

Additional redactions applied pursuant to F631.

1 Tuesday, 30 May 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. Welcome.

6 Court Officer, can you please call the case.

7 THE COURT OFFICER: This is file number KSC-BC-2020-04, The
8 Specialist Prosecutor versus Pjeter Shala.

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

10 Start with the presentation by the Specialist Prosecutor's
11 Office.

12 MR. DE MINICIS: Good morning, Your Honours. Today for the SPO,
13 Alex Whiting, acting Specialist Prosecutor; Line Pedersen, our case
14 manager; Giulia Bianchi, our legal consultant; Gaia Pergolo,
15 Associate Prosecutor; and myself, Filippo de Minicis, Prosecutor.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. Welcome.

17 Victims' Counsel, you have the floor.

18 MR. LAWS: Good morning, Your Honour. I am Simon Laws appearing
19 for the victims in this case, together with my co-counsel
20 Maria Radziejowska.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Defence Counsel, you have the floor.

23 MR. GILISSEN: Thank you very much, Your Honour. Your Honours,
24 I am Mr. Jean-Louis Gilissen. I am here with my two co-counsel,
25 Hedi Aouini and Leto Cariolou. We are here with the case manager

Additional redactions applied pursuant to F631.

1 Dzeneta Petravica; two evidence review assistants, Juliette Healy and
2 Judit Kolbe; Camille Gosson, an intern; and Xhulia Tepshi, an intern
3 and translator. Thank you very much.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 MR. GILISSEN: Oh, and, of course, Mr. Shala is with us by
6 videolink from the detention centre. Thank you very much.

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

8 Mr. Shala, good morning. Can you confirm that you hear me well?

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

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 Today, we will continue with the presentation of evidence by the
13 Specialist Prosecutor's Office. Today we will be hearing the
14 testimony of the SPO Witness 01.

15 We will sit, in principle, for the normal sessions. So we will
16 have sessions of one and a half hours, a 30-minutes break, then a
17 one-and-a-half-hour break, and then in the afternoon a 30-minutes
18 break. However, if we see that for the witness it's better to have
19 shorter sessions, we will just assess as we go on to see if that's
20 necessary or not. And I was thinking of maybe sessions of
21 45 minutes, if we think that is better for the witness. But let us
22 see how the day proceeds.

23 Before we start with the witness testimony, I would like to ask
24 Court Officer to bring us, just for a brief moment, into private
25 session because I would like to discuss something.

Additional redactions applied pursuant to F631.

1 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
to F631

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

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

4 The Panel was informed last week that the Registry had a
5 courtesy meeting between Witness 01 and the SPO, but that the WPSO
6 staff was not present. That is not in line with our decision on the
7 witness familiarisation; specifically, filing 435, paragraph 25.

8 It was the result of a misunderstanding between the peoples
9 present, and it lasted a few minutes. However, it's not in line with
10 our decision as said, and it goes without saying that we direct all
11 present to follow the proceedings as set out.

12 For reasons of transparency, the Panel deemed it appropriate to
13 inform Victims' Counsel and Defence Counsel that this happened, and
14 we wanted to give you the floor if you would like to raise anything
15 on this.

16 So transparency is one of the things that we foster in this
17 trial, so that's raised and that I've raised it.

18 I will first give the floor to Victims' Counsel, and then I will
19 come to the Defence.

20 MR. LAWS: Nothing to say on that topic. Thank you. There is a
21 short matter that I would like to raise after we finish with this
22 issue. Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: In private or in open?

24 MR. LAWS: In private session. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well.

Additional redactions applied pursuant to F631.

1 Defence Counsel.

2 MR. AOUINI: Thank you, Your Honour. Good morning to everyone.
3 Well, we obviously regret this misunderstanding. We trust the
4 professionalism of our counterparts. If there is anything that is
5 worth noting, I am sure they will tell us.

6 We've been in discussions with them about providing the
7 documents for the preparation of the witness. We didn't hear
8 anything about that. So we proceed with the understanding that there
9 is nothing to be noted in those few minutes.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you, Defence
11 Counsel.

12 Is there something that the SPO would like to say?

13 MR. DE MINICIS: No, Your Honour. We regret the
14 misunderstanding. Everything's been said. Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 Very well. Before we go back into public session, I give the
17 floor to Victims' Counsel.

18 Please.

[Private Session]

19 [Private session text removed]

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

[Open Session] *Reclassified Pursuant to F631*

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And that was with
18 regard to the second point.

19 The first point is the courtesy meeting and the misunderstanding
20 with regard to the absence of the WPSO staff.

21 MR. DE MINICIS: We would be happy to produce an investigator
22 note and disclose it to the Defence and the Panel, Your Honour.

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

[Private Session]

24 [Private session text removed]

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Additional redactions applied pursuant to F631.

1 [Open session]

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

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

4 We can proceed with the witness testimony.

5 Madam Court Clerk, would you please usher the witness into the
6 courtroom.

7 We will be hearing Witness 01 at the Specialist Chambers live
8 here at the premises.

9 [The witness entered court]

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

11 Mr. Witness, good morning.

12 THE WITNESS: [Interpretation] Good morning.

13 PRESIDING JUDGE VELDT-FOGLIA: Welcome to the Specialist
14 Chambers. Can you hear me fine?

15 THE WITNESS: [Interpretation] Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, can you hear the
17 witness fine?

18 THE ACCUSED: [via videolink] [Interpretation] Yes, I can hear
19 him and see him very well.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, Mr. Shala is present
21 in the courtroom through a videolink connection. You were informed
22 of that.

23 THE WITNESS: [Interpretation] Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, how are you today?

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

Additional redactions applied pursuant to F631.

1 PRESIDING JUDGE VELDT-FOGLIA: Very well.

2 We will start today with your testimony. Before we begin, I
3 have some remarks which I will share with you, and first I will
4 explain to you the protective measures that have been granted to you.
5 Yes?

6 You have been assigned a pseudonym. That means that we will
7 address you in this courtroom only by "Mr. Witness." And in that
8 way, we make sure that the public doesn't know your name. I see you
9 nodding. You understand that. So it will be "Mr. Witness" all the
10 time.

11 There will be face and voice distortion, so nobody outside the
12 courtroom will be able to see, while looking at the broadcast, your
13 face nor hear your real voice during the testimony.

14 When you answer questions that will not reveal your identity, we
15 will do so in open session like now. That makes possible that the
16 public can hear what is said in this courtroom.

17 When you are asked to describe anything that relates
18 specifically to you or to mention facts that might reveal your
19 identity, we will do so in a private session. And that means that
20 there is no broadcast and that no one outside the courtroom can hear
21 what is said in this courtroom.

22 If anything is said during open session that may identify you,
23 we will protect this information. And that means that your -- and
24 that in order to do so, we broadcast this session with a delay, and
25 we can remove any information that should not go out from the

Additional redactions applied pursuant to F631.

1 broadcast and we can also take it out from the transcript, the public
2 transcript.

3 All these protective measures, are they clear to you?

4 THE WITNESS: [Interpretation] Yes.

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

6 Now, you are called to testify, Mr. Witness, before the
7 Specialist Chambers in the case of The Specialist Prosecutor versus
8 Pjeter Shala to assist the Panel to reach a verdict. Firstly, you
9 will make your solemn declaration to tell the truth. And after that,
10 you will be asked questions first by the Specialist Prosecutor's
11 Office, they are the counsels who are sitting with the violet robe on
12 your left-hand side. Yes. And then you will be asked questions by
13 the counsel representing the victims participating in this procedure;
14 those are the lawyers next to the Specialist Prosecutor's Office.
15 You know them. And then you will be asked questions by the counsels
16 for the Defence of Mr. Shala, who are sitting on the other side with
17 the partly red togas. And then you might also get questions from the
18 Panel, the Judges who are sitting here. Yes?

