

*Additional redactions applied pursuant to F631.*

1 Wednesday, 31 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: Your Honours, this is file number  
8 KSC-BC-2020-04, The Specialist Prosecutor versus Pjeter Shala.

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

10 Firstly, I kindly ask you to indicate who is present today,  
11 starting with the Specialist Prosecutor's Office.

12 MR. DE MINICIS: Good morning, Your Honours. The SPO this  
13 morning, Line Pedersen, our case manager; Giulia Bianchi, legal  
14 consultant; Gaia Pergolo, Associate Prosecutor; and  
15 Filippo de Minicis, Prosecutor.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Victims' Counsel, you have the floor.

18 MR. LAWS: Good morning, Your Honours. I am Simon Laws, counsel  
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: Yes, Your Honour. I am Mr. Jean-Louis Gilissen.  
24 We are here with Mr. Shala in the detention centre. He's with us by  
25 videolink. I am here with my co-counsel, Mr. Aouini and

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1 Ms. Cariolou; and our case manager Ms. Petravica, Dzeneta Petravica;  
2 two evidence assistants, Juliette Healy and Judit Kolbe; and two  
3 interns, Camille Gosson and Xhulia Tepshi who is also a translator.  
4 Thank you very much.

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

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

7 THE ACCUSED: [via videolink][Interpretation] Yes, good morning.  
8 I can hear you very well.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 We will continue today with the examination of Witness 01 by the  
11 Specialist Prosecutor. We will sit again in three sessions of one  
12 and a half hours. We will have two breaks of 30 minutes and a  
13 one-and-a-half hour break during lunchtime.

14 Before we proceed, I would like to address Victims' Counsel and  
15 Defence on two matters, partly in private, partly in public.

16 For the first matter, I would like to go into private.

17 Mr. Court Officer, can you bring us into private, please.

18 [Private session]

19 [Private session text removed]

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*Additional redactions applied pursuant to F631.*

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20 [Open session]

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

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

23 Yes, a direction for the Defence. No, more a clarification.

24 We received last Friday the response of the Defence to the

25 request of the SPO with regard to -- to introduce the prior statement

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1 of Witness 02 under Rule 153.

2 We note that you have requested to reject the request and to  
3 order the SPO to call Witness 02 to testify live during the current  
4 evidentiary block.

5 We find it necessary to make certain clarifications with regard  
6 to this Rule 153 request. There are, depending on our assessment,  
7 different scenarios we can go along with envisaged by the rules: We  
8 can, of course, admit the prior statements in lieu of the oral  
9 testimony; we can decide to admit those prior statements in lieu of  
10 direct examination and have a cross-examination according to  
11 Rule 153(3) and 154 of the rules; we can also reject the request of  
12 the SPO.

13 But in that case, because for now the witness is not on the list  
14 anymore, it is the SPO who can decide to call this witness before the  
15 closing of their case, or they may decide not to call them at all.  
16 This is their prerogative. And the Panel may also exercise, under  
17 Rule 132 of the rules, to call the witness if it considers it  
18 necessary for the determination of the truth.

19 So we intend to rule on this request of the SPO after we have  
20 heard this witness. Then we will see what option we will take. And  
21 then we are at a stage of the proceedings that it will not be  
22 possible, in our view, to have -- if we would decide that Witness 02  
23 should come in any way to this courtroom, or via videolink, or in  
24 person, it would not be next week. That's what I want to make clear  
25 to you. So that's where we stand for now.

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1 Yes, please.

2 MR. AOUINI: Thank you, Your Honour. Our understanding is that  
3 the witness is still on the witness list; am I correct?

4 PRESIDING JUDGE VELDT-FOGLIA: It's on the witness list but not  
5 for live testimony for the moment.

6 MR. AOUINI: Yes. But --

7 PRESIDING JUDGE VELDT-FOGLIA: It's on -- there is a pending  
8 request 153.

9 MR. AOUINI: Yes. We will be ready to deal with the witness  
10 this block or next block or any block. That is not the problem.

11 PRESIDING JUDGE VELDT-FOGLIA: No, no, that's clear to us, but  
12 it's not on the witness list for a live testimony as for now chosen  
13 by the SPO, and how we will proceed on this matter is open.

14 But I wanted to give a heads-up to the Defence as to where we  
15 stand now in terms of logistics and time management, that even if the  
16 Panel would rule that in one way there would be, between brackets,  
17 partly live testimony, it would not be for next week. So I think  
18 it's important for parties and participants to know where we stand in  
19 that aspect. That's the idea of this direction.

20 And I see you nodding, so it's clear what we just discussed.

21 MR. AOUINI: Yes, Your Honour. And we made the assessment that  
22 if it is granted or if it is rejected, then logistically it would be  
23 virtually impossible to have it in this week. We understood that as  
24 well from logistics. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay, good. Very well. Just to



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1 make things clear. Very well.

2 Then I think we are ready to -- oh, I see you standing --

3 MR. DE MINICIS: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: -- Mr. Prosecutor.

5 MR. DE MINICIS: Sorry, Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: No, no sorry. Please proceed.

7 MR. DE MINICIS: I didn't mean to break the flow.

8 I just wanted to -- because this could be a good moment to put a  
9 correction on the record concerning an ERN I provided yesterday which  
10 I realised is incorrect.

11 So yesterday at page 1406 of the transcript, we were discussing  
12 the testimony of a certain person in another trial, and I stated that  
13 the testimony, this is line 21 of page 1406 --

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I think it's  
15 better that you put the page you're using down. It's very visible.

16 MR. DE MINICIS: Oh, I'm sorry.

17 PRESIDING JUDGE VELDT-FOGLIA: I don't know if there is  
18 something on it which should not be seen, but just to be --

19 MR. DE MINICIS: Sorry, Your Honour.

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

21 MR. DE MINICIS: I stated that the testimony begins at  
22 SITF00016926, but, in fact, the correct ERN is SITF00016296 instead  
23 of 926. It's 296, the ending of that number.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you. That's on record now  
25 and that will for sure facilitate future reference to the transcript

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1 and to this document.

