Only that there were many other persons being held there.
12 He did not mention any accurate numbers.

13 JUDGE BITTI: Thank you. Was he speaking - and I'm always
14 referring to the detainees there - was he speaking about people
15 coming and going? Meaning, were there people detained but for a
16 short period of time, for example?

17 A. Yes, there were people there who were held for a short time but
18 also persons who were held longer, for example, one month. Some. He
19 was referring to some prisoners being held longer than the rest, but
20 he did not tell me who those people were.

21 JUDGE BITTI: Okay, thank you very much. This is very useful.

22 On page 84 -- and I'm going to another topic now. On page 84
23 of --

24 A. I cannot see the transcript before me, but perhaps that is not
25 important for me to see.

Witness: TW4-06 (Resumed) (Open Session)

Page 873

Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 JUDGE BITTI: Actually, I have a transcript.

2 Is there an issue, Madam Court Officer, about a transcript?

3 [Trial Panel and Court Officer confer]

4 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness --

5 THE WITNESS: [Interpretation] That is not a problem, because I
6 am able to understand the question and I will give my response based
7 on that.

8 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, I will, however,
9 ask Madam Court Usher to have a look at your transcript, just to
10 verify, if you don't mind, Madam Court Usher, to look on her screen,
11 if it somehow froze. It is frozen.

12 [Trial Panel and Court Officer confer]

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, I think you should
14 now be able to see the transcript; is that correct?

15 THE WITNESS: [Interpretation] Not yet.

16 PRESIDING JUDGE VELDT-FOGLIA: This is the transcript of today,
17 Madam Witness, but my colleague -- and as we are speaking now.

18 THE WITNESS: [Interpretation] It is only in English.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes. But we are going to
20 translate what you said into Albanian in order for you to comment on
21 the question of my colleague. Is that clear for you?

22 THE WITNESS: [Interpretation] Yes, it's clear.

23 PRESIDING JUDGE VELDT-FOGLIA: You have the floor.

24 JUDGE BITTI: Thank you.

25 [Microphone not activated]

Witness: TW4-06 (Resumed) (Open Session)

Page 874

Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 THE INTERPRETER: Microphone, please.

2 JUDGE BITTI: Sorry. Yesterday, on page 83 and 84 of the
3 transcript, you were speaking about your husband being tortured in
4 Kukes. And in page 84, lines 5 and 6, you mention the persons who
5 were doing that. And you said the following:

6 "These persons were Sabit Geci, Xhemshit Krasniqi. There were
7 others as well amongst them. Pjeter Shala."

8 Is there a reason why you mention those persons in that order?

9 A. No. I only said that to mention the persons who were involved
10 in the mistreatment.

11 JUDGE BITTI: Okay, thank you.

12 Did you -- sorry. Did your husband mention to you something
13 about the position and role of Mr. Shala, especially towards the two
14 other persons that you mentioned?

15 A. Yes. He also mentioned Mr. Shala. He said that he told him
16 these words: "Do not blame anyone else. I was the one who shot at
17 [REDACTED]. I was the one who was carrying the tromblon grenade
18 launcher at your house and was prepared to shoot the house where you
19 lived."

20 JUDGE BITTI: Thank you. I will try to rephrase a little bit my
21 question.

22 When speaking about the people who, as your husband said, were
23 torturing him in Kukes, in the metal factory in Kukes, did your
24 husband tell you something about specific roles of that person,
25 especially with regard to authority? Did one of the three persons

Witness: TW4-06 (Resumed) (Open Session)

Page 875

Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 that you mentioned have a higher authority than the others, or were
2 they all, according to him, according to what he saw, what he
3 understood, were they all at the same level?

4 A. As far as he was able to understand, he only knew them as
5 persons, but he did not know anything in relation to their positions
6 or commanding orders or command chain. He only knew them as persons.
7 He did not know what positions they held. That is what my husband
8 told me.

9 JUDGE BITTI: Thank you very much. You're extremely clear.

10 I have a last question for you and it was on page 92 of
11 yesterday's transcript, lines 7 and 8, where you were asked about the
12 consequences for the family about what your husband had to go
13 through.

14 You said: "It affected our economic conditions."

15 Could you please develop what you meant by "economic
16 conditions"?

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED] Pursuant to In-Court Redaction Order F471. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 We also lost a lot of financial income because of the medical
25 condition my husband was in, because he could not work. He only

Witness: TW4-06 (Resumed) (Open Session)

Page 876

Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 could -- was able to work a little bit by harvesting or in
2 agriculture. But because of his medical condition, he could not --
3 he could no longer work to provide for the family, to become a main
4 source of income so that we could be financially supported. And this
5 was all impacted -- this all had an impact on us.

6 We also had other expenses involving his medical treatment,
7 examinations, surgeries, that were done either in Kosovo at the
8 American hospital, as well as in *[REDACTED] Pursuant to In-Court
Redaction Order F471.* which was covered by my
9 son, where he spent three months. We had to spend money on his
10 medical insurance. He had surgeries *[REDACTED] Pursuant to In-Court
Redaction Order F471.* Two, two surgeries
11 that he had in *[REDACTED] Pursuant to In-Court Redaction Order F471.* And
also following -- follow-up
12 examinations, follow-up treatments *[REDACTED] Pursuant to In-Court
Redaction Order F471.* hospitals.

13 He also had a surgery at the American hospital in Kosovo, which
14 had high costs. Initially, our second son, *[REDACTED] Pursuant to In-
Court Redaction Order F471.,* helped us
15 cover those expenses and, later on, our other sources. We had no
16 income coming from anyone else. We were supported by my sons. We
17 had very high expenses in relation to that.

18 Sometimes those expenses reached up to €150.000 for the
19 surgeries that he needed. That included medications and follow-up
20 treatments, without taking into account travel expenses. That's
21 without taking into consideration travel expenses.

22 Our financial conditions were truly dire.

23 JUDGE BITTI: Thank you. Thank you very much for this very
24 precise answer.

25 Just a follow-up concerning your children. You said that your

Witness: TW4-06 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 daughters were not in a position to continue schooling. What about
2 your other children? Did what happened to your husband have
3 consequences on your other children; for example, in terms of
4 employment or other consequences?

5 A. No, we did not have any more consequences, but my son [REDACTED]
Pursuant to In-Court Redaction Order F471.,

6 he supplied all the other siblings [REDACTED] *Pursuant to In-Court*
Redaction Order F471. so that they could work

7 in his company. So they helped us in relation to that.

8 JUDGE BITTI: This morning you told us that your daughters were
9 not able to go to school anymore. That was on page 15, lines 24, 25.

10 I understood from yesterday that [REDACTED] *Pursuant to In-Court*
Redaction Order F471.. Did that affect

11 you particularly?

12 A. No consequence. Respected by all [REDACTED] *Pursuant to In-Court*
Redaction Order F471. people, and by all

13 the people in the community. They had -- they paid highest respects
14 to us.

15 JUDGE BITTI: I understand. But was it difficult for you,
16 especially [REDACTED] *Pursuant to In-Court Redaction Order F471.,* that
your daughters were not able to

17 continue with their education?

18 A. It was difficult. It was difficult. Because we wanted to avoid
19 something worse happening, we had to keep them at home, engage them
20 in other work, crafts or something else, related to the household.

21 JUDGE BITTI: Okay. I want to thank you very much,

22 Madam Witness. I have finished with my questions. Thank you very
23 much for your answers.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 [Trial Panel confers]

Witness: TW4-06 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 THE WITNESS: [Interpretation] Thank you as well.

2 PRESIDING JUDGE VELDT-FOGLIA: I give the floor now to
3 Judge Mikula for some other questions.

4 JUDGE MIKULA: Thank you, Madam President.

5 Two questions. Did your husband tell you which specific wounds
6 were caused to him specifically by Mr. Pjeter Shala?

7 A. I could not -- he could not differentiate which wounds were
8 caused by which persons in the moments when he was being beaten. He
9 could not differentiate. However, he said that he was tortured by
10 him as well. He beat him with blunt objects, with metal bars and so
11 on.

12 JUDGE MIKULA: Thank you very much.

13 And last question from me. Did your husband receive any pension
14 after the war?

15 A. Yes, he did receive, but that was -- that's for disabled
16 persons, €110. As a blind person, he received €150 a month.

17 JUDGE MIKULA: Was it immediately after the war, this pension
18 assigned to your husband?

19 A. At a later stage, two to three years later. He only had a basic
20 pension. But two or three years later, he started receiving the
21 other one for disabled persons, when he was also qualified for that,
22 when he lost his eyesight due to diabetes. The disability pension.

23 JUDGE MIKULA: Thank you very much, Madam Witness.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Madam Witness --

Witness: TW4-06 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 THE WITNESS: [Interpretation] Thank you. Thank you as well.

2 PRESIDING JUDGE VELDT-FOGLIA: We've reached the end of your
3 testimony, and I would like to thank you for all the efforts you have
4 put in giving your testimony, and I believe that it will be helping
5 us in our efforts to find the truth. I say thank you to you for that
6 reason.

7 And I must remind you that you cannot discuss, after now that
8 you have given your testimony, with anybody the content of the
9 testimony you have given before the Specialist Chambers. Do you
10 understand that?

11 THE WITNESS: [Interpretation] I do. I would also like to thank
12 you, Madam President of the Court, and all your staff, and all
13 present in the courtroom. A special thank you during this process
14 for your treatment towards me and for the questions. I thank you
15 all.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Witness. I wish
17 you a safe journey home. And I will ask now Madam Court Usher to
18 usher you out of the courtroom.

19 THE WITNESS: [Interpretation] Thank you. Have a good day.

20 PRESIDING JUDGE VELDT-FOGLIA: Have a good day, you too.

21 [The witness withdrew]

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

23 So looking at the clock, I think we have enough time to proceed
24 with the next witness. And so we will continue with the testimony of
25 the Specialist Prosecutor's Office Witness 07.

Additional redactions applied pursuant to F541.

1 And, yes, before we usher the witness in, is there something we
2 need to take care of? No. No.

3 There is. I see the Prosecutor standing.

4 MR. DE MINICIS: Your Honour, just a matter -- just to be
5 certain and safe that everything is working in order. We perhaps
6 would suggest if we can -- could ensure by asking Mr. Shala if he can
7 hear the proceedings in a language that he can understand and
8 ascertain the connection is working properly, as it was also
9 customary in previous trials, if I recall, whenever the accused was
10 participating via videolink.

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, we can certainly
12 do that.

13 Mr. Shala, can you hear me?

14 THE ACCUSED: [No audible response]

15 [Trial Panel and Court Officer confer]

16 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] because
17 I cannot hear you.

18 THE ACCUSED: [via videolink][Interpretation] I apologise. The
19 microphone was not on.

20 Yes, I can hear you. I can hear you very well.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well, Mr. Shala. Now I can
22 hear you too. So that has been confirmed. And I also see that the
23 translation is working. Have you been able to follow the examination
24 during the whole day?

25 THE ACCUSED: [via videolink][Interpretation] Yes, myself, I was

Additional redactions applied pursuant to F541.