19 Now, I would like to provide you with some guidance for
20 answering the questions that will be posed to you.

21 Mr. Witness, listen carefully to each question that you will be
22 asked. And if you don't understand, feel free to ask that the
23 question is posed again to you.

24 We want you to tell the truth and to tell us what you saw, what
25 you heard, what you experienced. So if you did not hear or see it

Additional redactions applied pursuant to F631.

1 yourself, please tell us so. It's really important for us to know
2 what you saw or what you heard.

3 You may not remember all the details of the events, and that is
4 perfectly okay. In that case, just tell us "I don't know," "I don't
5 remember." That is not a problem at all.

6 And, finally, please answer the questions put to you. If we
7 need follow-up questions to go more in detail, we will give you the
8 opportunity to do so, but try to stick to the questions.

9 There's also some practical advice I would like to share with
10 you. Everything that we say here is translated by the translation
11 and interpretation booths and recorded. So it's very important that
12 you speak into the microphone in front of you, that you speak at a
13 slow pace, and that you speak clearly.

14 You should only start speaking when the person asking you a
15 question has finished, and the best thing is to count in your head,
16 if possible, till five and then give your answer. And this pause of
17 five seconds is very important because the translation has to be
18 finalised before the interpreters can start with the next part of
19 translation.

20 If I raise my hand like this, please stop talking. Yes?

21 THE WITNESS: [Interpretation] Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: Very well. And sometimes it
23 might be necessary to discuss something with regard to the content of
24 your testimony, and because we were informed that you don't speak
25 English, I will just ask you to take off your headphones for reasons

Additional redactions applied pursuant to F631.

1 of security but -- for reason -- to be sure that you don't
2 understand.

3 If you need a break, if you need assistance or you want to say
4 something to the Panel, please raise your hand, like I did before,
5 and then I will give you the floor in order to discuss whatever is
6 necessary. Yes?

7 Have you understood all this, what I shared with you?

8 THE WITNESS: [Interpretation] Yes, I understood all of it.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then I will now ask
10 you to make your solemn declaration to tell the truth. And Madam
11 Court Usher will assist you.

12 And I remind you that it is an offence within the jurisdiction
13 of the Specialist Chambers to give a false declaration. Do you
14 understand that, Mr. Witness?

15 THE WITNESS: [Interpretation] Yes, that's understandable.

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

17 You have been provided the text by Madam Court Usher.

18 Can you confirm that, Madam Court Usher?

19 Please, then you can read it out, Mr. Witness. You may remain
20 seated.

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

25 WITNESS: TW4-01

Witness: TW4-01 (Open Session)

Page 1386

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Witness answered through interpreter]

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. You are
3 now under oath to tell the truth. And I see you nodding. Very well.

4 Before we begin with the testimony of Witness 01, there is one
5 point I think is important to make for the public, and that is that
6 in order to -- for protection reasons, we envisage that the testimony
7 of Witness 01 will be given possibly to a large extent in private
8 session in order to protect the identity and the well-being of the
9 witness.

10 The Panel will revise the transcript of his testimony in due
11 course and will make public as much as possible following the
12 completion of his testimony.

13 Very well. Mr. Prosecutor, you will be given now the floor to
14 start with the questioning of the witness.

15 Mr. Witness, I will now give the floor to Mr. Prosecutor, and he
16 will start with questioning you.

17 Mr. Prosecutor, I've seen that you have asked for 12 hours of
18 questioning. If there is any change in this regard, like I always
19 ask you, please inform the Panel of any changes in this regard.

20 MR. DE MINICIS: Yes, Your Honour. We'll do our best to try to
21 revise our estimates as we go, if necessary.

22 Examination by Mr. De Minicis:

23 Q. Good morning, Mr. Witness. Welcome. So as the Presiding Judge
24 has just explained to you, your identity is protected. I will start
25 by asking you some questions about your personal details, and so I

Witness: TW4-01 (Private Session)

Page 1387

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 will now ask the Judge to take us into private session.

2 MR. DE MINICIS: If we could move into private session,

3 Your Honours, please.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, can you bring

5 us into private session, please.

6 [Private session]

7 [Private session text removed]

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1388

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

[Open Session] *Reclassified Pursuant to F631*

10 Q. Did you ever provide any external support to the Kosovo
11 Liberation Army, like helping, assistance?

12 A. I helped them and I also had contacts with them.

13 Q. Can you just provide us an example what kind of assistance you
14 would be providing to the KLA.

15 A. There were occasions where I provided them with shelter, with
16 food, and such things.

[Private Session]

17 [Private session text removed]

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1389

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1390

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1391

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1392

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1393

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1394

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1395

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1396

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

[Open Session] *Reclassified Pursuant to F631*

14 Q. Did you ask the drivers of the vehicle to take you to any
15 particular location in Kukes?

16 A. No. The driver was on his way to Kukes. He had something to do
17 there, so we asked him to give us a lift to Kukes. He dropped us off
18 in Kukes and that's it.

19 Q. Do you recall where in Kukes you were dropped off, in which part
20 of the town? Anywhere specific?

21 A. From what I can remember, this was close to a hospital. And
22 there were some tents or -- yes, some tents sheltering refugees
23 there.

24 Q. So now you find yourself in Kukes [REDACTED]

25 [REDACTED], and you've just been expelled from Kosovo. What was your

Witness: TW4-01 (Private Session)

Page 1397

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 plan? What did you intend to do?

2 A. My intention was anyway to join the KLA, to wear the uniform and
3 join the KLA.

4 Q. And why did you want to do so at that time if until May 1999 you
5 had not joined the KLA?

6 A. Because up until that moment, I didn't think I had any chances
7 of joining, being able to join.

8 Q. Is there any reason why you thought that you couldn't be able to
9 join the KLA up until then?

10 A. I don't know how to explain this, but it was kind of difficult.
11 You needed to know someone who you would trust and then join the KLA.

[Private Session]

12 [Private session text removed]

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1398

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1399

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1400

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1401

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1402

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1403

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1404

Procedural Matters

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7 [Open session]

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

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

10 Mr. Witness, it's now time to take a break for 30 minutes. So I
11 will ask Madam Court Usher to usher you out of the courtroom, and we
12 see you back at 11.30. Thank you.

13 [The witness stands down]

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. We take a 30-minute
15 break, and I see you back at 11.30.

16 THE COURT OFFICER: All rise.

17 PRESIDING JUDGE VELDT-FOGLIA: The hearing is adjourned.

18 --- Recess taken at 11.00 a.m.

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

20 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

21 Let me see. I don't see any changes for the SPO. That's noted.
22 No changes for the Victims' Counsel's team. And no changes here at
23 my left-hand side for the Defence.

24 I see that Mr. Shala is also here. Can you hear us well,

25 Mr. Shala? Yes?

Witness: TW4-01 (Open Session)

Page 1405

Procedural Matters

Additional redactions applied pursuant to F631.

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

3 PRESIDING JUDGE VELDT-FOGLIA: Good. Noted.

4 Then we resume with the testimony of Witness 01.

5 Madam Court Usher, could you bring the witness in, please.

6 MR. DE MINICIS: Your Honour, I have the reference that I owe
7 the Panel. If I may read into the record while the witness is
8 ushered in.

9 PRESIDING JUDGE VELDT-FOGLIA: Yes, please.

10 [REDACTED] Pursuant to In-Court Redaction Order F525RED.

11 [REDACTED] Pursuant to In-Court Redaction Order F525RED.

12 PRESIDING JUDGE VELDT-FOGLIA: Yes. Maybe it's better to have
13 this in private. Yes. No?

14 MR. DE MINICIS: Well, out of an abundance of caution. Then we
15 will check in the redactions later.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes, let us do that. Then
17 we will have that done when we go into private session. Thank you.

18 [The witness takes the stand]

19 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you hear me?

20 THE WITNESS: [Interpretation] Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well. Welcome back. We
22 will continue with the examination by the Specialist Prosecutor's
23 Office.