2 Good. Then we can proceed with the continuation of the  
3 examination of the witness.

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

5 [The witness takes the stand]

6 PRESIDING JUDGE VELDT-FOGLIA: Good morning, Mr. Witness. Can  
7 you hear me?

8 THE WITNESS: [Interpretation] Yes, good morning.

9 PRESIDING JUDGE VELDT-FOGLIA: How are you today?

10 THE WITNESS: [Interpretation] Good, thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will continue  
12 today with the examination by the Specialist Prosecutor's Office. I  
13 will now give the floor to Mr. Prosecutor so that he can continue.  
14 Yes? I see you nodding. Very well.

15 Your headset is fine? Good.

16 THE WITNESS: [Interpretation] Good. Good, thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: While Mr. Prosecutor is getting  
18 ready, I remind you, Mr. Witness, that you are still under oath to  
19 tell the truth.

20 Do you understand that?

21 THE WITNESS: [Interpretation] I do.

22 PRESIDING JUDGE VELDT-FOGLIA: Very well.

23 Mr. Prosecutor, you have the floor.

24 MR. DE MINICIS: Thank you.

25 WITNESS: TW4-01 [Resumed]

Witness: TW4-01 (Resumed) (Open Session)

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Examination by Mr. De Minicis (Continued)

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1 [Witness answered through interpreter]

2 Examination by Mr. De Minicis: [Continued]

3 Q. Good morning, Mr. Witness.

4 A. Good morning.

5 MR. DE MINICIS: It take it we're in public session right now?

6 PRESIDING JUDGE VELDT-FOGLIA: We are in public session.

7 MR. DE MINICIS: So I will be careful.

8 Q. Mr. Witness, yesterday we finished or we broke off after we had  
9 discussed your mistreatment and that of the persons who were with you  
10 on a specific day. Today, I'd like to continue chronologically. But  
11 before doing so, there are two or three questions that I want to  
12 clarify about yesterday's testimony and then we'll move on.

13 The first clarification I'd like to seek concerns something that  
14 is recorded at page 1413, line 24, to page 1414, line 6 of  
15 yesterday's transcript.

16 So I was asking you about the first two, three days before you  
17 were arrested at the HQ. And I asked you whether during these days  
18 you could move freely inside the HQ. For instance, if you wanted,  
19 whether from the warehouse, you could go into the courtyard, have a  
20 walk. And you said:

21 "No. Initially, I wasn't allowed to leave because they were  
22 carrying out their verifications."

23 So do I understand it correctly that even during the first three  
24 days you were somewhat restrained in your movements?

25 A. Yes, that's correct.

Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 Q. And did somebody tell you that you could not move out of the  
2 warehouse?

3 A. No, nobody did tell us. But once they tied our hands, we  
4 understood that they had had an order to do so.

5 Q. Sorry, I wasn't being clear enough. I mean before your hands  
6 were tied. Before your hands were tied, when you told us you were  
7 playing cards with the soldiers and you were staying in the  
8 warehouse, at that time, could you move freely around the  
9 headquarters or were you already restrained to the warehouse? Were  
10 you already somewhat restrained in your movements?

11 A. No, only inside the warehouse. We didn't go outside. After  
12 they tied us, I understood that we had been restricted in our  
13 movements.

14 Q. Okay. This was the first clarification I wanted to ask. The  
15 second one concerns the man --

16 MR. DE MINICIS: And, Your Honours, could we now go into private  
17 session for this.

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

19 [Private session]

20 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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[Open Session] *Reclassified Pursuant to F631*

12 MR. DE MINICIS: I'd like to show another photograph which was  
13 shown to the witness during an interview with the SPO on [REDACTED]  
14 [REDACTED]. If I could please have on the screen --

15 PRESIDING JUDGE VELDT-FOGLIA: And that's also for  
16 identification --

17 MR. DE MINICIS: Correct, Your Honours.

18 PRESIDING JUDGE VELDT-FOGLIA: -- purposes?

19 MR. DE MINICIS: Yes. 059118 to 059144 RED2, page 7. Thank  
20 you. Yes, one notch up. Zoom one notch up. Thank you. That should  
21 do. Yes.

22 Q. Mr. Witness, you were shown this picture during your interview  
23 with the SPO on [REDACTED]. Do you recall being shown this picture  
24 at the time?

25 A. I have forgotten, but I recognise this picture. He's Pjeter.



Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 Pjeter.

2 Q. And do you see your signature on this picture?

3 A. Yes, I do. Very well.

4 Q. Thank you.

5 MR. DE MINICIS: Your Honour, we can take the document off the  
6 screen at this time.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Mr. Court Officer has  
8 already proceeded.

9 MR. DE MINICIS: Now, still for identification purposes,  
10 Your Honour. Could I please have SITF00012895 to 00012913 RED on the  
11 screen at page 15.

12 Q. Mr. Witness, do you see your signature on this document?

13 A. Yes.

14 Q. Do you recognise the man shown in picture -- photograph number  
15 42?

16 A. Yes, Sabit Geci.

17 MR. DE MINICIS: Your Honour, we can take this document off the  
18 screen.

19 PRESIDING JUDGE VELDT-FOGLIA: Please proceed,  
20 Mr. Court Officer.

21 MR. DE MINICIS: Actually, I'm sorry. It's the same document,  
22 but I will need it at page 16.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Court Officer, for  
24 pulling it up.

25 MR. DE MINICIS: Can you scroll down a bit.

Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 Q. Witness, do you see your signature under picture number 53?