1 able to, but not the public, because it's full of redactions. My
2 counsel's questions were redacted. I don't know how my lawyer can
3 defend me if he cannot be heard. Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Shala. We have
5 ascertained that you can follow the proceedings, and we have taken
6 notice of what you just shared with the Panel. Thank you.

7 Good. Then we can proceed with the next witness.

8 [Trial Panel and Court Officer confer]

9 PRESIDING JUDGE VELDT-FOGLIA: In order to do a technical test,
10 we will go into private session to ascertain that everything is
11 working properly for the next witness, and then we will revert back
12 to public session to start off with the witness.

13 Madam Court Officer, can you bring us into private session,
14 please.

15 [Private session]

16 [Private session text removed]

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20 [Open session]

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

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

23 Madam Court Usher, could you usher the witness in, please.

24 [The witness entered court]

25 PRESIDING JUDGE VELDT-FOGLIA: Welcome, Mr. Witness. Please put

Additional redactions applied pursuant to F541.

1 your headphones on.

2 Mr. Witness, good afternoon - it is just past 12.00 - and
3 welcome to the Specialist Chambers. Can you hear me fine?

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

5 PRESIDING JUDGE VELDT-FOGLIA: How are you, first of all?

6 THE WITNESS: [Interpretation] I am well. Thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. Today we
8 will start with your testimony. And before we begin, I have several
9 remarks.

10 I will first explain to you the protective measures that have
11 been granted to you for your testimony. And the first one is that
12 you have been assigned a pseudonym, and this means that I will
13 address you with the words "Mr. Witness," and I will not use your
14 name. I make sure in that way that the public is not aware of your
15 identity.

16 You also have been granted face and voice distortion, and that
17 means that no one outside the courtroom that is following the
18 broadcast can see your face or hear your real voice when you are
19 giving your testimony.

20 When you answer questions that will not reveal your identity, we
21 will do that in open session, and that means that the public can hear
22 and see what is said in the courtroom.

23 When you are asked to describe anything that relates
24 specifically to you or to mention facts that can reveal your
25 identity, we will do so in a private session, and that means that

Additional redactions applied pursuant to F541.

1 there is no broadcast and no one outside the courtroom can hear what
2 is said in the courtroom.

3 If anything is said during open session that may identify you,
4 we will protect that information. The broadcast is issued with a
5 delay, so before broadcasting, we will take care that any such
6 information is removed from the broadcast and also from the public
7 transcript.

8 Do you understand all this?

9 THE WITNESS: [Interpretation] Yes. Yes, thank you for
10 everything.

11 PRESIDING JUDGE VELDT-FOGLIA: Very well. Mr. Witness, you're
12 called to testify before the Specialist Chambers in the case of
13 The Specialist Prosecutor versus Pjeter Shala to assist this Panel to
14 reach a verdict. After you have taken your solemn declaration to
15 tell the truth, you will be asked questions by the lawyers for the
16 Prosecution, which are sitting in the togas in purple, next to the
17 Bench; then by the lawyer representing the victims to participate in
18 this case. The persons sitting next -- most next to you. Yes? And
19 then the Defence Counsel of Mr. Shala on your right side with the
20 togas in red. Yes? And then, finally, by us, the Judges.

21 I would like to provide you with some guidance for answering the
22 questions that we pose to you.

23 And the first one is listen carefully to each question. If you
24 have not understood well the question, please ask the question to be
25 repeated. We want you to tell the truth and we want to hear from you

Additional redactions applied pursuant to F541.

1 what you heard, you saw, you sensed, you experienced. And if you did
2 not see or hear it yourself, please tell the Court and explain us how
3 that information came to you.

4 You may remember not all the details of the events, and that is
5 perfectly fine. Just testify on what you remember. And if you don't
6 know, just tell us that you don't remember or that you don't know.
7 Okay?

8 And please answer the question. If further clarification is
9 needed, we will ask you.

10 Is this explanation clear to you?

11 THE WITNESS: [Interpretation] Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well.

13 THE WITNESS: [Interpretation] Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: I'm also going to give you some
15 practical advice.

16 Everything that we say here is translated - we have
17 interpretation booths - and recorded, so it is important to speak
18 into the microphones. There are two microphones positioned in front
19 of you. So normally, if you are sitting there, that works fine.
20 Please speak clearly and please speak at a slow pace. This will
21 allow the interpreters to do their work.

22 And you should only start speaking when the person asking you a
23 question has finished, because if not, we get overlapping speakers
24 and the translators cannot translate everything at the same time.
25 And when a question is asked, please wait five seconds before

Additional redactions applied pursuant to F541.

1 starting to answer, because that will allow us to properly follow
2 what has been -- what has been said.

3 I see you nodding.

4 If I raise my hand like this, please stop talking.

5 THE WITNESS: [Interpretation] Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: And sometimes you will be asked
7 to take off your headphones when something needs to be discussed that
8 could influence the content of your testimony. Okay.

9 If you have any questions, if you need a break, or there is
10 something you would like to say, please raise your hand so that I
11 know that you want to say something, and then I will give you the
12 floor.

13 Have you understood all this?

14 THE WITNESS: [Interpretation] Yes, thank you.

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

16 As I must do with every witness, I will now ask you to read your
17 solemn declaration to tell the truth. And I remind you that it is an
18 offence within the jurisdiction of the Specialist Chambers to give a
19 false declaration. Yes?

20 I will now ask Madam Court Usher to assist with you the text.
21 Please, Mr. Witness, read the text provided to you with your solemn
22 declaration to tell the truth.

23 THE WITNESS: [Interpretation] Thank you. Conscious of the
24 significance of my testimony and my legal responsibility, I solemnly
25 declare that I will tell the truth, the whole truth, and nothing but

Witness: TW4-07 (Open Session)

Page 886

Examination by Ms. Wyler

Additional redactions applied pursuant to F541.

1 the truth, and that I shall not withhold anything which has come to
2 my knowledge.

3 WITNESS: TW4-07

4 [Witness answered through interpreter]

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

7 We can now begin with the testimony of Witness 07, starting with
8 the questioning by the Specialist Prosecutor's Office.

9 Madam Prosecutor, you have the floor.

10 MS. WYLER: Thank you.

11 Examination by Ms. Wyler:

12 Q. Good afternoon, Witness.

13 A. Good afternoon.

14 Q. As Madam Presiding Judge just has explained, you have been
15 granted in-court protective measures to protect your identity. As I
16 will start with a few questions about your personal details, I will
17 ask the Panel shortly to go into private session so you can speak
18 freely.

19 MS. WYLER: Your Honours, the SPO is very mindful of the
20 principle of publicity and I think we have shown that in our past two
21 examinations-in-chief. I will only ask to go into private session
22 whenever I assume that my question will elicit protected information
23 and go back into public session as soon as this is possible.

24 So, for now, could we please move into private session.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Prosecutor.

Witness: TW4-07 (Private Session)

Page 887

Examination by Ms. Wylter

Additional redactions applied pursuant to F541.

1 Madam Court Officer, could you bring us into private session,
2 please.

3 [Private session]

4 [Private session text removed]

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Witness: TW4-07 (Private Session)

Page 888

Examination by Ms. Wylér

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-07 (Private Session)

Page 889

Examination by Ms. Wyler

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 in public session.

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

13 Madam Prosecutor, you have the floor.

14 MS. WYLER:

15 Q. Witness, what was your father's profession in the 1990s?

16 A. He was a police officer in the former Yugoslavia, or a commander
17 in the field. He was an officer. That's how he was referred to
18 within his occupation in the police.

19 Q. Did your father ever tell you why he chose to become a police
20 officer?

21 A. We never discussed this. I never asked him. He started his
22 occupation since he was young; when he was 23 or 24, I believe.

23 Q. How would you describe your father as a person up until the war?

24 A. Everyone says that they like their fathers, but I truly loved my
25 father. He did his best for us, to educate us, to bring us up

Witness: TW4-07 (Private Session)

Page 890

Examination by Ms. Wylér

Additional redactions applied pursuant to F541.

1 properly. He was very engaged as a father in the upbringing of his
2 children. He embodied all the good qualities a father should have.

3 Q. I think I can do one more question in public. Without
4 mentioning the name of the specific place, were you living in Kosovo
5 in 1998?

6 A. Yes.

7 MS. WYLER: May we go into private session for the following few
8 questions.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well.

10 Madam Court Officer, can you bring us into private session,
11 please.

12 [Private session]

13 [Private session text removed]

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Witness: TW4-07 (Private Session)

Page 891

Examination by Ms. Wylér

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-07 (Private Session)

Page 892

Examination by Ms. Wyler

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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7 [Open session]

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

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

10 Madam Prosecutor, you have the floor.

11 MS. WYLER: Thank you.

12 Q. Witness, you just told us that until spring or summer 1998 you
13 lived together with your family in a village in Kosovo which you then
14 left. And I refer to the transcript page 58, lines 24 to 25.

15 Why did you leave the village you were living up until then?

16 A. We left because some persons came, some of them wearing
17 uniforms, some of them not. They came to our house. They came close
18 to the fence, a wattle fence. 13, 14 to 15 persons arrived there.
19 Two came directly into the courtyard who were looking for my father
20 and for his weapons.

21 We went out, myself and my eldest brother, my mother, and my
22 youngest brother. We went out to the courtyard to talk to them. We
23 did not know them. [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Additional redactions applied pursuant to F541.

1 [REDACTED] He replied, "I am

2 not Hamez, I am a soldier."

3 She spoke to them. My brother [REDACTED] Pursuant to In-Court
Redaction Order F471. also spoke to them.

4 They wanted to come in the house. We did not allow them. My sisters
5 asked my father not to come out.

6 They took a handgun from my brother, and as soon as they got the
7 handgun, they left. But before they left, before they took the
8 handgun, a person with a grenade launcher called tromblon who was
9 standing by the fence made a signal to everyone to move away because
10 he wanted to shoot at the house. That is what happened. He
11 signalled with his hand. He took the weapon from my brother. These
12 persons also said that they were sent from Jabllanice General Staff.
13 The commander was Brahimaj.

14 Then they took the weapon and told my mother to come to the
15 staff tomorrow. My mother replied, "Yes, I will, I will come there
16 with my husband and with my children. I will come to Jabllanice."
17 But in the evening, we left and we went to Gjakove. We found an
18 apartment in Gjakove and then stayed there until my family went to
19 Albania. However, I myself stayed in [REDACTED] Pursuant to In-Court
Redaction Order F471.

20 Q. Witness, just to remind you, be careful with names and
21 locations.

22 I would stay a bit -- I would like to stay a bit with this
23 incident in spring/summer 1998 before moving on to a year later.

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor.

25 MS. WYLER: Yes.

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Examination by Ms. Wylér

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Could you insert in these
2 questions, page 61, line 3, where the witness has said, "He took the
3 weapon from my brother." For me, it was not clear in the sequence to
4 who does that refer.

5 MS. WYLER: I will, yes.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 MS. WYLER:

8 Q. You referred to people that came to your premises which were
9 partly in uniforms, partly in civilian clothes. What kind of
10 uniforms were they wearing?