24 Mr. Shala, did you hear the witness well?

25 THE ACCUSED: [via videolink] [Interpretation] Yes, I can hear

Witness: TW4-01 (Private Session)

Page 1406

Procedural Matters

Additional redactions applied pursuant to F631.

1 him and see him very well.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well.

3 I will now give the floor to the Specialist Prosecutor's Office
4 to continue with the examination.

5 You have the floor.

6 MR. DE MINICIS: Yes, Your Honour. We will need to move, again,
7 into private session, although soon I will be able to move back into
8 public and do some parts in public.

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

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

12 [Private session]

13 [Private session text removed]

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1407

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

[Open Session] *Reclassified Pursuant to F631*

1 MR. DE MINICIS:

2 Q. Welcome back, Mr. Witness. So before we broke off, you were
3 telling us how you had arrived to the headquarters in Kukes. Could
4 you tell us, when you arrived there, [REDACTED],
5 had you brought any bags with you, any luggage?

6 A. Yes.

7 Q. Were you able to leave your luggage or directed to leave your
8 luggage anywhere once you entered the premises of the headquarters?

9 A. We left the luggage at the warehouse where they also stored
10 uniforms.

11 Q. Now, once you arrived in there, within the headquarters, you
12 dropped your uniforms -- sorry, your luggage in the warehouse. Did
13 you see anybody that you recognised?

14 A. Yes, I recognised one person by the name of [REDACTED]. I did
15 not greet him, however. And Pjeter Shala was at the factory also
16 with a friend of his that has a mark on his face. He is from
17 Suhareke originally, but he lives in Switzerland currently.

18 Q. Where did you first meet Pjeter Shala in the headquarters?

19 A. The day I arrived at the headquarters, he came to the warehouse
20 the same day or same evening, and that is where he slept also.

[Private Session]

21 [Private session text removed]

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1408

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

[Open Session] *Reclassified Pursuant to F631*

8 Q. At that time, did you know if Pjeter Shala was also known by any
9 nickname or *nom de guerre*?

10 A. Before I even arrived in Albania, I knew him by the nickname of
11 Ujku.

[Private Session]

12 [Private session text removed]

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1409

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7 [Open session]

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

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

10 Mr. Prosecutor, you may proceed.

11 MR. DE MINICIS:

12 Q. Mr. Witness, at this time you've told us how it was the month of
13 May 1999, you have arrived with the people who were with you at this
14 headquarters in Kukes, and told us you met Pjeter Shala there. I
15 would like to proceed with trying to provide the Panel with a
16 description of the place. I will try to do so with a combination of
17 questions but also by showing some sketches that you drew in the past
18 and some photographs as well.

19 Now, to begin with, could you just, in your words, describe to
20 the Panel what did this headquarters look like? What kind of place
21 was it?

22 A. Yes, it is very easy. As soon as you enter or before you enter
23 the headquarters, there is an arm barrier. When you enter the
24 courtyard, the warehouse is there. It is a very long building. It
25 is a very high building. However, it was a one-storey building. In

Witness: TW4-01 (Open Session)

Page 1410

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 the middle of it, there was a steel door that divided the rooms that
2 was kept -- where the food was kept and where the uniforms were kept.
3 There were in total three steel doors. There was one on the outside
4 and there was one on the inside.

5 The headquarters where the offices were, they were immediately
6 to the left of the arm barrier. At the end, the kitchen was there to
7 the left. To the right were the rooms where I was held, detained,
8 after I was -- after they changed the room where they detained me
9 initially. So to the right were the rooms where we were being
10 detained, held.

11 Q. Thank you.

12 MR. DE MINICIS: Your Honours, now to add a bit of clarity to
13 this precise description that the witness gave, I'd like to request
14 the Panel to show to the witness a sketch that he drew in an
15 interview he did in the past, a sketch of this location, so that the
16 witness can guide us through the sketch and indicate what the
17 buildings depicted there are.

18 So if we could have on screen SITF00012876 to SITF00012878.

19 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, you may
20 proceed with showing it.

21 MR. DE MINICIS: And on the third page. Yes, correct.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, do you see it?

23 THE WITNESS: [Interpretation] Yes.

24 MR. DE MINICIS:

25 Q. Now, Mr. Witness, just to begin with, on the top right corner of

Witness: TW4-01 (Open Session)

Page 1411

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 this document there is a date. I won't read it out now because we
2 are in public session, but underneath there is a signature. Do you
3 recognise that signature?

4 A. Yes, very well.

5 Q. Whose is this signature?

6 A. It is mine.

7 Q. Now, as you can see here, you drew a location, and the buildings
8 in there have -- sometimes both in Albanian and English they indicate
9 what they are. So you told us that there was a main gate to enter
10 the premises. Can you indicate and mark with a letter A, with the
11 assistance of the Court Usher, the location of the gate where you
12 entered the headquarters.

13 A. [Marks]

14 Q. If you could put the letter A there.

15 PRESIDING JUDGE VELDT-FOGLIA: So we see a circle on the bottom
16 in the middle of the sketch --

17 THE WITNESS: [Marks]

18 PRESIDING JUDGE VELDT-FOGLIA: -- with the letter A now.

19 MR. DE MINICIS: Correct.

20 Q. Now, could you mark with the letter B the warehouse where you
21 left your clothes and where you said that you met Pjeter Shala when
22 you arrived.

23 A. [Marks]

24 Q. Now, we see that on the left there is a clothes warehouse and on
25 the right you indicated the food warehouse. Were the two warehouses

Witness: TW4-01 (Open Session)

Page 1412

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 connected? Could you walk from one place to the other from the
2 inside?

3 A. Yes, without even going outside. The door was in the inside of
4 the building.

5 Q. Now, to the left of the main gate it says "2 floor" and "HQ."
6 Can you tell the Panel what that building is?

7 A. The offices are there. There was a doctor's office there, too,
8 and the commanders' offices that they used. From what I've heard, on
9 the 2nd floor there were also some rooms that were used for
10 accommodation. However, I never went to the 2nd floor, so I never
11 saw those rooms.

12 Q. I think that so far we have covered the first day of your
13 arrival at the headquarters. On the first night, did you sleep --
14 where did you sleep? Could you draw an X in the location where you
15 spent the first night.

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, before --

17 THE WITNESS: [Marks]

18 PRESIDING JUDGE VELDT-FOGLIA: -- answering, I would like to ask
19 something to Mr. Prosecutor.

20 This last building, we have not marked it yet with a letter. I
21 think it would be helpful for future reference if you would mark it
22 with a C, for example, or whatever you deem a good letter.

23 MR. DE MINICIS: Thanks for the helpful reminder, Your Honour.
24 I was forgetting to do so.

25 Q. Mr. Witness, the Presiding Judge has reminded us that we have

Witness: TW4-01 (Open Session)

Page 1413

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 not marked the building on the left, the one that you said had two
2 floors, but you didn't visit the 2nd floor. Could you mark that
3 building with a letter C, please.

4 A. C.

5 Q. Now, I saw that you already answered my question. You put a X
6 in the left warehouse. So is that where you spent the first night?

7 PRESIDING JUDGE VELDT-FOGLIA: I didn't hear an answer. I only
8 saw nodding. You have to say it out loud.

9 THE WITNESS: [Interpretation] Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, just to be
11 precise. In your résumé of what the witness brought with him, you
12 refer to clothes he left in the warehouse, which is page 46, line 22.
13 It was -- he referred to luggage, just to be precise. So page 42, 12
14 to 13, he said "luggage." Just for the record.

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

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

17 MR. DE MINICIS:

18 Q. I think we've gone through now -- I've asked you questions about
19 what happened the first day. I would like to ask you what did you do
20 on the second day you were there? Do you have any memories of that?