2 A. Xhemshit Krasniqi.

3 Q. So is Xhemshit Krasniqi the person under picture 53 where your  
4 signature is?

5 A. Yes, number 53. Xhemshit Krasniqi.

[Private Session]

6 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

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Witness: TW4-01 (Resumed) (Private Session)

Page 1506

Examination by Mr. De Minicis (Continued)

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

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[Open Session] *Reclassified Pursuant to F631*

6 Now, do you remember an incident that took place in the room  
7 where you were detained in which Sabit Geci, soldiers, and military  
8 policemen beat some soldiers who were detained in the room with you?

9 A. Yes, I remember this one.

10 Q. Do you remember who was part of the group who carried out the  
11 beating?

12 A. I remember Sabit. I know there were several people, but I don't  
13 remember exactly the others. However, I know that some KLA soldiers  
14 were beat up. One of them was wounded, and he was brought to the  
15 hospital. And he hit one of them with a baton on the head.

[Private Session]

16 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F631*

19 A. On the second occasion they beat me as much as they could. Now  
20 I can't remember the exact names. They were in a group, important  
21 people, but I don't remember the names. I went through so much  
22 ill-treatment and frequently that I can't now clearly distinguish  
23 when and how.

24 Q. Do you remember if any objects were used against you on that  
25 occasion?

Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

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1 A. I remember them beating me, using every sort of instrument, iron  
2 rods, truncheons. So on the second occasion they did to me almost  
3 the same thing they did to me the first time.

[Private Session]

4 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

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Witness: TW4-01 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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4 [Open session]

5 THE COURT OFFICER: We are in public session, Your Honours.

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

7 Mr. Witness.

8 MR. DE MINICIS: [Microphone not activated]

9 PRESIDING JUDGE VELDT-FOGLIA: Oh, I'm sorry. We tried to take  
10 care of that.

11 Mr. Witness, we are now in public session, so please be careful.

12 THE WITNESS: [Interpretation] I can see it here. It writes  
13 "public."

14 MR. DE MINICIS:

15 Q. Mr. Witness, so now that we've discussed the incidents that  
16 happened to you in the office, I'd like to ask you a few questions  
17 about things that happened in the detention room. I'm not yet  
18 getting to the specific events that happened to you [REDACTED] Pursuant  
to In-Court Redaction Order F529RED.

19 [REDACTED] Pursuant to In-Court Redaction Order F529RED. We'll deal  
with those later and

20 in private session. But for now, I'd like to ask you if any  
21 mistreatment ever took place that you witnessed, personally  
22 witnessed, in the detention room, in room number 1?

23 A. In -- whatever happened in the detention room, I was there,  
24 present, and I saw everything that happened there.

25 Q. Did you ever witness any beatings in the detention room?



Witness: TW4-01 (Resumed) (Open Session)

Page 1512

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 A. Yes, I did. Many beatings. Not a few.

2 Q. Who was at the receiving ends of these beatings? Who were the  
3 victims of these beatings?

4 A. They brought three soldiers. They had brought a wounded person  
5 to the hospital. And under the pretext that they had abandoned the  
6 front line, they put them in our room. They beat them up. And the  
7 next day, I think in the evening, they released them. When they beat  
8 them up, they beat them in our presence. They beat them so hard that  
9 the police baton broke on the head of one of them. I think they were  
10 released either the same night or the next morning, and they were  
11 sent back to the front line.

12 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

15 Q. You have mentioned other people who were detained with you  
16 yesterday, including, for instance, people of -- three Romas. Did  
17 you ever see anything happening to them in the detention room?

18 A. Yes, they beat them. They beat me. They beat others that were  
19 in the room. Whenever they would enter the room, in general they  
20 would beat all of us up. Nobody would be saved, spared.

21 Q. Were the detainees ever ordered to do anything to one another?

22 A. Yes. They were ordered to hit one another, to slap one another.

23 Q. Do you recall the identity of any of the people who carried out  
24 these mistreatments in the room?

25 A. I've forgotten them by their names. There have been so many

Witness: TW4-01 (Resumed) (Open Session)

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Examination by Mr. De Minicis (Continued)

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1 occasions, so I don't want to mix up things by mentioning names. We  
2 were beaten up so many times. Sometimes the one group would come,  
3 the next another group. I know that they made us slap each other.  
4 On that occasion, I know that Sabit was there. As for the rest, I  
5 can't remember who exactly was present.

6 There was no chair for Sabit to sit because he was an invalid.  
7 He was handicapped. And I guess if there was a chair, he would have  
8 used it to hit people or to sit and hit people from there.

9 Q. You said that Geci was an invalid at the time. What could  
10 you -- how did you see that? How did you learn that? And just a  
11 description that made you draw that conclusion.

12 A. I've known Sabit Geci since 1991. I know that he was wounded by  
13 the Serbian forces from a helicopter, and I've seen him with  
14 crutches, with wooden sticks, or whatever they call them, used to  
15 assist people in walking.

16 Q. Did you see him using crutches in Kukes?

17 A. Yes.

18 Q. Do you know if Sabit Geci was known by any nickname?

19 A. They called him Qopa. And this is how I called him, too, ever  
20 since I've known him.

21 Q. Do you know what that means? Can you explain it, "Qopa"?

22 A. When you're handicapped, lame. In 1991, he had that kind of  
23 injury while he was in prison. It was as a result of an accident.

24 Q. Now, did you at any point --

25 MR. DE MINICIS: Just a second, Your Honours.

Witness: TW4-01 (Resumed) (Open Session)

Page 1514

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Specialist Prosecutors confer]

2 MR. DE MINICIS:

3 Q. Now, because we have about 15 minutes left, I don't want to move  
4 to a topic which then I would need to break off, which is an  
5 important topic in my view. I'd like to ask you a question about  
6 things that you saw while you were detained.

7 You told us that there was this -- yesterday you told us - and I  
8 can provide the reference later - but that there was a window from  
9 the detention room where you could see, I think the words you used  
10 was the entire headquarters. Do you remember saying that?