11 A. The two persons that came in the courtyard wore the KLA uniform
12 and KLA insignia. The person who took the weapon from my brother was
13 Naser Ibrahimaj. As soon as they took the weapon, they left, and my
14 mother told them, "I will be there tomorrow at 10.00 in the morning,
15 I will be there in Jabllanice." But we didn't go there the following
16 day. We left the house and we went to Gjakove.

17 Q. You mentioned one weapon, a grenade launcher, which was, as I
18 understood it, further away from you. Did you see any other weapons?

19 A. Well, the persons who were in the courtyard had weapons. Naser
20 had a weapon. And one of them also had a sniper rifle. The rest who
21 were standing by the fence, who took up positions by the fence, had
22 their rifles, Kalashnikovs, automatic rifles directed at the house.
23 And that is the reason why I couldn't see clearly what they -- what
24 they had on. But they had masks, they had hats. And the only person
25 my mother recognised was Hamez Ibrahimaj who came into the courtyard.

Witness: TW4-07 (Open Session)

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Examination by Ms. Wyler

Additional redactions applied pursuant to F541.

1 Q. Thank you. You said that they took away a weapon from your
2 brother. Can you be a bit more specific about when this happened and
3 what weapon that was or whose weapon that was?

4 A. They took the weapon from my brother. They also asked for more
5 weapons, weapons which my father held legally and officially. But my
6 sister and my brother asked him to hand over the small handgun in
7 order for them to leave, after which they said, "Tomorrow you should
8 all report at 10.00." My mother told them, "Yes, we will be there at
9 10.00 tomorrow." But we did not wait for the following day. We left
10 the same night to go to Gjakove.

11 Q. So the weapon that they took from your brother, was this the
12 weapon that was your father's or was it the weapon of your brother?

13 A. We also had weapons which we used to guard the village. But
14 that specific weapon, they took that specific weapon from the house
15 and that was my father's handgun.

16 Q. So you mentioned that your mother recognised one of the people
17 coming into your courtyard, and you also eventually learned about the
18 identity of the other person.

19 Do you know about any other KLA member present that day?

20 A. She only recognised Hamez that day, Hamez Ibrahimaj. We did not
21 know Naser Ibrahimaj. We came to know of his name at a much later
22 stage from my father, after a long period of time.

23 Q. Right. Did you learn about any other people that were present
24 that day by name?

25 A. Yes, but at a much later stage. That was after my father

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Additional redactions applied pursuant to F541.

1 returned from Albania.

2 Q. And what did you learn from your father -- or what did your
3 father learn when he came back?

4 A. My father described and told of his abduction, of being sent to
5 a metal factory in Kukes, of being tortured, beaten, and of persons,
6 some of whom he didn't know and some of whom he did. But that is
7 where he learned that the person involved in the attack against our
8 house was Pjeter Shala. There are other names that he knows of being
9 involved in the mistreatment and ill-treatment in Kukes. I can
10 mention those names now as well if --

11 Q. I will come back to that at a later point in time. Let's stay
12 with the incident in 1998 for a bit longer.

13 So you said your father later on learned that there was also
14 Pjeter Shala present on that day in May -- excuse me, in spring 1998;
15 is that right?

16 A. Yes.

17 Q. What exactly did your father learn about Pjeter Shala's presence
18 on that day?

19 A. [REDACTED]

20 [REDACTED]

21 [REDACTED] Why did you
22 not come out when I came to your house?"

23 Q. And when he said, "Why didn't you come out when I came to your
24 house," what did he refer to?

25 A. Referring to when Hamez and Naser Ibrahimaj were there. The

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Additional redactions applied pursuant to F541.

1 incident when our house was attacked, in 1998, in the village where
2 we lived.

3 Q. Apart from your family, did any other person observe this
4 incident in spring/summer 1998?

5 A. I don't know. Perhaps the neighbours, but I don't know.

6 MS. WYLER: Your Honours, can we move into private session for
7 one or two questions, please.

8 PRESIDING JUDGE VELDT-FOGLIA: We can.

9 But before that, I will give the floor to Defence Counsel.

10 Please.

11 MR. AOUNI: Sorry again, Your Honour. Just to clarify on the
12 transcript, at page 62 --

13 PRESIDING JUDGE VELDT-FOGLIA: Allow me to go back to 62, then I
14 can follow your remark right away. Yes.

15 MR. AOUNI: We just verified, I've been told by several of the
16 team members that there was a mention of some kind of clothing, I
17 will put it in different -- general terms, hats and masks, that
18 didn't make its way to the transcript, while I have the impression to
19 have heard this specific detail.

20 So maybe that could be clarified for the transcript.

21 PRESIDING JUDGE VELDT-FOGLIA: Yes. Here I see in line 4:

22 "The two persons that came in the courtyard wore the KLA uniform
23 and KLA insignia."

24 Would it -- it would be somewhere around there?

25 MR. AOUNI: A little bit further down, Your Honour, describing

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1 the clothing.

2 PRESIDING JUDGE VELDT-FOGLIA: No. Because my intention is --
3 because we can, for now, not verify what was said back then. But if
4 I can be more specific, although maybe this is already specific
5 enough, then we can have it verified later on by the interpretation
6 booth, so then we know for sure what is said. And maybe then if
7 there was said more, we will add it to the transcript.

8 MR. AOUINI: Your Honour, I suggest also a question could be put
9 to clarify from the witness what he said just a few minutes ago.

10 PRESIDING JUDGE VELDT-FOGLIA: That we can also do, but I think
11 it is also important to hear what he said back then.

12 But you said a little bit further on?

13 MR. AOUINI: Around the line 17, 18. It was about the group of
14 soldiers, not the two individuals. Referring to hats and masks.

15 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, you have the
16 floor, because I am having difficulties to identify the line where we
17 are discussing about.

18 MS. WYLER: If I may, we believe it is page 62, around line 16.
19 But no problem to ask a clarifying question to the witness.

20 PRESIDING JUDGE VELDT-FOGLIA: Okay. We proceed like that.

21 You will have the floor and you can do that when you think the
22 moment is best.

23 Thank you, Defence Counsel.

24 MS. WYLER:

25 Q. Witness, just one clarifying question. When speaking about the

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Additional redactions applied pursuant to F541.

1 people who were in or surrounded your premises back in 1998, you said
2 something about their clothing. Could you please repeat that?

3 A. Yes. The two persons, Hamez and Naser Ibrahimaj were wearing
4 uniforms and had the KLA insignia. Those who were along the fence,
5 some of them were wearing uniforms, but I did not see any insignia
6 because the fence is about 20, 25 metres far. But the fence, what we
7 call it, how we call it, it's inside our property. It is included in
8 the property. So they were lined up there with their weapons
9 pointing in our direction. These two entered the yard to talk with
10 us. So we were under attack because all their weapons were directed
11 towards the house, including the tromblon, or the grenade launcher.

12 With the two that came into the yard, it was my mother and my
13 brother who spoke to them and told them that we were going go to
14 Jabllanice the next day. Had they not said this, it could have come
15 to the worst.

16 Q. Going back to the clothing, you said they were uniformed or
17 partly uniformed. Did they wear anything else apart from the
18 uniform?

19 A. Civilian clothes, ordinary clothes that a civilian and not a
20 policemen or military member would wear. And some would wear -- some
21 were with uniforms, which implies a military or police uniform. So
22 some had, some didn't. But weapons, they all had weapons because
23 they were there to attack us. If somebody points his weapon towards
24 you, towards your house, you are under attack, and, of course, it's
25 an attack.

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please answer the
2 question you are asked, and now we are discussing specifically the
3 clothing. So I understand that there is a lot of information you
4 would like to share with the Panel and with the Specialist
5 Prosecutor, but please try to stick to the questions so that we can
6 receive that information - if there is - on that specific topic.
7 Yes?

8 MS. WYLER:

9 Q. Witness --

10 THE WITNESS: [Interpretation] All right.

11 MS. WYLER:

12 Q. Maybe I have a more specific question for you. Were any of
13 these people wearing something around their head, masks or hats?

14 A. Some had masks, some had hats. Some, ordinary civilian clothes;
15 and some, military uniforms or clothes. What we call mask is
16 something that covers your face. And they had weapons pointing at
17 us.

18 Q. Thank you very much. That clarifies my question.

19 MS. WYLER: Your Honours, could we now move into private session
20 for one or two questions.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well, yes. Thank you.

22 Madam Court Officer, could you bring us into private session,
23 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 Madam Prosecutor, you have the floor.

3 MS. WYLER:

4 Q. Witness, you told us before that eventually you moved away from
5 [REDACTED] in 1998. Where did you move to?

6 A. To Gjakove.

7 Q. And if I understood correctly, you also eventually left Gjakove.
8 Where did you go?

9 A. [REDACTED] The roads at the time
10 were blocked and I remained there. Later, I learned that my family
11 had left together with the rest of the population in columns as
12 refugees to Albania. And I did not meet my family until after the
13 war. I personally was not in Albania.

14 Q. Do you remember about what time your family left to Albania?

15 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I would say
16 that this we could do again in public.

17 MS. WYLER: Yes.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MS. WYLER: Yes, we can move back into open session.

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we go
2 into public session, please.

3 ~~{Open session}~~

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

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

6 Madam Prosecutor, you may proceed.

7 MS. WYLER:

8 Q. Witness, you just told us that your family left to Albania
9 eventually, and I would like to ask you whether you remember the date
10 when your family left?

11 A. I don't know the date.

12 Q. Do you remember an incident, or a month or a year maybe?

13 A. I believe it was in the beginning of the year. This is what I
14 think. Early part of the year. February or March.

15 Q. Of which year?

16 A. 1998.

17 Q. Are you sure --

18 A. 1999. I apologise.

19 Q. Do you remember by any chance whether it was before or after the
20 NATO bombing?

21 A. Before.

22 Q. After your family members moved to Albania, do you remember any
23 incident involving your father?

24 A. Only after they returned from Albania my father told me. I was
25 not present myself.

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Additional redactions applied pursuant to F541.

1 Q. Can you just describe just in a few words - we will go into
2 details later on - what the incident was about?

3 A. When they went to Albania, the place where they were
4 accommodated, sheltering in Durres, they were followed, being
5 watched. This is what I was told, that they overheard them saying,
6 "We will take the father, this is the place where they live." Things
7 said by some persons. And I know one of them. I and [REDACTED]
Pursuant to In-Court Redaction Order F471. we
8 both know one of those persons involved.

9 Q. Yes, please do not mention the name. But can you tell me a bit
10 more about the incident itself?

11 A. I heard that they arrested him or, rather, kidnapped him, and
12 took him towards Kukes. He was held in a place for a night or two -
13 I'm not quite sure - before being taken to Kukes. This is what I
14 heard from my father.

15 I heard that he was beaten, maltreated, and I heard that two
16 people discussed amongst themselves, "Which one of us will kill him?
17 You or me?" This is what my father told me. And then they took him
18 to Kukes and he was kept there or detained there for 13 days.

19 Q. Thank you. You said your father told you and you also indicated
20 a time, but I would like to have that one more time on the record.