21 A. The second day we spent the day with the same people, so with
22 Pjeter, a person from military police. There was another person
23 there. In the evening, we also played cards and I slept.

24 Q. And on that day, on the second day, were you able to move freely
25 within the location of the headquarters? Could you move from the

Witness: TW4-01 (Open Session)

Page 1414

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 warehouse to the courtyard, for instance?

2 A. No, initially I wasn't allowed to leave because they were
3 carrying out their verifications.

4 Q. Does this mean that you could not leave the warehouse or that
5 you were restricted to the premises of the warehouse?

6 A. I was in the warehouse and that is where I stayed.

7 Q. So you told us that you were there with Pjeter Shala, there was
8 some military policeman. In the evening you played cards. Were
9 there any other people that you could see in the warehouse on that
10 second day?

11 A. I saw the people who were working in the warehouse, food
12 warehouse. That was the person who issued uniforms and food. And
13 there was another person whose name I cannot remember.

14 Q. Any other person that was staying in the warehouse in addition
15 to those you've mentioned?

16 A. In the warehouse where they stored uniforms, there was an empty
17 space there. And later I found out that three Romas were being kept
18 there, and I was told that they were arrested.

19 Q. Did you see the three Romas yourself in the warehouse?

20 A. Yes, I saw them. I saw them on the third day.

21 Q. Do you recall anything more about these three Romas in the
22 warehouse? Any additional detail of what you saw?

23 A. No, I didn't notice anything until they moved us to another
24 room.

25 Q. Do you know anything else about these three Romas in terms of

Witness: TW4-01 (Open Session)

Page 1415

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 what their profession was, where they came from, any additional
2 detail about these three people?

3 A. They were musicians. They played drums.

4 MR. DE MINICIS: Your Honours, could I perhaps at this point try
5 to refresh the witness's memory with some additional details he
6 provided about the first time he saw these people in the warehouse by
7 pulling up a previous statement of his.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes, please proceed.

9 [Trial Panel and Court Officer confers]

10 PRESIDING JUDGE VELDT-FOGLIA: I trust that we can bring down
11 the sketch.

12 MR. DE MINICIS: For now, yes. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: You may pull it down,
14 Mr. Court Officer.

15 [Trial Panel and Court Officer confers]

16 PRESIDING JUDGE VELDT-FOGLIA: Before you proceed,
17 Mr. Prosecutor. To keep track of all the documents for
18 Legal Workflow, what we will do is give it a number, the sketch that
19 has been marked by the witness.

20 So, Mr. Court Officer, please give the sketch with the markings
21 a number.

22 THE COURT OFFICER: Your Honours, the markings made on
23 SITF00012878 will be processed as REG00954.

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

25 Mr. Prosecutor, you may proceed with giving the reference to

Witness: TW4-01 (Private Session)

Page 1416

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 Mr. Court Officer for the next question.

2 MR. DE MINICIS: I'd like to have on the screen SITF00012758 to
3 SITF00012789 RED2.

4 PRESIDING JUDGE VELDT-FOGLIA: And, Mr. Prosecutor, we have to
5 be careful with any information that might be shared now as to
6 further details, because we noted that some information with regard
7 to these people is redacted.

8 MR. DE MINICIS: Yes, Your Honours. I apologise. It's
9 difficult sometimes to in the flow, but then perhaps we could move to
10 private session.

11 PRESIDING JUDGE VELDT-FOGLIA: Very well.

12 Mr. Court Officer, can you bring us into private session,
13 please.

14 [Private session]

15 [Private session text removed]

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1417

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

[Open Session] *Reclassified Pursuant to F631*

3 Q. But my question is, Mr. Witness, in this statement that you gave
4 in [REDACTED], you told the Prosecutor that:

5 "In the evening, I saw they started maltreating the Romas and
6 they were two brothers and a neighbour of them who were musicians and
7 their father's name was Nuradin. I was told that they knew one of
8 them was a paramilitary and was seen in a military jeep."

9 MR. DE MINICIS: I'm done with the document, Your Honour.

10 PRESIDING JUDGE VELDT-FOGLIA: Please pull it down,
11 Mr. Court Officer.

12 MR. DE MINICIS:

13 Q. I was wondering if this refreshes your memory as to whether you
14 saw any mistreatment against the Romas that evening in the warehouse?

15 A. You asked me if I saw someone else, because this is imprinted in
16 my memory, and of course I saw the beatings. But in the beginning,
17 you asked me if I saw someone else, and I told you that I saw three
18 Romas, and it is true that they were beaten there. And if you ask me
19 a question, please clarify your questions so that I am able to
20 understand it better.

[Private Session]

21 [Private session text removed]

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1418

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

[Open Session] *Reclassified Pursuant to F631*

11 Q. Who carried out the arrest? Who arrested you?

12 A. Three or four persons came. I'm not sure. I wouldn't want to
13 lie to you. They were from the military police. And they tied our
14 hands.

15 Q. How could you tell that they were military policemen as opposed
16 to ordinary soldiers?

17 A. They had the stripes on the shoulder differently from the KLA.
[Private Session]

18 [Private session text removed]

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1419

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

[Open Session] *Reclassified Pursuant to F631*

8 Q. Did they tell you who had ordered your arrest? Did they give
9 you any information in that regard?

10 A. No. I asked about the reason of my arrest, and I said, "Can I
11 know who ordered this?" And the response I got was: "You will learn
12 about this later." They didn't tell me.

13 Q. So after the military policemen put these restraints on you
14 [REDACTED], what happened next?

15 A. I don't know. I think on that same evening they brought in
16 someone else who was beaten up, and I also was hit four -- four, five
17 times. While I was lying down, hands tied, they hit me or gave me a
18 few blows.

[Private Session]

19 [Private session text removed]

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1420

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

[Open Session] *Reclassified Pursuant to F631*

22 Q. Is the building where you were taken the morning after your
23 arrest indicated in this sketch? And if so, could you circle it
24 please? Can you draw a circle around it?

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you have the pencil.

Witness: TW4-01 (Private Session)

Page 1421

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 Yes, I see you nodding.

2 THE WITNESS: [Interpretation] I see a mistake you made here.

3 Number 2 is written on top. It should be below.

4 MR. DE MINICIS:

5 Q. Can you be more specific, please? What do you mean exactly?

6 A. Where I drew the circle is number 1, then is number 2. But
7 number 2 should be number 3.

8 Q. I understand.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay. We will take it one step
10 at a time, and we will now work with new numbering. So please for
11 now then ask the witness to draw a number 1 here, because the circle
12 is now being referenced as 1 if I understood well.

13 MR. DE MINICIS:

14 Q. Now, could you please write the number 1 in the room where you
15 were detained.

16 A. [Marks]

17 Q. Thank you. And that building, can you tell us what the other
18 rooms were used for, if you know that.

19 A. Number 1 was for the detainees and number 3 were used for the
20 detainees. Number 2 was mostly used to beat people up.

21 Q. Now, could you write the number 3 in the room that you said was
22 used for the detainees and the number 2 in the room you said were
23 used for beatings.

24 A. [Marks]

[Private Session]

25 [Private session text removed]

Witness: TW4-01 (Private Session)

Page 1422

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

[Open Session] *Reclassified Pursuant to F631*

3 Q. And just jumping a little ahead for a second. Until when were
4 you kept in that room? Until when were you kept in that room?

5 A. Until I came back home.

[Private Session]

6 [Private session text removed]

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1423

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

[Open Session] *Reclassified Pursuant to F631*

3 MR. DE MINICIS: It's a building that we would ask the witness
4 to identify, would like to ask the witness if he recognises that
5 building.

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

7 MR. DE MINICIS: If I could please have on the screen 074390 to
8 074391. Zoom out maybe one notch.

9 PRESIDING JUDGE VELDT-FOGLIA: Can you see it clearly,
10 Mr. Witness?

11 MR. DE MINICIS:

12 Q. Mr. Witness --

13 A. I can see it very clearly.

14 Q. Mr. Witness, do you recognise the building depicted in this
15 photograph?

16 A. Yes. In this first room, because there are also windows on the
17 right-hand side and the other side. So this was the room where I
18 stayed, room number 1.