11 A. Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Yesterday?

13 MR. DE MINICIS: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: You will provide us with this  
15 reference and the other one which is still pending?

16 MR. DE MINICIS: Yes, yes, we will.

17 PRESIDING JUDGE VELDT-FOGLIA: Yes.

18 MR. DE MINICIS: We are keeping track, Your Honour.

19 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

20 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

21 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

22 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

23 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

24 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

25 *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

Witness: TW4-01 (Resumed) (Private Session)

Page 1515

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1           *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

2           *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

3           *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

4           *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

5           *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

6           *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

7           *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

8           *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

9           *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

10          *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

11          *[REDACTED] Pursuant to In-Court Redaction Order F529RED.*

12                 PRESIDING JUDGE VELDT-FOGLIA: We can go into private.

13                 MR. DE MINICIS: [Microphone not activated]

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

16                                 [Private session]

17                                 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1516

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1517

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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[Open session]

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

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

19 Mr. Witness, we are now in for the break. We will have a break  
20 until 10.30 -- 11, yes, thank you. We will have a break until 11.30,  
21 yes, and then we see you back. Thank you for now. Madam Court Usher  
22 will accompany you.

23 [The witness stands down]

24 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then we have our  
25 break.

*Additional redactions applied pursuant to F631.*

1 The hearing is adjourned. Thank you.

2 --- Recess taken at 10.55 a.m.

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

4 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. And no change at  
5 the side of the SPO. No change at the side of Victims' Counsel. And  
6 no change at your side of the Defence. Very well.

7 Then, we can continue with the examination of Witness 01.

8 Mr. Prosecutor, you have the floor.

9 MR. DE MINICIS: Your Honours, would you like me -- this could  
10 be a convenient time for me to provide the references that I owe the  
11 Panel.

12 PRESIDING JUDGE VELDT-FOGLIA: Please proceed. We do that  
13 before the witness comes in.

14 MR. DE MINICIS: Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you, yes.

16 MR. DE MINICIS: I would also like to take the -- but first I  
17 provide the references.

18 The first reference which concerns the witness being taken to  
19 the office twice can be found at page 1468, line 19.

20 With regard to the second reference which was missing, which  
21 concerns the window of the detention room facing the headquarters,  
22 this can be found at page 1424, lines 4 to 7.

23 And I think that the third reference that I owe you is from  
24 yesterday, and it concerns blankets, not mattresses. And it can  
25 found at page 1430, line 17, to 1431, line 7, I think.

*Additional redactions applied pursuant to F631.*

1 And I think this concludes the references that I owed.

2 I would also like to inform the Panel and the Defence that we  
3 are in the processing of disclosing the Official Note of the courtesy  
4 meeting with the witness as agreed yesterday. We hope that can be  
5 done before the end of today.

6 And, finally, I would like to provide a revised estimate on my  
7 examination. We believe it's possible that we will finish today or  
8 that we will go a little bit into tomorrow morning. This is as  
9 precise as I can be. But we won't go beyond tomorrow morning,  
10 probably the first session.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor, for  
12 this information.

13 For the Defence, I can already communicate to you that we will  
14 give you a day between the examination by Victims' Counsel, if any,  
15 and before you start with your cross-examination. So you will have a  
16 day to prepare if you would think it's necessary. If you think it's  
17 not necessary, then, of course, we will proceed right away.

18 MR. AOUINI: Thank you, Your Honour. Does it mean that if  
19 Victims finish tomorrow during the day then we will start Monday?

20 PRESIDING JUDGE VELDT-FOGLIA: On Friday. Today is Wednesday?

21 MR. AOUINI: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: Oh, tomorrow is Thursday. Then,  
23 yes, we will start on Monday.

24 MR. AOUINI: Yes.

25 PRESIDING JUDGE VELDT-FOGLIA: But if we --



Witness: TW4-01 (Resumed) (Open Session)

Page 1520

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 MR. AOUNI: We started Tuesday this week. That's why --

2 PRESIDING JUDGE VELDT-FOGLIA: No, you're right. You are  
3 completely right. No, no, Monday would that be. But if we finish  
4 today with everything, then it would be Friday. But if we go with  
5 Victims' Counsel -- and then I can also already give you a heads-up  
6 now, that's also important, that the Panel will, when the SPO will  
7 have concluded its examination, will pose some questions instead of  
8 doing it at the end. We might have questions also at the end. I  
9 foresee that we will have. But some of the questions we will put  
10 them already after the examination by the SPO, in order for  
11 participants and the Defence to take that on board and not to have  
12 them hear us posing the questions without any reaction or giving it a  
13 follow-up from your side.

14 Very well. Then I think we can proceed.

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

16 [The witness takes the stand]

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

18 THE WITNESS: [Interpretation] Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: We will proceed now with the  
20 continuation of the examination by Mr. Prosecutor.

21 You have the floor. And we are in public session for the  
22 moment.

23 MR. DE MINICIS:

24 Q. Good morning and welcome back, Witness.

25 MR. DE MINICIS: Your Honours, we'll need to ask to move into

Witness: TW4-01 (Resumed) (Private Session)

Page 1521

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 private session for this following part.

2 PRESIDING JUDGE VELDT-FOGLIA: And you will identify the topic  
3 as soon as we are in private session?

4 MR. DE MINICIS: Yes, Your Honour, I will.

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

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

8 [Private session]

9 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1522

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1523

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1524

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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[Open Session] *Reclassified Pursuant to F631*

20 Q. Okay. Now, we are on the following day. [REDACTED]

21 [REDACTED] Can you tell us what happened next?

22 A. I don't remember, but we were maltreated virtually every day.

23 Every time the important people came, Xhemshit and Sabit and others

24 came, they would come into the room and maltreat us. They would come

25 with people, soldiers, and do this. They would just kill time with

Witness: TW4-01 (Resumed) (Private Session)

Page 1525

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 us there. Because the front line was at the headquarters, not in  
2 Kosovo.