21 When exactly did your father tell you about this incident?

22 A. After he returned from Albania; sometime in June maybe.

23 Q. June of which year?

24 A. 1999.

25 Q. And who was present when your father told you about this

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Additional redactions applied pursuant to F541.

1 incident?

2 A. The whole family.

3 MS. WYLER: Your Honours, I am mindful of the time, and now
4 would be a good point to take the break, if you would agree.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Prosecutor. I
6 was about to ask you, so thank you for taking it on board that we are
7 arriving at 1.00.

8 Mr. Witness, we will now have a break for lunch of one hour,
9 till 2.00. And then we will continue with your examination.

10 THE WITNESS: [Interpretation] Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher will accompany
12 you out of the courtroom. I hope you get a little bit of rest and
13 have a good lunch.

14 THE WITNESS: [Interpretation] Thank you. To you too.

15 [The witness stands down]

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. We have one hour,
17 till 2.00.

18 The hearing is adjourned.

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

20 --- On resuming at 2.00 p.m.

21 PRESIDING JUDGE VELDT-FOGLIA: Welcome back after the lunch
22 break. And a quick look at the composition of all the teams shows me
23 that we are in the same composition. Yes, everybody is nodding.

24 Mr. Shala, can you hear me? I see you nodding. Can you also
25 say it out loud for the transcript.

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Additional redactions applied pursuant to F541.

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

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

4 Now we will proceed with the questioning of the witness of the
5 SPO, Witness 07. If there's nothing that the parties or
6 Victims' Counsel would like to raise with the Panel, I am going to
7 proceed to usher him in. No? Okay. Good.

8 No? Very well.

9 Madam Court Usher, can you bring the witness in. Thank you.

10 And I see that we have public in the public gallery, so let us
11 take due care.

12 [The witness takes the stand]

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

14 THE WITNESS: [Interpretation] Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: We are going to proceed with the
16 questioning by the Specialist Prosecutor's Office. I will give the
17 floor to Madam Prosecutor.

18 You have the floor.

19 MS. WYLER: Thank you, Your Honours.

20 THE WITNESS: [Interpretation] Thank you.

21 MS. WYLER:

22 Q. Witness, before the break you stated that your father had told
23 you - and I refer to the provisional transcript on page 70, line 25
24 to page 71, line 3 - that he had been abducted and brought to Kukes
25 where he been detained and mistreated.

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Examination by Ms. Wylér

Additional redactions applied pursuant to F541.

1 I would like to go through what your father has told you about
2 the incident step by step and start with the abduction. Please be
3 reminded not to name any persons or locations. I will ask clarifying
4 questions if there is a need later when it's safe.

5 So what exactly did your father tell you about his abduction?

6 A. My father told me that there were four persons when -- who
7 abducted him and that they left off for Kukes. In Levan, around-ish,
8 I'm not sure how to call it, they kept him in this location for one
9 or two nights. I'm not sure about it. They held him there, however,
10 and then, together with other people detained there, they brought him
11 to Kukes. There were four people.

12 In Levan, where they held him, they -- those who abducted him,
13 the abductors spoke among themselves saying, "Will you kill him or
14 will I kill him?" And he said, "My son knows you, recognised you, so
15 you can kill me whenever you want." They continued on their way
16 without committing what they were saying, were thinking to commit.
17 They then took him to Kukes, placed him in that prison where there
18 was nothing, no bed, nothing. No place to lie down, to sleep on.
19 Just the floor. Concrete floor, nothing else. No food, insufficient
20 food, insufficient water. Maltreatment, beatings, as we say, using
21 baseball bats, iron -- metal bars, in Kukes at the metal factory.

22 Q. I can imagine that this is very difficult to speak about for
23 you, Witness. But do you remember any more details what your father
24 told you about the mistreatments in Kukes?

25 A. The mistreatment, they beat them up, as my father said. They

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1 would go in there and beat them up, all of them, my father and the
2 others, night and day. There were other prisoners there as well, not
3 only my father.

4 This is what my father said.

5 Q. Just to clarify, these beatings, was this a single event or did
6 this happen more than once?

7 THE COURT OFFICER: Could I please ask the English booth to
8 release the mic when finished interpreting. Thank you.

9 MS. WYLER: I repeat my question.

10 Q. Just to clarify, was this beating an individual, a single event,
11 or did this happen more than once?

12 A. They beat him up on several occasions.

13 Q. Did your father ever tell you who was present or who was
14 participating in these mistreatments?

15 A. Yes.

16 Q. Please indicate the names.

17 A. Yes. Xhemshit Krasniqi, Pjeter Shala, Sabit Geci, and others
18 whose names he did not tell us. We don't know their names or he
19 didn't know their names.

20 Q. While being detained in Kukes, was your father ever
21 interrogated?

22 A. He said he was.

23 Q. And did he also tell you about the questions or what he was
24 asked while being interrogated?

25 A. They asked him about how could he work with the Serb Yugoslav

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Additional redactions applied pursuant to F541.

1 police. They told him other things, like, "Admit that you killed 100
2 people, you violated them." My father replied, "If you find one
3 person who can testify of such a thing, then I will admit to
4 everything." This is what they told him.

5 Then Pjeter Shala told him, "Why were you inquiring to find out
6 who fired shots at [REDACTED]? I was the one who did that. And why
7 didn't you come out of the house when we came there?"

8 Q. Was your father ever told whether he was accused of any crime or
9 what the reason for his detention in Kukes was?

10 A. No. Only because he was a police officer and, as they say, a
11 spy. Because of his duty as a police officer.

12 MS. WYLER: Your Honours, for one question, could we please move
13 into private session.

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

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

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

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

19 Madam Prosecutor, you may proceed.

20 MS. WYLER: Thank you.

21 Q. I refer to the provisional transcript page 74, lines 15 to 17.
22 Witness, you refer to "them," that "they were beaten up." So has
23 your father ever told you about other detainees or other people being
24 mistreated in Kukes while he was there?

25 A. All detainees present there were beaten up. They beat them up

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Additional redactions applied pursuant to F541.

1 as they pleased to. They would go inside, beat them up, leave them
2 on the ground. And others as well. Among the persons who beat them
3 up was Pjeter Shala and Xhemshit Krasniqi and Sabit Geci.

4 Q. Has your father ever mentioned names of these co-detainees? We
5 are now in private session and it's safe to mention the names.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. Thank you.

10 MS. WYLER: We can move back into public session.

11 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
12 bring us into public session, please.

13 ~~{Open session}~~

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

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
16 Madam Prosecutor, please proceed.

17 MS. WYLER: Thank you.

18 Q. Now, we have talked about what your father has told you
19 personally after his release. I would now like to ask you some
20 questions about what you yourself observed on him, if anything.

21 Was your father in any way different than before, when he
22 returned from Kukes in June 1999?

23 A. I was not in Albania when he returned. But when he returned to
24 Kosovo, I noticed that my -- my father had marks of being hit on the
25 head. I asked what happened to him. These were marks from the

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Additional redactions applied pursuant to F541.

1 beatings. And then my father told me himself what had happened to
2 him.

3 Q. What kind of marks did you see on him?

4 A. He had here a visible mark, an injury, on the head here, as a
5 result of having been hit. But I didn't know at that time that my
6 father had been kidnapped, abducted. When they came back to Kosovo,
7 they told me about this. I was not in Albania.

8 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, for the record,
9 I would like to ask a clarifying question.

10 You indicated that your father had something on his head and you
11 said "here," but I was not looking at you so I could not see where
12 you were pointing at.

13 So where did your father have something on his head? In the
14 front on the left side?

15 THE WITNESS: [Interpretation] Here.

16 PRESIDING JUDGE VELDT-FOGLIA: On his left side.

17 THE WITNESS: [Interpretation] Yes. Here in the middle.

18 PRESIDING JUDGE VELDT-FOGLIA: In the middle and left. Left
19 side on the middle on his head, yes.

20 And if you allow me, Madam Prosecutor.

21 You said when you saw your father in Kosovo. Can you indicate
22 when that was?

23 THE WITNESS: [Interpretation] Sometime towards the end of June.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you.

25 Madam Prosecutor.

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Additional redactions applied pursuant to F541.

1 THE WITNESS: [Interpretation] I don't know the exact date.

2 PRESIDING JUDGE VELDT-FOGLIA: This suffices for now. Thank
3 you.

4 You have the floor.

5 MS. WYLER: Thank you.

6 Q. Did you observe anything else about his physical condition?

7 A. You mean on his body? He had lost weight. He had lost weight.
8 Then he showed other marks on his hand. His wrist had been cut off.
9 And other brutal things, using cigarettes, salt on the wounds.
10 Inhuman things. Beating, cutting his veins, his wrists.

11 Q. You referred to cigarettes. Was that something you saw or was
12 that something your father told you?

13 A. To be honest, they burned him using cigarettes. They cut his
14 wrists, veins.

15 Q. So you said you saw the scars from cutting his wrists. Did you
16 also see burns on his body then?

17 A. Yes.

18 Q. You now reported about the physical harm your father endured
19 during his detention in Kukes. Did this experience also affect him
20 psychologically?

21 A. Yes.

22 Q. And in what specific means?

23 A. Very much so. Other effects, impacts, not -- he was not the one
24 I used to know before. And he wasn't psychologically the same. And
25 then after that, he had traumas. He couldn't walk the same way he

Witness: TW4-07 (Open Session)

Page 912

Examination by Ms. Wyler

Additional redactions applied pursuant to F541.

1 walked before. He had physical injuries.

2 Q. You described at the beginning of the examination how your
3 father was before the war. Can you elaborate a bit more how he was
4 after he returned? From a character point of view, maybe.

5 A. His character was not the same. He would become angry. He was
6 not the same person as before.

7 Q. Allow me one last question.

8 In what way, if any, did your father's detention and what he had
9 experienced in Kukes affect you and your family?

10 A. It affected us very badly. Very badly on the whole family.

11 Q. Are you able to give us a bit more details about the effects it
12 had on your family?

13 A. Obviously there was no future for us. Our sisters had to stop
14 going to school. They finished high school and were supposed to go
15 to university but couldn't do so because we were afraid something bad
16 would happen to them caused by the group of people involved in Kukes.
17 And we were afraid that worse things would happen to our family.

18 But also for us boys, the perspectives were not the same. For
19 some of us, we were in contact with other people as well, seen as a
20 family of spies by some people, or considered as such, because of
21 what happened to our father. But this -- those who knew us never
22 thought -- never saw us as spies or anything like that. Only those
23 who didn't know us would see us as such.

24 MS. WYLER: Your Honours, these were all my questions. I tender
25 the witness. Thank you.

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Thank
2 you, Madam Prosecutor.

3 Mr. Witness, the Specialist Prosecutor's Office has finished
4 with its examination and we will now proceed with Victims' Counsel.
5 Victims' Counsel, you have the floor.

6 MR. LAWS: Thank you, Your Honour.

7 Questioned by Victims' Counsel:

8 Q. Good afternoon, Mr. Witness. As you know, I am the Victims'
9 Counsel in this case. I have only a very few questions for you, sir,
10 because you have answered most of the questions that I would have
11 asked you already. Okay?