19 Q. Just to be clear, are you referring to the windows that is on
20 the short side of the building, the one facing the photographer?

21 A. It has windows on both sides, as I indicated. So this is the
22 first one is the right one.

23 Q. And the window on the short side there, from there, what could
24 you see if you looked out of that? You see the window that is -- so
25 the most prominent window that we see here in front of the picture.

Witness: TW4-01 (Private Session)

Page 1424

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 You said that that was one of the windows in the room that you were
2 kept; correct?

3 A. Yes, this is a room with two windows.

4 Q. And if you were in the room and looking out of that window, what
5 would you see? Where did the window face?

6 A. You could see the entire headquarters, who is coming in and out,
7 and everything.

8 Q. Now, if you looked out of the windows on the side of that
9 building, what would you see?

10 A. There is another building opposite this window. I've never been
11 there -- inside there, so I don't think it was used for anything.
12 And then you would see the gate, the barrier where cars would come
13 in.

14 MR. DE MINICIS: Your Honours, could I please ask that the
15 second picture in this document be shown to the witness.

16 PRESIDING JUDGE VELDT-FOGLIA: And that is for reasons of
17 recognition?

18 MR. DE MINICIS: Correct, Your Honour. Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes.

20 Please proceed, Mr. Court Officer.

[Private Session]

21 [Private session text removed]

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1425

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F631* Page 1426

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

[Open Session] *Reclassified Pursuant to F631*

1 Your Honours, I'd like to just pull up another sketch, still
2 drawn by the witness, which zooms in a little on a particular area of
3 the headquarters that I'd like to question him about. So --

4 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

5 MR. DE MINICIS: With your permission, I'd like to have document
6 059118 to 059144 RED2 on the screen. And I think it's page 2 with
7 the ERN 059119.

8 Q. Now, Mr. Witness, just to -- a little formality at the start.
9 Do you see your signature anywhere on this document?

10 A. Yes, it's on the bottom.

11 Q. Now, do you recall drawing this sketch in [REDACTED] during an
12 interview with the SPO?

13 A. Yes.

14 Q. Could you tell the Panel what this sketch depicts?

15 A. These are the rooms where we were kept and the room where we
16 were maltreated.

17 Q. Which -- they're marked with numbers 1, 2, and 3. Could you
18 tell the Panel which room is the one where you were maltreated?

19 A. Room number 2, here.

20 Q. Now at the bottom of that drawing, there is another sketch with
21 something written next to it. Could you read for us what you wrote
22 there next to that squarey drawing?

23 A. I've written "toilet."

24 Q. Sorry, my bad. That's on the right side. What about on the
25 left side. It's written vertically. And there is also a number 1

Witness: TW4-01 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F631* Page 1427

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 next to it.

2 A. I've written here that this is the door. The door was further
3 up slightly between number 1 and number 2 as you took the corridor.

4 Q. So that's the door to room number 1; correct?

5 A. Correct. So it's between number 1 and number 2. And then there
6 are other doors, inside doors to other rooms.

7 MR. DE MINICIS: Your Honours, for now we can pull down this
8 exhibit, which I believe will require a Registry number because it's
9 been marked.

10 PRESIDING JUDGE VELDT-FOGLIA: Yes. Before we go, indeed, to
11 that specific point, could the witness read out what is written in
12 Albanian on the left-hand side vertically?

13 THE WITNESS: [Interpretation] Door to the room.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay. "*Dera e dhomes.*" Okay.
15 Thank you. That clarifies.

16 Mr. Court Officer, can you allocate a number to this sketch,
17 please, with the markings -- marking.

18 THE COURT OFFICER: Your Honours, the marking made on ERN 059119
19 will be allocated REG00955.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, thank you for
21 allocating this number.

22 In addition, to clarify, Mr. Witness, I have a question for you,
23 the Panel. Yes, it's sometimes difficult to see where the questions
24 are coming from, but now it's from me, from the Panel.

25 If we look at the sketch you have drawn, the space -- we have a

Witness: TW4-01 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F631* Page 1428

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 room 1, 2, and 3. And then between the three rooms, there is a space
2 where -- no, no, I'm saying it wrongly. Between room 1 and 2 there
3 is a space. That's a corridor. Did I understand that right? And at
4 the end of that corridor, you have drawn half a circle. That is a
5 door?

6 THE WITNESS: [Interpretation] A door.

7 PRESIDING JUDGE VELDT-FOGLIA: That is a door. Can you mark
8 that with letter, let us see, A, to be sure that we are talking --
9 oh, that's a door, that's A. And then can you indicate in that same
10 corridor if there are any more doors? B and C?

11 THE WITNESS: [Interpretation] Yes, there's another door.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. And you put C. That is
13 between room 2 and 3, you mean?

14 THE WITNESS: [Interpretation] No. The first room was where I
15 was kept. The second room was the room we were maltreated in. And
16 then in between the two is a corridor. The door to room number 3 is
17 from the outside, on the other side.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you for that.
19 And then in the corridor with the doors A and B, at the end of that
20 corridor, as I understood it, you also drew half a circle. What is
21 that?

22 THE WITNESS: [Interpretation] This is the door leading to the
23 corridor.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. Could you mark that with
25 D.

Witness: TW4-01 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F631* Page 1429

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 THE WITNESS: [Marks]

2 PRESIDING JUDGE VELDT-FOGLIA: And that corridor, if you would
3 go through the door D and you would go -- so from the corridor with
4 the doors A and B and you would go through the door D, then you would
5 be where? Inside or outside?

6 THE WITNESS: [Interpretation] Outside.

7 PRESIDING JUDGE VELDT-FOGLIA: Outside. Just to clarify. Good.
8 That's what we wanted to know. Thank you.

9 [Trial Panel and Court Officer confers]

10 MR. DE MINICIS: Thank you for that, Your Honour.

11 PRESIDING JUDGE VELDT-FOGLIA: The markings that have been made
12 to this document has already been assigned a number, and it will keep
13 the same number. And it will now be saved again with the additional
14 markings made by the witness with the same number. Okay, good.

15 Mr. Prosecutor, you have the floor.

16 MR. DE MINICIS:

17 Q. Thank you, Mr. Witness. I think we've now identified where the
18 place you were detained is within the headquarters, and you also
19 guided us through the layout of the building where you were detained
20 and that you identified.

21 Now, you told us that you were detained in room number 1. Could
22 you describe the inside of the room for the Panel.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, Mr. Witness, please
24 have a moment before you start talking.

25 Mr. Prosecutor, is this specific part with regard to the

Witness: TW4-01 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F631* Page 1430

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 description something we could do in public?

2 MR. DE MINICIS: Yes, Your Honour. We can do that in public.

3 PRESIDING JUDGE VELDT-FOGLIA: Let us do that.

4 Mr. Court Officer, please bring us into public.

5 Mr. Witness, we will now go into public session again, so please
6 be careful not to say anything about yourself or that could identify
7 you. Yes?

8 Mr. Prosecutor, you have the floor as soon as we are in public.

9 ~~{Open session}~~

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

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

12 Mr. Prosecutor, please.

13 MR. DE MINICIS:

14 Q. So now, Mr. Witness, now we're in public session. You told us
15 that the room marked as room number 1 in this sketch is the room
16 where you were detained. Was there any furniture in that room?

17 A. There were blankets initially. Blankets, that is, on the floor.

18 Q. What was the floor made of?

19 A. It was concrete, but the concrete was broken, and the sand was
20 coming through the concrete because those buildings were very old, so
21 the concrete was damaged.