3 Q. Sorry, what do you mean by that, "the front line was at the  
4 headquarters, not in Kosovo"? I didn't understand.

5 A. They dealt with us. They had actual enemies if they really  
6 wanted to fight in Kosovo. I was not their enemy to -- for them to  
7 maltreat me every day and every time they wanted to. They could have  
8 gone to the front line and fight. They had real enemies. We were  
9 unarmed. We were not spies.

[Private Session]

10 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1526

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1527

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1528

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1529

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1530

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

[Open Session] *Reclassified Pursuant to F631*

1 Q. And so this is a question I probably have never asked you so  
2 far. But during the time that you were detained there, did you come  
3 to understand who was in charge of the prison, of the detainees,  
4 during the time that you were detained up until [REDACTED]?

5 A. Xhemshit Krasniqi was in charge for the detainees and the rooms.  
6 However, when Sabit Geci was there, nobody could do anything or say  
7 anything because he was in charge. He never cared about anything or  
8 anyone.

[Private Session]

[Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1531

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1532

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1533

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1534

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1535

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1536

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1537

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F631*

5 In between this time, did you see the accused, Pjeter Shala, on  
6 other occasions?

7 A. No, as far as I can remember. I'm not quite sure. I think I  
8 didn't. I don't know. Because many incidents happened there, and I  
9 can't remember everything. It's a bit of a problem to be able to  
10 remember everything.

11 Q. [REDACTED], did anything change in the  
12 headquarters, in the detention room, your conditions?

13 A. They brought an officer, a prison officer from Prizren prison to  
14 guard us. [REDACTED]

15 [REDACTED]. He behaved very well. He behaved towards  
16 us as if we were kept in a normal prison, state prison, where  
17 prisoners had rights and were treated correctly.

18 They made a makeshift tent behind the room where we were kept,  
19 and he made it possible for us to wash ourselves. We had no soap.  
20 Nothing. We just used water to remove blood from our faces and body.

[Private Session]

21 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1538

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F631*

12 Q. Sorry, I wasn't precise. In general during your detention, did  
13 you ever see people -- so you were removed at night and you were  
14 brought back in the morning. You told us you were in bad condition.  
15 Did you notice anything else, in addition to the episodes that you  
16 told us, happening to the other people the other days, somebody being  
17 taken away and being brought back in bad conditions?

18 A. They took the person from Drenica and the one from Suhareke.  
19 The one from Suhareke was very badly beaten. Once in the office,  
20 they brought to the corridor near the room number 2, beat him up  
21 again there. And when he was brought back later in the evening to  
22 the room, I removed his shirt and actually a part of his skin came  
23 off with the shirt. He was tall. He had a moustache. He was in his  
24 50s.

25 Q. Do you remember who were the people who did that to him? Do you

Witness: TW4-01 (Resumed) (Private Session)

Page 1539

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 recognise them?

2 A. I did not ask him, to tell you the truth. But when they opened  
3 the door to bring him inside the room, I saw Xhemshit by the door. I  
4 did not ask him, "Who beat you?" That was not of any interest to us.  
5 For us what was important were the injuries. We were expecting to be  
6 killed at every moment. Even soldiers coming back from the front  
7 line wanted to come and beat us up in the room.

8 We were counting the minutes when we will die. We would close  
9 our eyes to sleep, but we actually did not sleep. Could not sleep.  
10 I don't know if we could actually sleep for five minutes. You would  
11 have people coming and swearing at you, using offensive language  
12 against you through the window. They would say things like, "We will  
13 come and do this and that to you." So we were expecting at every  
14 moment that the door will open and that the beating will begin.

15 Q. After Osman Hoxha arrived, did the beatings continue?

16 A. I think nobody touched us again after he arrived. As far as I  
17 remember, we were not -- no longer beaten.

[Private Session]

18 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1540

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1541

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1542

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1543

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1544

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1545

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1546

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1547

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1548

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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18 [Open session]

19 THE COURT OFFICER: We are in public session, Your Honours.

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

21 Mr. Witness, we will break now and resume at half past 2.00 for  
22 the last session for your examination by the Specialist Prosecutor's  
23 Office. I wish you a good lunch, hope you can take some rest, and  
24 then we see you back at half past 2.00. Yes?

25 THE WITNESS: [Interpretation] Thank you.

*Additional redactions applied pursuant to F631.*

1           PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher, for  
2 accompanying the witness out.

3                                 [The witness stands down]

4           PRESIDING JUDGE VELDT-FOGLIA: I will start at this side of the  
5 round.

6           I was indicated that you wanted to raise something. You have  
7 the floor, Defence Counsel.

8                                 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

9                                 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

10                                [REDACTED] Pursuant to In-Court Redaction Order F529RED.

11                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

12                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

13                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

14                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

15                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

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18                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

19                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

20                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

21                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

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23                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

24                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

25                               [REDACTED] Pursuant to In-Court Redaction Order F529RED.

*Additional redactions applied pursuant to F631.*

1 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

4 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

5 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

6 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

7 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

8 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

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

10 MR. DE MINICIS: Nothing from us. Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: I saw that the SPO was nodding.

12 So nothing from the side of the Specialist Prosecutor's Office.

13 Victims' Counsel, is there something you would like to raise  
14 with the Panel before we go for lunch?

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

16 PRESIDING JUDGE VELDT-FOGLIA: Very well.

17 And, Victims' Counsel, could you, after the Specialist  
18 Prosecutor's Office has finalised its examination, indicate how much  
19 time you would need, so not now, because you can make your final  
20 assessment when they have finished their examination, in order for  
21 the Panel to assess how we proceed.

22 MR. LAWS: Your Honours, certainly. I will.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Very well. Then we adjourn for lunch till half past 2.00.