12 I just want a couple of more details from you, if you would
13 assist us. You told us about seeing your father for the first time
14 after he had been released and him seeming to you to be a different
15 person. Do you remember telling us that?

16 A. Yes.

17 Q. How did it affect you, yourself, to see your father changed in
18 that way?

19 A. I personally felt very bad. I didn't want to see my father in
20 that condition.

21 Q. Could you describe for the Judges how your father felt about
22 what had happened to him, what his feelings about his detention in
23 Kukes and his mistreatment were?

24 A. I already said it. Very bad. Psychologically, he was not the
25 same man as before. He was a completely different person. He was

Witness: TW4-07 (Open Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 constantly looking for -- seeking justice. And upon their return, we
2 seek justice.

3 Q. It's the last part of that answer that I was hoping to get to.
4 Your father wanted to seek justice, you say.

5 A. Yes.

6 Q. And what would he say about that aspect, in particular?

7 A. He constantly was looking for justice, looking for places where
8 he would go and tell about what he went through, he experienced, what
9 happened to him, so that the perpetrators would be brought to
10 justice. And we all tried to do the same, to seek justice,
11 immediately after the war. And we were not safe or protected as we
12 are now here. We continually looked for justice and sought justice.

13 Q. Thank you very much, Mr. Witness. Those are the questions that
14 I have for you.

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

16 Now I turn to the Defence Counsel. You have the floor for
17 questioning of the witness.

18 Please proceed.

19 MR. AOUINI: Thank you, Madam President. Just allow me a few
20 minutes to settle.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well.

22 THE INTERPRETER: The interpreters kindly ask the Defence lawyer
23 to speak up and to speak into the microphone. We cannot hear him
24 very well. Thank you.

25 MR. AOUINI: Thank you, Your Honours.

Witness: TW4-07 (Open Session)

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we received a
2 question that the interpreters were not able to hear you, so if you
3 could talk into the microphone. But I think that -- how the
4 microphone is positioned now, it should work fine.

5 MR. AOUMINI: Thank you, Your Honours.

6 Cross-examination by Mr. Aouini:

7 Q. Good afternoon, Mr. Witness.

8 A. Good afternoon.

9 Q. As you know, Mr. Witness, I am a Defence Counsel for Mr. Shala
10 and I will ask you a few questions to clarify certain topics. Is
11 that clear?

12 A. Yes.

13 Q. Very well. You told us earlier today, at page 58, line 13 of
14 the transcript, and at page 60, line 3 of the transcript, that you
15 lived with your whole family in that house, without referring to more
16 specifics about the place, at the time soldiers came to that house in
17 1998; correct?

18 A. Correct.

19 Q. Now, Mr. Witness, you specifically said at page 60, line 14 to
20 15, that your older brother, without again mentioning any names, was
21 present at that event or incident; correct?

22 A. Yes.

23 Q. Mr. Witness, do you remember saying the opposite about your
24 older brother around the same time last year to SPO investigators?

25 A. I don't remember.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 MR. AOUINI: Your Honour, can I use a prior statement of the
2 witness for the purpose of clarifying this inconsistency?

3 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
4 please, when you receive the ERN number, load the prior statement the
5 Defence Counsel is referring to.

6 MR. AOUINI: Thank you, Your Honour.

7 I'll -- I would like to show the witness the transcript of the
8 witness at ERN 105280-TR-ET, Part 1, at page 14, lines 13 to 19.
9 I'll give you the Albanian in a moment.

10 For the Albanian version, it's page 15, lines 5 to 12.

11 Q. Mr. Witness, do you remember giving this interview to the SPO
12 investigators last year?

13 Mr. Witness, just focus on my question. I will read out to you
14 the passage I need.

15 Do you remember meeting the SPO investigators last year?

16 A. Yes.

17 Q. Thank you. I will read out the specific passage I need you to
18 give an explanation on. Okay?

19 A. Yes.

20 Q. So at line 13, and I read, I quote:

21 "And this is something that you were personal -- you were
22 present when this happened? You have a direct recollection of these
23 events?"

24 Line 15 is the answer:

25 "It was myself, it was my mother, and my younger brother

Witness: TW4-07 (Private Session)

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 present. And then my younger brother, he went in the house to
2 convince my father to give up the weapons."

3 Another question at line 18:

4 "And your younger brother, you're talking about" -- I'll let you
5 read the rest of the passage.

6 MR. AOUINI: Unless Your Honours want us to go into private
7 session so it is read into the transcript. I can use the one
8 pseudonym instead. I'm in your hands with this.

9 PRESIDING JUDGE VELDT-FOGLIA: No, we cannot use the pseudonym
10 in this respect and we have to go in private session, but we will try
11 to make it as brief as possible. Maybe only with regard to this
12 aspect and then we come back into public, if that is possible.

13 MR. AOUINI: Very well.

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

16 [Private session]

17 [Private session text removed]

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Witness: TW4-07 (Private Session)

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

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Witness: TW4-07 (Private Session)

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

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Witness: TW4-07 (Private Session)

Page 923

Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

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10 [Open session]

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

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

13 Defence Counsel, you may proceed.

14 MR. AOUINI: Thank you, Your Honour.

15 Q. Mr. Witness, you said earlier today also that one of the
16 soldiers or the soldiers took the weapons from the house, and that is
17 at page 63, lines 6 to 8.

18 My question is: Did the soldiers or any of the soldiers go
19 inside the house to pick up the weapon, or how did it happen?

20 A. My youngest brother went inside and asked my father, my sisters
21 also asked him, to hand over that weapon so that we could avoid
22 something bad happening.

23 Q. Thank you. Confirm no soldiers entered inside the house? That
24 is my question.

25 A. In the courtyard, yes, but not inside the house. In the

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 courtyard of the house. Starting from the fence to the house, that
2 was our entire property. They also didn't see our father, because
3 they were looking for him, but we wanted to avoid the worst from
4 happening.

5 Q. Thank you, Mr. Witness. You spoke about the courtyard and the
6 fence of the house, and I would like to show you a photo, a picture.

7 MR. AOUINI: That is at DPS00065.

8 Q. Please, Mr. Witness, don't mention names of -- specific names of
9 places. Do you recognise this picture?

10 A. Yes. But there are some changes in this photo from the time
11 when the incident happened.

12 Q. We're getting to that. Just to confirm, is this the place where
13 the incident happened that we have --

14 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you can also
15 ask --

16 THE WITNESS: [Interpretation] This is the place where the
17 incident occurred and where I lived in 1998. Because we used to live
18 there before, prior to 1998, not only in 1998.

19 PRESIDING JUDGE VELDT-FOGLIA: My suggestion would be for next
20 time to start off with an open question: Can you indicate what you
21 see here. And then he can say whatever he thinks is necessary to
22 say.

23 MR. AOUINI: Thank you, Madam President.

24 Q. Do you see a fence here in the picture?

25 A. I made that myself, together with my father. After the war,

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 however. We had a wooden fence before. Wooden planks lined up.

2 Q. Yes, that was my question. We understand that the fence is not
3 in the same state as it was during the incident; correct?

4 A. Correct. This is the fence that we made after the war.

5 Q. Can we say the same for the gate leading to the courtyard?

6 A. The gate is where it was. From here, where the fence started,
7 which is now with wires, you -- there was a gate that could be opened
8 and closed for cars to pass through. This is the gate that I -- the
9 fence that I made myself with my father. This was done sometime in
10 2002 or 2003.

11 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would have a
12 preference to start working with a pencil to make references for the
13 transcript. Because we have now been discussing both the fence and
14 the gate, and I would like to have numbers on the picture to clarify.

15 Madam Court Usher, could you assist the witness.

16 MR. AOUINI: Your Honour, maybe my suggestion is to use the pen
17 or the pencil on the next photo which has a better angle that
18 includes the gate a little bit more. But I'm in your hands.

19 PRESIDING JUDGE VELDT-FOGLIA: Maybe we can do it short here.
20 That we only use -- we use a 1 and a 2 for the fence and the gate.
21 Because there are more fences also on this picture, and if you would
22 like to repeat a prior exercise also with this witness to be able to
23 compare, I will leave that to you. But just for this picture, I
24 think it would be helpful at a later stage, because we will not be
25 together and not be seeing the same thing.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 Mr. Witness, could you put a number 1 on the fence we have been
2 discussing and you made after the war together with your father?

3 THE WITNESS: [Marks]

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

5 And could you write on the picture a 2 where the gate was/is, we
6 have been discussing?

7 THE WITNESS: [Marks]

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you. That is clear.

9 Defence Counsel, I give the floor to you back.

10 MR. AOUINI: Thank you, Madam President.

11 Can we move to the next photo at DPS00066, please, and then I'll
12 have one more question because I am mindful of the time that is
13 allocated to the Defence.

14 PRESIDING JUDGE VELDT-FOGLIA: We will first save this picture,
15 Madam Court Officer, isn't it?

16 THE COURT OFFICER: Yes, Your Honour, this picture originally
17 DPS00065 with now the markings of the witness will be saved in Legal
18 Workflow with number REG00943.

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

21 MR. AOUINI: Yes, thank you.

22 Q. Mr. Witness, this is the same place. Can you give us an
23 estimate of the distance from the gate to your house, according to
24 you? Your best estimate.

25 A. There are 20 to -- 25 to 30 metres. We refer to it as a

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 courtyard. This entire area here which is a courtyard is our
2 property. The small house, one-storey house that you see there, that
3 was built after the war, after 2023, that was also built in 2004.

4 PRESIDING JUDGE VELDT-FOGLIA: I think there is a misspelling or
5 a misinterpretation. I see "after 2023."

6 THE INTERPRETER: Interpreter's note: Yes, that was a
7 misinterpretation of the year. The witness said "2002."

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 You have the floor, Defence Counsel.

10 MR. AOUINI: Thank you.

11 Q. Mr. Witness, I'll move on now to another topic.

12 And I refer to the transcript, page 63, line 13 and following,
13 to page 64, line 1, where earlier in the day, Mr. Witness, you told
14 us that you learned through your father about the name Pjeter Shala
15 much later, after the war. Did I summarise correctly what you said
16 earlier?

17 A. Yes. We heard of him as Commander Uki even before. We did not
18 know him as person but we had heard of Commander Uki because he was
19 in Jabllanice. Uki or Ujku as he was referred to.

20 Q. Mr. Witness, your father was the only source about the name
21 Pjeter Shala being present in that incident?

22 PRESIDING JUDGE VELDT-FOGLIA: That is a question? That is a
23 question.

24 MR. AOUINI: I need his confirmation. That is a question. I'll
25 rephrase it.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: No, I prefer a question.

2 MR. AOUMINI: Yeah, I'll rephrase it.

3 Q. Mr. Witness, was your father -- have you only learned from your
4 father this information about the presence of Ujku or Pjeter Shala or
5 Uki in that incident in 1998? Was your father the only source of
6 this information?