22 Q. You earlier said that there were two windows. Can you describe
23 these windows? Did they have glass?

24 A. Not to my recollection. There was no glass.

25 Q. Were they open or closed? Could you have gone through them?

Witness: TW4-01 (Open Session)

Page 1431

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 A. No, you could not. There were metal bars.

2 Q. You told us that there was no furniture and there were some
3 blankets. Where did you sleep?

4 A. On the floor there.

5 Q. Could you use the blankets to sleep on?

6 A. Initially, yes, for the first two or three days, and then they
7 had them removed.

8 Q. What about food? What food were you provided?

9 A. To be honest, I don't remember eating a lot. I think they gave
10 us food once a week or once in two weeks. What I remember is the
11 beatings. I don't remember the food.

12 Q. We will get there. And I just want to go through some other
13 issues first. Were you given water while you were detained?

14 A. We had some bottles. They had left some bottles there. But
15 there was very little water. We were six to seven, also at one point
16 twelve people. The amount of water that we had there was not
17 sufficient for all of us.

18 Q. If the water ran out, could you ask for the water to be
19 refilled?

20 A. Yes, we did. But that depended on them, whether they wanted to
21 provide the water. Everything depended on them.

22 Q. Now that you've given us a description of the detention room,
23 and you've mention other people being in the room there in varying
24 numbers. When you [REDACTED] Pursuant to In-Court Redaction Order
F525RED were brought from the warehouse

25 to the detention room, did you find anybody else in the room number

Witness: TW4-01 (Open Session)

Page 1432

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 1?

2 A. I forgot. However, I remember that Romas were brought there the
3 same day. I can't remember it quite exactly. It's been a while
4 since that time. I think that Romas were already there, because they
5 brought them from the warehouse.

6 Q. And how big was the inside of that room? I know you did not
7 have a measuring tape but from your recollection.

8 A. 3 by 3, 3 and a half by 3 and a half. I don't remember exactly.
9 I also did not measure it. But approximately -- approximately, it
10 was the measurement that I already gave. But it was definitely 3 by
11 3, perhaps half a metre more or so.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I would just like
13 to ask one question for clarification.

14 Mr. Witness, for the record, it's page 66, lines 6 and 7, you
15 said that blankets, you had them for, apparently, several days and
16 then they were removed. Who removed the blankets?

17 THE WITNESS: [Interpretation] The heads of the soldiers gave the
18 order to move -- to move them from there, because the soldiers were
19 complaining that the spies had blankets and they didn't. So that is
20 the reason why they took the blankets away from us.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you. That's clear.

22 MR. DE MINICIS:

23 Q. Do you remember the -- and I know a lot of time has passed, and
24 if need be, perhaps the Panel will allow me to refresh your memory on
25 that point. But do you remember the identity - try to think, maybe

Witness: TW4-01 (Private Session)

Page 1433

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 take all the time you need - of any of the other people who were held
2 with you in that room during your stay?

3 MR. DE MINICIS: Your Honours, in fact, we might need to move
4 into private session for this.

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

6 Mr. Court Officer, can you bring us into private session,
7 please.

8 [Private session]

9 [Private session text removed]

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1434

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1435

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

[Open Session] *Reclassified Pursuant to F631*

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, could you please
9 take off your headphones.

10 Defence Counsel, before I give you the floor, I might usher the
11 witness out, because I just want to know if the content of what
12 you're saying could influence the witness, because -- yes? Okay.
13 Then I see some doubt. But then we have to wait for -- the Court
14 Usher is back.

15 Madam Court Usher, could you accompany the witness out of the
16 courtroom. Okay. Thank you.

17 [The witness stands down]

18 PRESIDING JUDGE VELDT-FOGLIA: It's not completely clear to us
19 if when the witness has the headphones on the desk, the translation
20 is not passing in a way through it that he could hear what is said.
21 So that's the reason that he has been ushered out.

22 Defence Counsel, you have the floor.

23 MR. AOUINI: Thank you, Your Honour.

24 I would place an objection, a strong one. We were hesitant
25 after my learned colleagues called for the second document. The

Additional redactions applied pursuant to F631.

1 issue of refreshing was about the identity of other people being
2 obtained. The second document we are putting to him goes way beyond
3 details and even touches on other events, so we really have a strong
4 objection.

5 We don't have a confirmation. If we force-feed him three, four
6 documents at the same time, and then ask him to confirm, it in some
7 way influences inappropriately what he's to say. So let's take it
8 one step at a time to make sure this is a fair way of adducing the
9 evidence.

10 The issue was who was there in the room or in that place that
11 was meant. That was the question. So we have to ascertain first
12 the -- he didn't even confirm. And we have already given him back
13 stories. This is not the way we believe the evidence-in-chief should
14 be adduced.

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

16 MR. DE MINICIS: I'm happy to proceed one step at a time. Just
17 the next page of the document. Then the witness said:

18 "Yes, this person stayed in the same room as me for
19 approximately one week. Then he was taken away."

20 PRESIDING JUDGE VELDT-FOGLIA: That was my knowledge, too. So I
21 don't think that there is anything inappropriate he was doing at the
22 time with the knowledge of the documents we have. What I do see in
23 general, we have to go step by step, but I think we are proceeding in
24 the right way.

25 For the next time, we could first have acknowledged that he was

Additional redactions applied pursuant to F631.

1 there, and then we enter into much details. But sometimes we have to
2 give details, and then that's said to the Defence, in order to have
3 the witness refresh about whom he was talking.

4 So I didn't see it as something unfair in this respect, that
5 things were put into the mouth of the witness.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 That was not refreshing. That was not the question. That was not
11 the purpose of refreshing. We are dealing with the identification of
12 who was there maybe detained with the witness. So that's the first
13 step. And we can only go further by asking questions first and then,
14 if needed, refresh about who -- the background. It might be someone
15 else he is talking about. This is what we're saying.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. I heard your
17 objection, but I think we can proceed. And, as always, I ask the SPO
18 to take on board the core issue of what the possible objection could
19 be, that we should not put too much information at the time to the
20 witness. That I can see.

21 MR. DE MINICIS: By all means, Your Honours. And the documents
22 can be taken off the screen now.

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

24 Mr. Court Officer, can you bring in the witness.

25 [The witness takes the stand]

Witness: TW4-01 (Private Session)

Page 1438

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

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

2 will give the floor back --

3 THE WITNESS: [Interpretation] Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: I will give the floor back to

5 Mr. Prosecutor so that he can continue with the examination for

6 another ten minutes, and then we will have a lunch break. Yes?

7 Thank you.

[Private Session]

8 [Private session text removed]

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

[Open Session] *Reclassified Pursuant to F631*

1 Your Honour, if I may suggest one thing that perhaps would
2 assuage Defence Counsel's concerns from when we pull up documents. I
3 am happy to pull up all the references for the Albanian documents,
4 but if I put the Albanian document on the screen, the witness will be
5 able to read further on parts of the page where there is other
6 information that I may have not elicited yet. If I were just to read
7 out with the assistance of the interpreter the relevant part, we
8 would obviate that problem.

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

10 MR. AOUNI: A very welcome suggestion, yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay.

12 [Trial Panel and Court Officer confers]

13 PRESIDING JUDGE VELDT-FOGLIA: We may proceed in this way.
14 However, what can happen, that there will be a slight difference of
15 interpretation with regard to the text we see on the screen. It will
16 not differ to the core, of course, but sometimes maybe just a
17 different word can be chosen. We have to be careful for that. That
18 would be a possible caveat.

19 MR. AOUNI: Excuse me. Maybe then a suggestion would be if we
20 have, like in this document, questions and specific references, that
21 we zoom the document only on one portion of the page and not the
22 whole page. So we focus on the specific point. If that's doable.

23 PRESIDING JUDGE VELDT-FOGLIA: I think that is very complicated
24 to get that on the screen. I see that would be a possibility. But
25 for now we will proceed with the translation that we see, that it

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 gives rise to problems that we had not foreseen, we take it from
2 there.