25 --- Luncheon recess taken at 12.54 p.m.

*Additional redactions applied pursuant to F631.*

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

2 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

3 We will proceed with the examination of Witness 01.

4 Let me see. The SPO is in the same composition.

5 Victims' Counsel, too.

6 And here I see the two rows full of people. Are we in the same  
7 composition?

8 MR. GILISSEN: No.

9 PRESIDING JUDGE VELDT-FOGLIA: No.

10 MR. GILISSEN: No.

11 PRESIDING JUDGE VELDT-FOGLIA: My eye caught that.

12 MR. GILISSEN: Yes, Your Honour. Ms. Judit Kolbe is not with us  
13 at the hearing anymore. And we have Mr. Langlais who is present. He  
14 is an intern. Thank you very much. It is the same composition. And  
15 Mr. Shala is with us, of course.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much, Defence  
17 Counsel.

18 Very well. If there's nothing the parties and Victims' Counsel  
19 would like to raise, then we can proceed with bringing in the  
20 witness.

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

22 [The witness takes the stand]

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

24 THE WITNESS: [Interpretation] Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: We will continue with the



Witness: TW4-01 (Resumed) (Open Session)

Page 1552

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 examination of you by Mr. Prosecutor. We are in public session.

2 MR. DE MINICIS:

3 Q. Welcome back, Mr. Witness. I don't have many more questions for  
4 you. I think we'll be done soon my part.

5 I just have a few clarifying questions that came up as I was  
6 reading what you already told us. Just some additional details. I  
7 will start from that.

8 MR. DE MINICIS: I'll see if there are those that I can do in  
9 public session, Your Honour, and try to do them now, and then there's  
10 some that I will need to do in private.

11 PRESIDING JUDGE VELDT-FOGLIA: So now in public session?

12 MR. DE MINICIS: Yes, now we're in public, so I will proceed  
13 with those.

14 PRESIDING JUDGE VELDT-FOGLIA: So you are going to ask them now  
15 in public and then we will move to private. Very well.

16 MR. DE MINICIS:

17 Q. You told us about the food that you were given during your  
18 detention, mentioning that you weren't much interested in the food.  
19 But did you lose any weight as a consequence of your detention during  
20 that month approximately that, if memory serves me well, you were  
21 detained there?

22 A. When I went back home, I didn't weigh more than 45 or so kilos.

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

25 PRESIDING JUDGE VELDT-FOGLIA: And you will identify the issue

Witness: TW4-01 (Resumed) (Private Session)

Page 1553

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1       you will be discussing when we are in private.

2               MR. DE MINICIS:   Correct.

3               PRESIDING JUDGE VELDT-FOGLIA:   Very well.

4               Madam Court Officer, can you bring us into private session,  
5       please.

6                                       [Private session]

7                                       [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1554

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1555

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F631*

19 Q. Thanks. During your detention in room 1, did you come to learn  
20 the reason for the detention of any of your other fellow detainees,  
21 the reason why the others were detained? Did you learn that?

22 A. As for the person from Drenica, I know that he used to work in  
23 the transport industry. He was accused of transporting goods from  
24 Serbia to Kosovo, on those grounds. And transport is transport.

25 It's just a business. Nothing more than that. And when he came from

*Additional redactions applied pursuant to F631.*

1 Germany to Durres to find out about his family, to take his family  
2 with him, they arrested him there.

3 According to what he told me, he had 20.000 Deutschmarks with  
4 him. They took this money from him together with his passport. They  
5 arrested him and detained him and maltreated him. I saw him being  
6 maltreated with my own eyes. As for the money and the passport being  
7 taken away from him, this is what he told me. I didn't see that  
8 myself.

9 Q. Do you remember details about any of the other people, if you  
10 do, as to the reason why they were detained?

11 A. As for the one from Suhareke, he was arrested for allegedly  
12 keeping company with Serbs, while his own son was a member of the  
13 KLA. So his son was a fighter, whereas his father was kept detained  
14 together with me. He was imprisoned and beaten.

15 Q. Where did you learn this information from about the man from  
16 Suhareke?

17 A. He was asked these questions when he was interrogated. They  
18 told him, "How come your son is fighting with us on the front and you  
19 are keeping company with the Serbs?" Now, whether he really did that  
20 or not, that I don't know, but this is what they accused him of.

21 Q. Do you remember the name of this man?

22 A. No. To tell you the truth, I've seen him on a note. I used to  
23 know him -- his name before, but now I've forgotten it. He was tall.  
24 He had a moustache, strong build, about 10 centimetres taller than  
25 me.

Witness: TW4-01 (Resumed) (Private Session)

Page 1557

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

[Private Session]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1558

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1559

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1560

Examination by Mr. De Minicis (Continued)

*Additional redactions applied pursuant to F631.*

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22 [Open session]

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

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Mr. Witness, we have now finalised the examination by the

Witness: TW4-01 (Resumed) (Private Session)

Page 1561

Questioned by the Trial Panel

*Additional redactions applied pursuant to F631.*

1 Specialist Prosecutor's Office.

2 And before I will ask Victims' Counsel if he has any questions  
3 for you, I have some questions. And for those questions, we need to  
4 go into private session.

5 So I will, again, ask Madam Court Officer to bring us into  
6 private session.

7 [Private session]

8 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1562

Questioned by the Trial Panel

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1563

Questioned by the Trial Panel

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1564

Questioned by the Trial Panel

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1565

Questioned by the Trial Panel

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F631*

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your answer,  
17 Mr. Witness. In this respect -- no, I will now change to different  
18 persons. Were there other women detained at the Kukes camp for as  
19 far as you know or remember?

20 A. I know there were two sisters from Gjakove.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. And do you have more  
22 information about them? Their names?