7 A. In 1999, in Kukes, he learned himself when he himself told him,
8 "I was the one who came to your house, I was the one who attacked
9 [REDACTED]

10 Q. Mr. Witness, don't get me wrong. Please listen very carefully
11 to my question. You have said this exchange, according to you,
12 between Shala and your father. My question is: Did you learn only
13 from your father this information about Pjeter Shala being present at
14 the incident of 1998? That is my question. It could be yes or no,
15 and then can I follow up.

16 PRESIDING JUDGE VELDT-FOGLIA: We do it differently, Defence
17 Counsel.

18 Mr. Witness, who told you that it was Mr. Shala that was present
19 there? Who were the sources of your information?

20 THE WITNESS: [Interpretation] My father.

21 PRESIDING JUDGE VELDT-FOGLIA: Was there somebody else who gave
22 you that information?

23 THE WITNESS: [Interpretation] Yes. My father and my family.

24 PRESIDING JUDGE VELDT-FOGLIA: I will now give the floor to
25 Defence Counsel.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 MR. AOUINI:

2 Q. Was there an investigation made about who was present shortly
3 after the incident by your family?

4 A. My father did. My eldest brother inquired and heard from other
5 former fighters that he was there, but I trusted my father's words.
6 Because Pjeter Shala told him himself, Commander Ujku told him
7 himself, "Why were you looking for someone else? I am the one who
8 shot at [REDACTED]. I am also the one who came to your house. Why
9 did you not come out when I was there?" Referring to the incident in
10 1998 where we used to live.

11 Q. So, Mr. Witness, this wasn't for the first time that you learned
12 about this nickname after the war; correct?

13 PRESIDING JUDGE VELDT-FOGLIA: I ... what do you want to know
14 from the witness?

15 MR. AOUINI: The timing, Your Honour. The timing is of essence
16 for us.

17 PRESIDING JUDGE VELDT-FOGLIA: Yes. But I would then ask for
18 the timing. Because I think this is a kind of convoluted question.
19 Just ask straight what you want to know from him.

20 MR. AOUINI:

21 Q. When was the investigation made by your family?

22 A. My father inquired in Kukes, but we had heard of nickname,
23 pseudonym, Ujku even before. But we did not have information then
24 that Commander Ujku or Pjeter Shala was there at the time. But my
25 father confirmed this in Kukes.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you should answer
2 the question of the Defence. He asked when. When did your father do
3 the investigation.

4 Defence Counsel, is that right, that that is something you would
5 like to know?

6 MR. AOUINI: Yes. My question was more general about the
7 family, not the -- the source of the father was elicited. I was more
8 focused on the family.

9 PRESIDING JUDGE VELDT-FOGLIA: Maybe -- because I see where you
10 want to go, and maybe it's that Mr. Witness has not understood what
11 the question is. I cannot really say it differently than what you
12 did.

13 But, Mr. Witness, when has the family been investigating about
14 who that person was?

15 THE WITNESS: [Interpretation] After my father was released from
16 the metal factory in Kukes, after my father arrived at home, he told
17 the family. I was not in Albania. I heard of it when they came back
18 from Albania, from Kukes. When he returned to the village where my
19 father was born and lived. That is where I heard about it, from my
20 family and from my father.

21 MR. AOUINI: With your permission, Your Honour, I would like to
22 go to a prior statement quickly for a passage to cut to the chase, as
23 we say.

24 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] please
25 proceed. And if you could also indicate which prior statement.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 MR. AOUINI: So the ERN 105280, we just referred to earlier, at
2 one page later. So page 15, line 5. Page 15, line 10 to 13. In the
3 Albanian, page 17, 8 to 17. That covers the topic and the timing.

4 Excuse me, it seems to be page 16. I am sorry. Page 16.

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

6 MR. AOUINI: The English version, page 16, line 10 to 13.

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

8 MR. AOUINI: Shall I read to the witness?

9 PRESIDING JUDGE VELDT-FOGLIA: Please, Defence Counsel.

10 MR. AOUINI:

11 Q. "And do you remember how long after the fact you learned that?"

12 Answer, line 11:

13 "So we knew his pseudonym, it was the Wolf, Ujku. And I asked
14 how many days after that you learned and it was two or three weeks
15 after the incident we learned this."

16 A. That is not true. It could be wrong interpretation or
17 translation. This was after my father was released, I learned that
18 it was Pjeter Shala. I had heard of pseudonym Ujku, but I did not
19 know who he was. But I heard from my neighbours of a person with the
20 pseudonym Ujku. But his name as Pjeter Shala, we learned afterwards.
21 I did not see him before until I saw him at the court. But I did not
22 know him physically from before. I knew of him from my father and
23 from my -- from what my father told me.

24 MR. AOUINI: I would like to read the passage just before that.
25 Just to follow up on the answer.

Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

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

2 MR. AOUNI: So it's page 16 in English, line 8.

3 Q. "A. And also my brother" --

4 PRESIDING JUDGE VELDT-FOGLIA: Please. We are in public. So
5 shall we revert to private?

6 MR. AOUNI: Yes.

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

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

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

11 And can counsel confirm the Albanian page number.

12 MR. AOUNI: For the Albanian, it should be the same page, 17,
13 just a little bit ... yes. I guess it's lines 6 to 7.

14 PRESIDING JUDGE VELDT-FOGLIA: Makes sense.

15 Please proceed.

16 MR. AOUNI:

17 Q. I will read. Answer, line 8:

18 "And also [REDACTED], he had inquired and he said that
19 Pjeter Shala was there that day."

20 Mr. Witness, is this a misinterpretation -- is this correct or
21 not?

22 A. This is incorrect translation. I had also -- I did warn of this
23 during the conversations that I had, that there were some
24 misinterpretation. This is not what I said. I know it only from
25 referring to the period when my father was released from prison or

Witness: TW4-07 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F541*

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 from being detained.

2 Q. Very clear. Thank you very much.

3 MR. AOUINI: We can move on to another topic in public.

4 Maybe -- maybe one question before, just to make sure we
5 don't -- I'm going to ask about a name. So we know if we stay or we
6 go back to public.

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

8 MR. AOUINI: Sorry.

9 Q. Mr. Witness, you said that you learned what happened to your
10 father after the return from Albania; correct? That is at page 70.

11 A. Yes.

12 Q. That's page 70 of the transcript at lines 13 and 14.

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

14 MR. AOUINI: That's the transcript, I'm sorry.

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

16 MR. AOUINI: It's the transcript, yeah.

17 PRESIDING JUDGE VELDT-FOGLIA: I was looking at the Albanian
18 version in evidence, which has been uploaded now. Okay. So the two
19 statements can be taken away. Okay.

20 Please proceed, Defence Counsel.

21 MR. AOUINI:

22 Q. Mr. Witness, do you know somebody by the name [REDACTED] [phoen]?

23 A. Yes. [REDACTED], yes.

24 Q. What is your relationship with him?

25 A. We have very good relationships. [REDACTED]

Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 [REDACTED] We -- he has a different last name and we have a different
2 last name, [REDACTED].

3 He told us, before my father arrived, he told us, he informed us
4 that my father had been abducted. And afterwards, I heard that he
5 was released. He heard this from other people who were in Albania.

6 Q. Thank you, Mr. Witness. You answered many questions of mine in
7 one answer.

8 So you learned before your father came back and your family came
9 back from [REDACTED] about what happened to your father; correct?

10 A. Yes. [REDACTED] told me about something happening and that it
11 happened. Not in great details. But [REDACTED] told me that he had
12 some problems, but he didn't go into great details about being
13 kidnapped or arrested or abducted. He only told me that there were
14 some problems.

15 Q. Mr. Witness, you told us that [REDACTED] learned it from someone
16 else. Do you have a name? From whom did he know it?

17 A. I don't know. He was in Albania. [REDACTED] arrived a day or two
18 before my father. I met him, asked him how he was, asked him about
19 things, as you do ask a person after seeing him after a long time.
20 We met in the village where we both live and started the conversation
21 that: There were some problems in Albania, but your father will tell
22 you more when he arrives. He did not hear this from my father but he
23 heard it from other people, who from exactly, I don't know. He
24 himself was in [REDACTED], and, of course, he heard of
25 [REDACTED] being abducted.

Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 Q. Thank you, Mr. Witness. Earlier today you told us that both you
2 and your older brother knew somebody who was involved in the
3 kidnapping of your father.

4 My question is this --

5 PRESIDING JUDGE VELDT-FOGLIA: Do you have a reference for us in
6 the transcript?

7 MR. AOUINI: It's at page -- sorry. Page 70, line 21 to 22.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 MR. AOUINI:

10 Q. Mr. Witness, do you know the name Bashkim Lama?

11 A. Yes. Very well. I know him personally.

12 Q. Is that the person you referred to, that you and your older
13 brother knew?

14 PRESIDING JUDGE VELDT-FOGLIA: Could you give context.

15 THE WITNESS: [Interpretation] We both know him.

16 PRESIDING JUDGE VELDT-FOGLIA: No. You say: "Is that the
17 person you referred to, that you and your older brother knew?"

18 For next time -- we have had an answer. But it is better to
19 give context.

20 MR. AOUINI: Madam President, maybe we can ask those questions
21 in public, provided that we know about which person we are talking
22 and we don't mention the name.

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

24 MR. AOUINI: Bashkim Lama.

25 PRESIDING JUDGE VELDT-FOGLIA: I look at the Prosecution.

Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 Bashkim Lama, is that something -- what is your view on having that
2 in public?

3 [Specialist Prosecutor confers]

4 MR. AOUINI: Without mentioning the name because, Your Honour,
5 yesterday --

6 PRESIDING JUDGE VELDT-FOGLIA: We will not mention the name, but
7 I would like to hear their views in this respect.

8 MS. WYLER: We aware, Your Honours, that this is so far
9 redacted, but it will be unredacted in the pre-trial brief that we
10 will file as instructed by you yesterday.

11 PRESIDING JUDGE VELDT-FOGLIA: So if I understand you well,
12 you're saying that the name Bashkim Lama can be used in public
13 session.

14 MS. WYLER: Correct.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay.

16 Defence Counsel, then we have an easy solution for that. And we
17 are now in private session. Then we will revert to public session.
18 And I will ask Madam Court Officer to bring us back into public
19 session.

20 And it's good to see that we're making a genuine effort to do as
21 much in public.

22 ~~{Open session}~~

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

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

25 Defence Counsel, you have the floor.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 MR. AOUINI: Before that, Your Honour, based on what was
2 discussed, I would request that this name which has been redacted on
3 day one of the hearings be lifted, because that was the instruction
4 midday after day one of testimony.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we will do an
6 exercise as soon as that is possible to reclassify whatever can be
7 reclassified. That's a duty we have. And I see the point you have
8 made, but it's already on our top priority.

9 Please proceed.

10 MR. AOUINI: Thank you. Thank you, Your Honour.

11 Q. Mr. Witness, so you told us both you and another person from
12 your family knew this person Bashkim Lama. Can you roughly describe
13 the relationship you had with him.