3 Good. We still have a few minutes, Mr. Prosecutor.

4 MR. DE MINICIS: [Microphone not activated]

5 PRESIDING JUDGE VELDT-FOGLIA: You have the floor, bearing in
6 mind that we are almost arriving at lunchtime.

7 MR. DE MINICIS:

8 Q. Among the people detained with you, in the past you also listed
9 a person from Drenica who had come from Germany to Durres to look and
10 care about his family. "He ended up in my room in that prison," you
11 stated.

12 MR. DE MINICIS: The document can now be pulled down.

13 Q. Now, does that refresh your recollection about an additional
14 person who was in the room with you? A man from Drenica who had come
15 from Germany to Durres.

16 A. Yes, he was there but he died five or six years ago.

17 Q. And do you, by any chance, ever come to learn the name of this
18 person?

19 A. I knew his name but I forgot it. [REDACTED]

20 [REDACTED]

21 Q. Thank you.

22 MR. DE MINICIS: Your Honours, this might be a convenient time
23 for a break, because after this I will be moving on to a different
24 area. So we have only three minutes left.

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

Additional redactions applied pursuant to F631.

1 Mr. Court Officer, can you bring us back into public session,
2 please.

3 ~~{Open session}~~

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

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

6 Mr. Witness, we are now going to have a break for one and a half
7 hour, and that means that we will see you back at 2.30. I wish you a
8 good lunch, and I hope you can take some time to rest. Thank you.

9 THE WITNESS: [Interpretation] Thank you.

10 [The witness stands down]

11 PRESIDING JUDGE VELDT-FOGLIA: No, no, no. Mr. Shala, do you
12 want to say something to the Court?

13 THE ACCUSED: [via videolink] [Interpretation] Yes, Your Honour.
14 I would like to consult the Defence, if possible. If it's possible
15 for them to call me. That's all I wanted to say. Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Shala. I see that
17 the Defence team has taken notice of your request.

18 Then before we adjourn the hearing till half past 2.00.
19 Mr. Shala, in the afternoon, when I will again ask you if you can
20 hear the witness, it is sufficient that you tell me that you can hear
21 him. It's not necessary to repeat that you can see him very well.
22 Okay? Good.

23 The hearing is adjourned.

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

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

Additional redactions applied pursuant to F631.

1 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

2 Yes. We will continue with the testimony of Witness 01. I see
3 that there is a change of composition at the SPO.

4 MR. DE MINICIS: Yes, Your Honour. Mr. Whiting is not with us
5 for this afternoon.

6 PRESIDING JUDGE VELDT-FOGLIA: That's noted.

7 I see that the Victims' Counsel's team is in the same
8 composition.

9 And on my left-hand side, I see a nodding, and I interpret that
10 as the same composition. Very well.

11 Mr. Shala, you can hear me fine? I see you nodding. We take
12 that as sufficient for today. Just to be certain, can I hear your
13 voice?

14 THE ACCUSED: [via videolink] [Interpretation] Yes, Your Honour.
15 I can hear you loud and clear.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good.

17 Then, Madam Court Usher, could you please bring the witness in.

18 MR. GILISSEN: Ms. President, before the witness comes in --

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. Madam Court Usher, please,
20 we have the Defence Counsel.

21 MR. GILISSEN: With your leave.

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

23 MR. GILISSEN: Thank you very much. It's about your last remark
24 at the end of the hearing. Mr. Shala call us and ask why. We tried
25 to explain. We explained to him with the videolink he has the right

Additional redactions applied pursuant to F631.

1 to hear and to see all the hearing, and we asked him to -- of course,
2 to obey to your observation. And we propose to be sure, because we
3 explain him if he has to face a problem, to raise a hand and to say
4 it. So to say "I hear you and I see you," it's better.

5 PRESIDING JUDGE VELDT-FOGLIA: Yes.

6 MR. GILISSEN: And not talking about the witness, because it
7 seems the point, I suppose.

8 PRESIDING JUDGE VELDT-FOGLIA: I think that the point I made was
9 clear. It can be interpreted in various ways. And this is just a
10 technical check with regard to the connection. And we always check
11 beforehand if there is a good visibility and if the connection is
12 working fine. So for this further addition, for reasons -- it
13 doesn't -- if he would have said it -- if Mr. Shala would have said
14 it only the first time, I would not say I have made any comment, but
15 I don't want to hear it four times.

16 MR. GILISSEN: But the idea is to say that's okay for the
17 hear --

18 PRESIDING JUDGE VELDT-FOGLIA: No, I will ask him if he can hear
19 me fine, and Mr. Shala can reply --

20 MR. GILISSEN: [Overlapping speakers] ...

21 PRESIDING JUDGE VELDT-FOGLIA: -- that he hears the witness, not
22 me, but that he can hear the witness, and we will continue as we did.

23 MR. GILISSEN: Okay. Marvelous. Thank you very much.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes, then we can proceed.

25 [The witness takes the stand]

Witness: TW4-01 (Open Session)

Page 1444

Procedural Matters

Additional redactions applied pursuant to F631.

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

2 THE WITNESS: [Interpretation] Thank you.

3 PRESIDING JUDGE VELDT-FOGLIA: We will now continue with the
4 examination by the Specialist Prosecutor's Office. We are in public
5 session for the moment. I will give the floor to Mr. Prosecutor.
6 Please.

7 MR. DE MINICIS: Your Honours, I think that I can start in
8 public session, and we can remain there for a little bit before
9 moving into private. But for now, I think we're safe in public
10 session.

11 PRESIDING JUDGE VELDT-FOGLIA: Very well. And just to be sure,
12 because the witness did not talk very much in order to establish that
13 Mr. Shala heard the witness well.

14 But you heard Mr. Prosecutor well, Mr. Shala?

15 THE ACCUSED: [via videolink] [Inaudible]

16 PRESIDING JUDGE VELDT-FOGLIA: I did not hear you, so it's good
17 that we checked that.

18 Does everybody present hear Mr. Shala? No.

19 Mr. Shala, is your microphone on?

20 THE ACCUSED: [via videolink] [Interpretation] Can you hear me?

21 PRESIDING JUDGE VELDT-FOGLIA: Now I can hear you very well.
22 Thank you. Could you hear Mr. Prosecutor talking?

23 THE ACCUSED: [via videolink] [Interpretation] I can hear him,
24 but I don't agree with him.

25 PRESIDING JUDGE VELDT-FOGLIA: That's not the -- that's not

Witness: TW4-01 (Open Session)

Page 1445

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 the --

2 THE ACCUSED: [via videolink] [Interpretation] Either -- either
3 we mention the names of the witnesses or we --

4 PRESIDING JUDGE VELDT-FOGLIA: No, no, Mr. Shala, please.
5 Please answer the questions I pose to you and not other questions.
6 And it's for me sufficient to know that you hear Mr. Prosecutor.
7 Thank you.

8 Mr. Prosecutor, you have the floor.

9 MR. DE MINICIS:

10 Q. So, Mr. Witness, before we broke off, we were discussing the
11 identity of some of the other people who were detained with you.
12 Before I move on to a different topic, a different day of your stay
13 there, I'd like to finish asking you some questions about the way you
14 and these other people you have named, and also those you haven't
15 named, were treated, your conditions of detention.

16 The first question is: If you or any of your co-detainees
17 needed to go to the toilet, where would you go?

18 A. We needed to leave the room, then go through the corridor,
19 across the courtyard, and then there was a toilet outside.

20 MR. DE MINICIS: [Microphone not activated] REG000954 on the
21 screen.

22 PRESIDING JUDGE VELDT-FOGLIA: With what purpose?

23 MR. DE MINICIS: Just to identify the location of the toilet the
24 witness has just discussed.

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

Witness: TW4-01 (Open Session)

Page 1446

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 MR. DE MINICIS:

2 Q. Mr. Witness, could you perhaps write a T next to the place where
3 you will have to go to the bathroom, and the Court Usher will be
4 assisting you on this matter.