23 A. No, I don't know their names. I heard them crying a little bit.  
24 They had been beaten up. They were in room number 2, and then  
25 interrogated in room number 3 -- 3 and then number 2. I saw them

Witness: TW4-01 (Resumed) (Private Session)

Page 1566

Questioned by the Trial Panel

*Additional redactions applied pursuant to F631.*

1     briefly on the next day when they passed by the window, so -- but I  
2     don't know anything more about them, what happened to them next or  
3     anything.

[Private Session]

4                     [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1567

Questioned by the Trial Panel

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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14 [Open session]

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

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

17 So these were the questions of the Panel for now to you,

18 Mr. Witness. I will now turn to Victims' Counsel and ask him if he  
19 has any questions for the witness.

20 MR. LAWS: Your Honour, yes, I do. And my best estimate is that  
21 I'll be somewhere between 30 minutes and three-quarters of an hour.

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

23 Mr. Witness, what we will do now is continue with the  
24 examination by Victims' Counsel, and that will take us till, less or  
25 more, 4.00, and then we will break till tomorrow. Okay? Very well.



Witness: TW4-01 (Resumed) (Open Session)

Page 1568

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

1 Thank you.

2 Victims' Counsel, you have the floor.

3 MR. LAWS: Thank you very much, Your Honour.

4 Questioned by Victims' Counsel:

5 Q. And, Mr. Witness, good afternoon to you.

6 A. Good afternoon.

7 Q. As you know, I am the Victims' Counsel in this case, and I'm  
8 going to be asking you some questions on a number of different  
9 topics. All right?

10 A. All right.

11 Q. As I change topic, I'm going to tell you the name of the topic  
12 that I'm going to ask you questions about. All right?

13 A. All right.

14 Q. The first few questions involve asking you about ways in which  
15 you have suffered harm, and I do that hoping that it doesn't distress  
16 you and hoping that I can ask you those questions in a way that  
17 doesn't bring you unnecessary pain. Do you understand what I mean?

18 A. Yes, I fully understand.

19 Q. The first topic then is *[REDACTED] Pursuant to In-Court Redaction  
20 Order F529RED*. You said, and it's page 48 --

21 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, shall we go  
22 into ...

23 MR. LAWS: Yes, we need to be in private session and we need to  
24 redact that question.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well. Yes, we will take  
care of that. There is nobody in the public gallery.



Witness: TW4-01 (Resumed) (Private Session)

Page 1570

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

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

2 But I do want to ask you this question: Do you still suffer  
3 pain as a result of the beatings [REDACTED]? You told us  
4 already about the ribs. You don't need to repeat that. But apart  
5 from your ribs, do you still suffer pain as a result of the beatings  
6 [REDACTED]?

7 A. I have headaches, pain in my leg. When the weather is changing,  
8 my pain increases. I suffer from stress, nervous breakdowns. When I  
9 sleep, I have to at least wake up and change my clothes because I get  
10 completely wet because of sweating because of anxiety. I need to  
11 even change my bedsheets. If you came to my hotel room now, you  
12 would see my clothes and my pillow all wet.

13 Q. Thank you. You started to answer already the next topic that I  
14 wanted to ask you about which is the mental suffering that you have  
15 endured since 1999. You said today this, and it's page 48, line 6:

16 "I died once, so I cannot die twice."

17 And I wondered if you could just explain that comment to us,  
18 please.

19 A. God saved me. They didn't. I was dead but God saved me  
20 [REDACTED]. Otherwise, I wouldn't be among the living today. As far  
21 as they're concerned, I am dead. They killed me. Now that God saved  
22 me, it's not their -- them saving me. You can't kill a human being  
23 in any other different shape or form. They killed me and took my  
24 soul slowly, step by step. A human being cannot die in a different  
25 manner.

Witness: TW4-01 (Resumed) (Private Session)

Page 1571

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

1           [REDACTED]. I know what being beaten is. I know  
2 what pain from beatings is. No one can cause me greater pain than  
3 they did. It can only be less pain. So I have lived through this.  
4 I have experienced everything.

5           Some people say when you experience things like in movies, they  
6 are just movies. I have -- I went through things that are worse than  
7 things you see in movies. What I've seen, what I've experienced, I  
8 wouldn't wish that to anyone. Even if someone could be in my shoes  
9 for even five minutes, they would do anything to escape that reality.

10           I never thought that this could happen to anyone. I would never  
11 be able to even imagine doing these things to other people. Killing  
12 somebody, yes. Doing this, torturing people, and tormenting them  
13 while joking, I would never be able to even think of doing that. I  
14 would be -- I can say anything about a human being but not think of  
15 doing this. I've left this in the hands of God.

16 Q.   How does what happened to you affect you now in your daily life?

17 A.   This has a great impact on my life, excessively big impact. My  
18 life is not interesting anymore. They could play with my reputation,  
19 with my consciousness, with the reputation of my family. *[Private  
Session] [Private session text removed]*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1572

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F631*

8 Q. Are you able to leave the memories of what happened in Kukes  
9 behind you or not?

10 A. No, I will never be able to leave them behind in my life. Even  
11 if I wanted to, they are engraved here and here. I cannot leave  
12 them. If I could, I wouldn't be here.

13 Q. You've told us about the way that you are when you are asleep.  
14 What is it that makes you sweat in that way and experience this  
15 discomfort?

16 A. I never had this before. This is only after the war. I don't  
17 know. Sometimes in my sleep I just get scared. My body jumps like  
18 in shock. I don't know what this -- what does this come from and  
19 where does this come from and what is this reaction. I don't  
20 understand it.

21 Q. And what about in the daytime?

22 A. In daytime, when in company of other people, I'm rather okay.  
23 I'm still irritable, more aggressive than I used to be. If somebody  
24 teases me, I don't have much patience. However, when I'm with  
25 friends, I'm rather okay. But if I'm alone, I'm just pensive,

Witness: TW4-01 (Resumed) (Private Session)

Page 1573

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

1     thinking. So I just start counting objects and things and people  
2     around me, how many computers are in this room, how many people, how  
3     many glass windows. So I just go back into thinking and my mind just  
4     flies all over the place.