14 A. *[REDACTED] Pursuant to In-Court Redaction Order F471.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F471.*

16 *[REDACTED] Pursuant to In-Court Redaction Order F471.*

17 *[REDACTED] Pursuant to In-Court Redaction Order F471.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F471.*

19 Q. No need for further detail. Thank you.

20 Now, my question is this: Did you talk with this person, did
21 you ever see this person after the war again?

22 Just focus on the question to avoid eliciting confidential
23 information, please.

24 A. No. No.

25 Q. Did you or your other older brother try to seek an explanation

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 from this person, an acquaintance of both of you, as to what and why
2 this happened to your father? I'm talking about after the war.

3 A. After the war, we only sought justice. We did not want to
4 engage with him privately because he was the one who was involved in
5 those things. There was nothing to discuss with him. If they had
6 the chance, they would have done other things too.

7 Q. Thank you, Mr. Witness. I'm moving to another series of
8 questions.

9 Do you know somebody by the name Gani Shehu?

10 A. Gani Shehu. I know of him. But I've never had any contacts
11 *[REDACTED] Pursuant to In-Court Redaction Order F471.*

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please answer the
13 question. You don't have to give more information unless requested
14 so by the Defence Counsel.

15 MR. AOUINI:

16 Q. Mr. Witness, that allows also to break what could be said in
17 public and what could be said in private session. If we need more
18 detail, we will ask you about that.

19 Did your father tell you anything about Gani Shehu's role during
20 the war?

21 A. No, not to me personally.

22 Q. Did you learn from your father or any member of your family that
23 Gani Shehu appeared somehow in the story of your father in Albania?
24 You can tell me yes or no, and then we can decide whether to go in
25 private session. Thank you.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, when we refer to
2 "the story," could you -- I can give -- I think that I know what you
3 mean, but I don't want to put those words in your mouth.

4 MR. AOUINI: Your Honour, we're just trying to be as open and as
5 general as possible. The story in Albania means everything that
6 happened in Albania, since the witness is not there, so they must
7 have recounted the whole story with a start, middle, as to certain
8 episodes and events. And the question is very open because there is
9 a name, and we ask whether at any point this person was mentioned in
10 any context.

11 PRESIDING JUDGE VELDT-FOGLIA: Yes, but I still think that "the
12 story" is too open. You could say the moment they started living
13 there until the moment they left.

14 Is your question in the time your father -- your family lived in
15 Albania, that ever the name -- is that what you're saying? Ever this
16 name came up? I find it too broad in this way. It has to be in one
17 way or another connected to the indictment. And we can go into
18 private. I mean, that is not a problem. But this is very open. And
19 "the story" is not defined enough.

20 MR. AOUINI:

21 Q. Mr. Witness, did your father or anybody who learned from your
22 father the events of his kidnapping and transport to Kukes to his
23 release and back to Kosovo, did anybody from whom you learned, as you
24 said, "He didn't tell me personally," any role or involvement with
25 your father from Gani Shehu?

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Additional redactions applied pursuant to F541.

1 A. No.

2 Q. Do you recall your father telling you anything about somebody
3 called Mike or Michael, investigator, or journalist?

4 A. Not personally to me. I don't recall.

5 Q. Did your father ever mention to you a yellow house in Albania?

6 A. No.

7 Q. Did your father ever mention to you being transported in a
8 yellow Mercedes back to or back from Durrës?

9 A. No.

10 Q. Mr. Witness, do you remember giving a statement to investigators
11 in 2003?

12 A. Yes.

13 Q. Would you agree with me if I tell you that you never mentioned
14 Pjeter Shala at that date, when you met the investigators?

15 A. I don't remember.

16 MR. AOUINI: Your Honour, I can use the statement to refresh the
17 memory of the witness, as he doesn't remember, just to put the simple
18 question of the absence of the name Pjeter Shala from his statement
19 of 2003.

20 PRESIDING JUDGE VELDT-FOGLIA: If I understand well, you're
21 saying: You did not mention Mr. Shala in your 2003 statement. And
22 the witness is saying: I don't know. But maybe we should clarify
23 about what he does not know, because, for me, it's not clear what he
24 doesn't know.

25 MR. AOUINI: Your Honour, I heard: "I don't remember," not --

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Yeah, but then what does he then
2 -- sorry, I paraphrased it. But I meant to say, "I don't remember."
3 But I don't know what he doesn't remember.

4 So, Mr. Witness, what don't you remember, what do you not
5 remember anymore?

6 THE WITNESS: [Interpretation] In regard to 2003, I do not recall
7 many organisations that we spoke to. Not all of them. We've spoken
8 to UNMIK and many others. But I do not remember precisely where I
9 spoke what. I'm telling you here what I have heard from my father.
10 I cannot possibly remember everything from my statements. There were
11 cases when we would bring my father to speak to these organisations
12 and where we didn't speak ourselves. So it's impossible for me to
13 know in which statement I mentioned Pjeter Shala and in which I
14 didn't.

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

16 Defence Counsel, you have the floor. And you may call up the
17 2003 statement, as requested.

18 Madam Court Officer, can you please bring that statement up
19 after you have been given the necessary references.

20 MR. AOUINI: The statement is SPOE00047605.

21 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I am sure that
22 you are mindful of the time. And as I said before, we are not in a
23 grocery shop, so I will not be cutting you right now. But I would
24 like to know how much time you think you will be needing.

25 MR. AOUINI: Your Honour, after this use of statement, I have

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Additional redactions applied pursuant to F541.

1 one small series of questions and that would be it. So I expect not
2 longer than ten minutes or 15 minutes, depending on how long this
3 will take.

4 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

5 MR. AOUINI: Thank you, Your Honour.

6 So let's go to page 4, in the middle of the page. I'll try
7 to ... I'm told the transcript is frozen.

8 [Trial Panel and Court Officer confer]

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, and for
10 everybody present, the transcript is not working. So we need a
11 little moment to see for what reason and if we can make it function
12 asap, to be able to proceed.

13 [Trial Panel and Court Officer confer]

14 PRESIDING JUDGE VELDT-FOGLIA: I have been updated with where we
15 stand, and we will need -- they will need 15 minutes to make it -- to
16 re-start it again. So what I propose that we do now is that we take
17 a 15-minute break and then we proceed after that for half an hour as,
18 after liaising with CMU, we are allowed to use extra after 4.00. But
19 that will be half an hour at least. Good.

20 Then, Mr. Shala, there will be a quarter-of-an-hour delay.

21 And, Mr. Witness, we take a break for 15 minutes --

22 THE WITNESS: [Interpretation] [REDACTED] Pursuant to Post Session
Redaction Order F474.

23 PRESIDING JUDGE VELDT-FOGLIA: I say "Mr. Witness."

24 THE WITNESS: [Interpretation] [REDACTED] Pursuant to Post Session
Redaction Order F474.

25 [REDACTED] Pursuant to Post Session Redaction Order F474.

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, what I said, I was
2 talking to -- I was talking to the accused. And now I'm talking to
3 you and I say "Mr. Witness."

4 THE WITNESS: [Interpretation] I apologise.

5 PRESIDING JUDGE VELDT-FOGLIA: I was not referring to you. I
6 was explaining to Mr. Shala that we will have a 15-minutes break.
7 That was what I was saying. And now I am saying to you, Mr. Witness,
8 that we will go for 15 minutes in a break to try to resolve a
9 technical issue, and then afterwards we will proceed for half an
10 hour, or maybe a little bit more, depending on what is possible.

11 And I will ask now Madam Court Usher to accompany you out of the
12 courtroom for this 15 minutes. And after that, you will be asked to
13 come back.

14 Yes? Is that clear?

15 THE WITNESS: [Interpretation] Thank you. And I apologise again
16 to you. When you said that name, you looked at me. So it was a
17 misunderstanding. I apologise.

18 [The witness stands down]

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.
20 The hearing is adjourned for 15 minutes.

21 --- Recess taken at 3.38 p.m.

22 --- On resuming at 3.57 p.m.

23 PRESIDING JUDGE VELDT-FOGLIA: Welcome back after this small
24 break. The technicalities have been explained to you, where we are
25 now.

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Additional redactions applied pursuant to F541.

1 And, Madam Court Usher, could you please bring the witness in.

2 And in the meantime, I see that the composition has not changed.

3 So, for the record, Mr. Shala is present via videolink.

4 Can you hear me, Mr. Shala? You're nodding. I would also like
5 to hear your voice just to confirm that we have a good connection,
6 Mr. Shala.

7 THE ACCUSED: [via videolink][Interpretation] Yes, I can hear
8 you.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 [The witness takes the stand]

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, welcome back. Can
12 you hear me?

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

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. I will give back the
15 floor to Defence Counsel.

16 Defence Counsel, would you like us to be in public session or in
17 private?

18 MR. AOUNI: Thank you, Your Honour. I'm going to give a
19 reading to this statement, and I'm in your hands whether you want it
20 to be read in public or in private session. We have the paragraph in
21 front of us, all of us. I don't see a reason to do it in private.

22 PRESIDING JUDGE VELDT-FOGLIA: And which paragraph are you going
23 -- which paragraph are you going to read out?

24 MR. AOUNI: It is the third paragraph, starting from the top.
25 Starting with, "My father," ending with "their names."

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Additional redactions applied pursuant to F541.

1

2

PRESIDING JUDGE VELDT-FOGLIA: I think that can be done in public, and I see also the Specialist Prosecutor's Office nodding.

4

So please proceed, Defence Counsel.

5

Listen carefully, Mr. Witness.

6

MR. AOUINI: Thank you, Your Honour.

7

Q. Mr. Witness, I will read a part of the statement that we spoke about from 2003 earlier. Okay?

8

9

PRESIDING JUDGE VELDT-FOGLIA: And is also in front of you.

10

MR. AOUINI:

11

Q. "My father told me furthermore that he was detained in some improvised prison where the KLA people mistreated him. He told me that he was beaten with baseball bats all over his body. He also mentioned to me that the following persons took part in his maltreatment; Xhemshit Krasniqi, Fatmir Limaj, and Jakup Krasniqi. There were also a lot of other perpetrators, but I don't recall their names."

18

Mr. Witness, this is 2003, closer to the events and to the moment your father discovered the name of Pjeter Shala, yet the name of Pjeter Shala is not mentioned here. Do you agree with me?

21

A. Yes. This happened when I was asked the question about Xhemshit Krasniqi. Because I mentioned earlier I gave many statements. I was asked many questions by different persons, prosecutors.

24

25

So Xhemshit Krasniqi was there. In other words, when I

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Additional redactions applied pursuant to F541.

1 mentioned here Fatmir Limaj, he was there, but he did not participate
2 in the beating. He did not mistreat him. So Jakup Krasniqi was
3 present there, but he was not involved in the beating or in the
4 mistreatment.

5 Xhemshit Krasniqi, Pjeter Shala, and Sabit Geci were there. But
6 I was not asked about these ones. I was asked about
7 Xhemshit Krasniqi's whereabouts at that time. And then there are
8 other statements that I have given.

9 Q. Thank you, Mr. Witness. Do you confirm that on [REDACTED] 2003,
10 the investigators from ICTY questioned you and took a statement from
11 you about Xhemshit Krasniqi?