5 A. I did.

6 Q. Perfect. Thank you.

7 MR. DE MINICIS: Your Honour, we can pull the document down now.

8 PRESIDING JUDGE VELDT-FOGLIA: Very well. But then it needs to
9 be saved by the Court Officer. And then if it is agreeable,
10 Mr. Court Officer, that we note that it still has the same number as
11 you allocated to it, including now this additional marking.

12 Is that right, Mr. Court Officer?

13 [Trial Panel and Court Officer confers]

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. That's done. We can
15 proceed.

16 Mr. Prosecutor, you have the floor.

17 MR. DE MINICIS:

18 Q. And were you and the other detainees in room 1 -- was the door
19 to the room locked normally as you were inside?

20 A. Yes, it was blocked, and there were guards by the door.

21 Q. So what was the procedure if you needed to go to the toilet?

22 A. We had to ask the guard who would then in turn ask somebody
23 superior for permission.

24 Q. Would the guard then -- would you be then let to go to the
25 toilet after permission was granted?

Witness: TW4-01 (Open Session)

Page 1447

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 A. After permission was granted, yes, if he was willing to allow
2 you to go to the toilet. And, in fact, it rarely happened that they
3 prevented us from going to the toilet.

4 Q. Would anyone come with you from the room where you were detained
5 to the toilet or would you go by yourself?

6 A. No, the guard would escort us.

7 Q. The question -- you earlier told us that when you were arrested
8 you were put some restraints, some military bootlaces on your hands.
9 While you were detained in room 1, were your hands restrained? Were
10 you restrained in any way?

11 A. I was personally -- I had my hands tied most of the time.

12 *[REDACTED] Pursuant to In-Court Redaction Order F525RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F525RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F525RED.*

15 Q. And do you recall if the other detainees were tied or untied?

16 A. No, no one else was tied apart from me. I was the only one to
17 have hands tied, and I don't know the reason why.

18 Q. During your detention, were you provided with any soap for
19 personal hygiene?

20 *[REDACTED] Pursuant to In-Court Redaction Order F525RED.* a guard -- a new
guard who had

21 come to replace someone else, he took us outside. There was no soap
22 but some cold water and a sheet covering an area where we went in to
23 wash ourselves, but only using water nothing else. Just to remove
24 the blood.

25 Q. Were you allowed to wash before *[REDACTED] Pursuant to In-Court
Redaction Order F525RED.*

Witness: TW4-01 (Open Session)

Page 1448

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 A. No, no, never. We couldn't wash our face or wash our bodies.

2 Q. A toothbrush?

3 A. We didn't even see such items.

4 Q. Were you given any changes of clothes?

5 A. No, nothing.

6 Q. During your stay in that room, could you talk freely to the
7 other detainees?

8 A. In secret, we could talk. If we did that openly, they could
9 maltreat us and were just for nothing asking us, "Why did you talk to
10 him? What did you say?" And then this would be followed by
11 beatings. They would question us. They would ask those interacting,
12 "What did you say? What kind of information did you give to one
13 another?" and then this would be followed by beatings.

14 Q. Can you describe for us, do you recall the door to room number
15 1, so the door to the room where you were detained, how did this door
16 look like?

17 A. The door was made of wooden planks with a frame and different
18 parts. These boards or planks were slightly detached so you could
19 see through.

20 Q. So you could see through the door from the inside of the
21 building?

22 A. Yes, a little bit. Not a clear view, but we could see something
23 through that.

24 Q. Mr. Witness, earlier on, at page 69 of today's provisional
25 transcript, you mentioned --

Witness: TW4-01 (Private Session)

Page 1449

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 MR. DE MINICIS: Your Honours, could we please move into private
2 session now.

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, can you bring
4 us into private session, please.

5 Mr. Witness, we are going into private session, so then you can
6 speak more freely.

7 THE WITNESS: [Interpretation] I understand.

8 [Private session]

9 [Private session text removed]

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1450

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1451

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1452

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1453

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1454

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1455

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1456

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1457

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1458

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1459

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1460

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1461

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1462

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1463

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1464

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1465

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1466

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

[Open Session] *Reclassified Pursuant to F631*

16 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

17 MR. DE MINICIS:

18 Q. Blankets that the spies -- were mentioned. Were you ever
19 accused of being a spy during your detention there at the Kukes
20 headquarters?

21 A. No. When people walked by the window, they would insult our
22 mothers and say, "Spies" and everything that they would think of,
23 because they had lied to everybody else about us. Now, I don't know
24 what I spied about, whom did I cause any torts or any harm. Can they
25 just present one fact, even one single fact, and then I would admit

Witness: TW4-01 (Private Session)

Page 1467

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 to everything, irrespective of the fact that I never did any
2 wrong-doings and -- but just one fact.

3 There were people coming from the front line wounded, and they
4 wanted to come into the room to just cut us open because of what they
5 had been told by them. And it was only thanks to the guards that
6 we're still alive. The guard protected us and didn't let them in.
7 Because you had people whose family members had been slaughtered, so
8 they wouldn't think or reflect on the matter. They were perfectly
9 right. When told like this and having been lied to, they were
10 legitimately trying to take revenge. And, actually, I would have
11 done probably the same thing. But you don't do that to somebody who
12 has not done any harm to you.

13 Q. I understand.

14 A. I don't blame a soldier. A soldier follows the orders, and he
15 has no option but to follow those orders. It's just a soldier has to
16 obey orders.

[Private Session]

17 [Private session text removed]

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1468

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1469

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1470

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1471

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1472

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1473

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1474

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1475

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1476

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1477

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: TW4-01 (Private Session)

Page 1478

Examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

1 [Private session text removed]

2

3

4

5 [Open session]

6 THE COURT OFFICER: We're in public session, Your Honours.

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

8 Mr. Witness, for today I would like to thank you for your time.

9 We will adjourn the hearing and continue tomorrow at 9.30. Let me
10 remind you that until tomorrow you should not discuss your testimony
11 with anybody. And I advise you to take some rest, and we see you
12 back tomorrow. Thank you.

13 Madam Court Officer will assist you with --

14 THE WITNESS: [Interpretation] Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: -- out of the courtroom, and
16 Registry staff will be with you. Okay. Good.

17 THE WITNESS: [Interpretation] Thank you. Have a good evening.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 [The witness stands down]

20 PRESIDING JUDGE VELDT-FOGLIA: Very well. Before we adjourn the
21 hearing, I will do a tour.

22 Mr. Prosecutor, is there something you would like to raise with
23 us?

24 MR. DE MINICIS: Nothing, Your Honour. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Not for the moment. Thank you.

Additional redactions applied pursuant to F631.

1 Not for today.

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

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

4 Defence Counsel?

5 MR. AOUINI: Thank you, Your Honour. For planning purposes, has
6 the estimate changed, or can we have any indication?

7 PRESIDING JUDGE VELDT-FOGLIA: I will ask Mr. Prosecutor.

8 Can you say something on that?

9 MR. DE MINICIS: At this time, our estimate remains the same.
10 But tomorrow -- we'll review the record today and then our plan, and
11 then tomorrow we'll endeavour to give as precise an estimate as
12 possible to the Defence.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. So for now I don't think
14 that before Friday in that case you --

15 MR. DE MINICIS: Yes, the way things are proceeding, Your
16 Honour, we think maybe Thursday we'll be finished. I don't know if
17 we will manage to finish by tomorrow evening, it's a possibility, but
18 at this time it's premature to say. It depends how things move.

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. Thank you.
20 Yes. Good.

21 Then I wish you a good evening and then we see each other
22 tomorrow at 9.30. The hearing is adjourned.

23 --- Whereupon the hearing adjourned at 4.01 p.m.

24

25