12 A. I don't know. I don't remember this one. However, there are
13 many occasions where I've mentioned Xhemshit Krasniqi, Pjeter Shala,
14 and Sabit Geci as having participated in the case of my father and
15 his mistreatment. But the others who were present there,
16 Jakup Krasniqi, Fatmir Limaj, but they did not participate in the
17 mistreatment. And this is what I heard from my father.

18 Q. Thank you, Mr. Witness.

19 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, your question on
20 page 3 of the provisional transcript, lines 13 and 14 and 15, is, if
21 the witness can confirm that the investigator from the ICTY
22 questioned him and took a statement from him about Xhemshit Krasniqi.

23 What I understood that this statement was about is, if you go to
24 SPOE00047606, which is the -- no, we don't have to upload it, which
25 is the first page of the statement, it is said:

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Additional redactions applied pursuant to F541.

1 "I'm going to tell you about incidents that I am aware about
2 concerning my father's kidnapping on," and then a certain date. And
3 "about events that happened before that."

4 I think that the statement was taken about this, and this
5 includes this person. That is what I understood.

6 MR. AOUINI: We fully agree with you, Your Honours. But the
7 answer of the witness is that -- if you allow me a moment, I will
8 quote it, the answer that led to that specific question.

9 I refer to page 3, lines 2 and 3:

10 "This happened when I was asked the question about
11 Xhemshit Krasniqi."

12 So it is up to us to look at the dates and the times and the
13 explanation.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. But I think that it
15 was important to put on record --

16 MR. AOUINI: Absolutely.

17 PRESIDING JUDGE VELDT-FOGLIA: -- the start of this statement.
18 However, please proceed, Defence Counsel.

19 MR. GILISSEN: Your Honour, I'm moving away from this document.

20 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
21 pull the document down.

22 MR. AOUINI:

23 Q. Mr. Witness, earlier, before the break, at page 108, lines 11
24 and 12, you told us that:

25 "There were cases when we would bring my father to speak to

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Additional redactions applied pursuant to F541.

1 those organisations ..."

2 We were talking about investigations at the time. Do you
3 confirm this?

4 A. Yes. There were occasions when I was asked only about
5 Xhemshit Krasniqi. Other cases when I was asked only about
6 Sabit Geci. We were constantly seeking justice. Sometimes we were
7 in Prizren. Other times they came and interviewed me in my house.
8 Now, I cannot remember details, but I answered their questions.

9 Q. Yes, Mr. Witness. Did you personally attend some of the
10 interviews of your father?

11 A. No.

12 Q. Did you discuss with your father the content of his interviews
13 or statements?

14 A. No, he didn't tell us about it.

15 Q. Do you know if your father kept records of his statements or
16 interviews?

17 A. He was questioned during hearings. I wasn't always with him.

18 *[REDACTED] Pursuant to In-Court Redaction Order F471.* was with him at
times; my mother other times.

19 Q. Please don't mention the names.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please don't mention
21 names.

22 THE WITNESS: [Interpretation] My brother, my youngest brother,
23 my mother, myself, but not every time my father gave a statement or
24 testified. So it was my eldest brother, myself, my youngest brother
25 or my mother.

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Additional redactions applied pursuant to F541.

1 MR. AOUINI:

2 Q. Very clear. Thank you. These people you just mentioned, did
3 you discuss with them the evidence of your father at any time?

4 A. With whom?

5 Q. Your mother, your older brother, your younger brother.
6 Discussing with your father or amongst yourselves the evidence of
7 your father.

8 A. No. We were not present there and we don't know what our father
9 said. However, in relation to the case and to what happened, we know
10 this from my father. But when they interrogated him, when they
11 questioned him, we were not allowed inside. Everyone gave a
12 statement alone.

13 Q. My question is now, Mr. Witness, did you discuss with your
14 mother, older brother, younger brother, your respective evidence
15 before coming to the Netherlands?

16 A. No.

17 Q. Did you discuss that after arriving to the Netherlands?

18 A. We have knowledge, all of us family members, about this case.
19 We received a summons, because I now live in [REDACTED] Pursuant to In-
Court Redaction Order F471.

20 I don't know what you really want or what's the full purpose or
21 meaning of what you're asking about.

22 Q. Mr. Witness, please don't mention place and don't mention names.
23 That wasn't my question, Mr. Witness, but I have a response for it.

24 MR. AOUINI: Your Honour, would you allow me a moment to confer
25 with my colleagues.

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Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Of course, Defence Counsel.

2 Please proceed.

3 [Specialist Counsel confer]

4 MR. AOUINI:

5 Q. Mr. Witness, *faleminderit*.

6 A. Thank you.

7 MR. AOUINI: Thank you, Your Honour. We are done with our
8 questions in cross-examination.

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

10 We have not that much time left. However, I am allowed to still
11 proceed a little bit, so I will turn now to the SPO to see if they
12 want to proceed with redirect examination of the witness; and, if so,
13 how long you would need.

14 [Specialist Prosecutor confers]

15 MS. WYLER: I would like first to confer to my colleagues and,
16 if anything, we might have five or ten minutes and we would request
17 to be allowed to do that tomorrow morning, if possible.

18 PRESIDING JUDGE VELDT-FOGLIA: It is not possible to do that
19 today?

20 [Specialist Prosecutor confers]

21 PRESIDING JUDGE VELDT-FOGLIA: It's an open question. Because
22 we have time. We have time.

23 MS. WYLER: One minute.

24 MR. DE MINICIS: Your Honour, how much time would we have or how
25 long would be allowed to proceed?

1 PRESIDING JUDGE VELDT-FOGLIA: I'm looking at the clock. If you
2 need some time to confer and then to discuss and -- we don't have
3 that much time. I think it's better to postpone. I've seen the
4 hesitation. We have two days still to proceed with this case, if
5 necessary.

6 So we will adjourn.

7 And Victims' Counsel, would you be having any further questions.

8 MR. LAWS: As things stand, Your Honour, no.

9 PRESIDING JUDGE VELDT-FOGLIA: And it's too early for you to
10 ask.

11 MR. GILISSEN: Yes, Madam President. Okay. But I'm a little
12 bit astonished. We have so few time to prepare cross-examination
13 after the end of the principal, and one evening to prepare such a --

14 PRESIDING JUDGE VELDT-FOGLIA: I can tell you we only have five
15 minutes. We have five minutes. I have not more.

16 MR. GILISSEN: No, no, but --

17 PRESIDING JUDGE VELDT-FOGLIA: So if they would take ten
18 minutes, Defence Counsel, then we are over the time-limit I am
19 allowed to use.

20 MR. GILISSEN: I fully understand but --

21 PRESIDING JUDGE VELDT-FOGLIA: -- so it has nothing do with the
22 preparation. But there is also a Panel. But the most important
23 thing is if I would have another three-quarters of an hour, I think I
24 would proceed now. But we don't have that.

25 MR. GILISSEN: I would like to insist to say it would be

1 wonderful for us to have an evening to prepare a cross-examination.
2 That's what I want to say. That's such a -- just all. It's not a
3 critique. That's really the astonishing thing, and I am astonished,
4 and I want to focus in on this. Thank you.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please explain
6 you're astonishment because I don't think I am understanding your
7 astonishment. So I give you the floor to explain what your
8 astonishment is.

9 MR. GILISSEN: The things are, and I consider it's normal, that
10 we have cross-examination directly after the end of the principal,
11 the principal examination. And now we are in a situation where my
12 dear colleagues have a whole evening to prepare it, and I say I'm a
13 little bit astonished that they are not able to make what we are
14 waiting and it's normal from us. Things are really very -- I have
15 the feeling it is not very equitable for us. Yeah.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, are you done?
17 Because I then -- I will try to reply to you.

18 The consideration of the Panel not to proceed now is that the
19 Specialist Prosecutor's Office has indicated that it could be five or
20 ten minutes. They also indicated that they wanted to confer some
21 minutes. And then I saw that we would be going over the time I have
22 been given by CMU to proceed with this case. And that is a kind of
23 golden rule that we proceed.

24 So that has nothing to do with giving the Specialist
25 Prosecutor's Office more opportunities than we would give to the

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1 Defence, but that we have some organisational and logistical
2 framework within we have to work.

3 So that is the explanation for how we are proceeding and not
4 that -- the reasons that you are suggesting that are onboard to. So
5 we have logistic constraints that make us take this decision.

6 Defence Counsel, then I have one more question in this respect.
7 I did not hear you ask the Panel to be granted more time. And
8 there's also not been a denial from this Panel to not grant you time.

9 MR. GILISSEN: Of course, we didn't. We didn't. That's sure.
10 That's sure. That's sure. We make it. Usually we are obliged make
11 it. That's normal. I consider it's normal. That's why I was a
12 little bit astonished. It is so simple to say yes or not, even if
13 you only have five minutes. That's why I --

14 PRESIDING JUDGE VELDT-FOGLIA: No. That's not -- my question
15 was, were you -- did you have -- did you ask the Panel in a certain
16 moment for more time and did we not give it to you? And I can answer
17 that question. You have never asked us for more time and so the
18 question never came up. So I don't see --

19 MR. GILISSEN: Never.

20 PRESIDING JUDGE VELDT-FOGLIA: Because you are implying kind of
21 a certain disbalance in approach, and at least I will -- I want to
22 share with you that I have not been in a possibility to grant you
23 more time because there was not a request of that.

24 MR. GILISSEN: Madam President, I appreciate really a lot your
25 statement. Really a lot. I will think about. But indeed, we never

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1 asked something for additional time or something like that. That's
2 sure. That's sure. We fully agree with you. Yeah, yes.

3 PRESIDING JUDGE VELDT-FOGLIA: No, because I want to be clear on
4 this, because I felt a small -- those are redaction orders.

5 I felt a small undertone, and I want to be clear that we are
6 here for both parties and for Victims' Counsel and we want to give
7 everybody the possibility to bring the case forward in the way they
8 chose to do so, within the framework of a fair and efficient
9 proceedings. So you can, at any time, approach this Panel to ask for
10 time, and we will then decide on it as a Panel to see if that can be
11 granted. So let that be clear.

12 And let also be clear that what we decided on today was for what
13 I already said, I think it's now the third time, that it was for
14 logistic reasons. And I'm even now over it. So -- okay.

15 MR. GILISSEN: Don't mind, my reflection was not to the Panel
16 but to my dear colleagues. Of course.

17 PRESIDING JUDGE VELDT-FOGLIA: It's clear. It's clear now.

18 We are going -- we are in public session. I will ask Madam
19 Court Usher to usher Mr. Witness out.

20 We will see you again tomorrow. Thank you for your efforts of
21 today. I remind you not to discuss the testimony you have given
22 today in court with anybody, and I hope you will get some rest.

23 THE WITNESS: [Interpretation] Thank you. Same to you.

24 [The witness stands down]

25 PRESIDING JUDGE VELDT-FOGLIA: It has been, again, a long day in

Additional redactions applied pursuant to F541.

1 court. I thank everybody present for their assistance and
2 cooperation, every aspect. And I want to say thank you to the
3 security and to our interpreters and also our stenographer. We have
4 been working hard today. So thank you.

5 The hearing is adjourned till tomorrow at 9.30.

6 --- Whereupon the hearing adjourned at 4.23 p.m.

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