[Private Session]

5                     [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1574

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F631*

14 Q. What is it that makes you feel unsafe? What do you feel?

15 A. How could you feel safe? Because they're also afraid. Because

16 they keep thinking: He hasn't killed me yet. Will he do it?

17 Because they know what they have done to me without any reason.

18 Believe me, had I been a spy, I would never deal with this matter.

19 And I would just say, "They did right to me," if I was a spy. And

20 this is what tortures me. This is what makes me suffer. This is

21 what makes me suffer emotionally.

[Private Session]

22 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1575

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1576

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

1 [Private session text removed]

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Witness: TW4-01 (Resumed) (Private Session)

Page 1577

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1578

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1579

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

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Witness: TW4-01 (Resumed) (Private Session)

Page 1584

Questioned by Victims' Counsel

*Additional redactions applied pursuant to F631.*

1 [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 We have finalised, Mr. Witness, the examination by

24 Victims' Counsel. I thank you very much for your time today,

25 Mr. Witness. Let me remind you that until tomorrow you shall not



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1 discuss your testimony with anybody. You will now be accompanied by  
2 somebody of the Registry staff. And try to rest. We will see you  
3 again the day after tomorrow, so not tomorrow, Thursday, but on  
4 Friday, yes, at 9.30. Thank you very much.

5 Thank you, Madam Court Usher, for ushering --

6 THE WITNESS: [Interpretation] Thank you.

7 [The witness stands down]

8 PRESIDING JUDGE VELDT-FOGLIA: Very well.

9 We will reconvene on Friday in order for the Defence to be able  
10 to prepare tomorrow for cross-examination. I hope this will allow  
11 the Defence to have sufficient time in this respect.

12 Let me see. Yes, Defence Counsel, could you already give an  
13 estimate as to how long you think you will be needing, and that is  
14 only an estimation. I will not keep you. It's more for planning  
15 reasons.

16 MR. AOUINI: Thank you, Your Honour. The small break between  
17 cross-examination and other examinations will be much needed to have  
18 very good references when we start.

19 What we can say is that not much has been reduced from what we  
20 anticipated to address with the witness, because most of it is some  
21 of the details that were not addressed and other topics that are  
22 relevant to the case of the Defence. It is very difficult to  
23 estimate without starting a little bit to see the pace in which we  
24 are going, but what we probably can say for sure, that it will take  
25 more than one day. Maybe that's helpful.

*Additional redactions applied pursuant to F631.*

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

2           Thank you, Defence Counsel. We will get back to this topic on  
3 Friday afternoon and we take it from there.

4           Good. Is there something the SPO would like to raise with the  
5 Panel at this moment in time?

6           MR. DE MINICIS: No, Your Honour. Not at this time. Thank you.

7           PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel?

8           MR. LAWS: Just one matter, if I may. I didn't have a chance to  
9 respond to an objection to the document that I was showing the  
10 witness [REDACTED] Pursuant to In-Court Redaction Order F529RED.

11 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

12 [REDACTED] Pursuant to In-Court Redaction Order F529RED.

13           Now, the point was taken that the third name out of the four  
14 doesn't appear to feature in this witness's testimony, and there's an  
15 obvious explanation for that on the document itself. I didn't say  
16 that, of course, in front of the witness, but that's the answer that  
17 I would have made had I done so. Thank you.

18           PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I see -- I  
19 wanted to give you the floor, and you wanted to say something.  
20 Please.

21           MR. AOUINI: Thank you, Your Honour. I apologise. The question  
22 that seemed to suggest only three names were in the document where  
23 there were four names, the question didn't -- wasn't accurate. That  
24 was the gist of what we wanted to say.

25           So no offence. I mean, it's really what we wanted to say.

*Additional redactions applied pursuant to F631.*

1 There are four names. And the question was: There are three names  
2 in the document. The question wasn't accurate enough. That's what  
3 we were saying. So we put the question based on the document, and it  
4 is accurate that are four names, not three names, but I think we are  
5 over it now.

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

7 Is there in addition another topic you think it's necessary to  
8 raise now with the Panel? No?

9 MR. AOUNI: No, Your Honour. Thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 I realise now that there is one more point that I would like to  
12 raise with the parties and Victims' Counsel, and that is with regard  
13 to scheduling matters.

14 We have reserved -- we are intending to swap some days we have  
15 scheduled already to be in court with parties and Victims' Counsel.  
16 In principle, that is how we would like to proceed. But, of course,  
17 I want to see with the parties and Victims' Counsel if there would be  
18 really a real problem if we would do this swap.

19 And then for the week of 23 till 27 October, we plan to sit only  
20 the 23rd, the 24th, and the 25th. So the 26th and 27th we would not  
21 be sitting. And instead of that, we would go to court the 5th and  
22 the 6th of October. So that would mean that we would sit for the  
23 entire week at the beginning of October.

24 My suggestion would be that because we are not sitting tomorrow,  
25 but if you could reply to us by e-mail already tomorrow at your -- or

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1 this evening, but as soon as possible, and then we take it from  
2 there. But in principle, we would like to proceed in that way.

3 MR. DE MINICIS: If I may, Your Honour, if this suffices, we can  
4 raise it at this time. We don't foresee any impediment for the  
5 proposed schedule should things change. But at this time we are  
6 unable to -- we have no impediment for the proposed days.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you.

8 MR. LAWS: We can say the same thing.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay. That is really quick. No  
10 e-mails from that side.

11 MR. AOUNI: We will get back to you as soon as possible,  
12 Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. But I -- I look at  
14 Mr. Gilissen, tomorrow, that would be very helpful.

15 MR. GILISSEN: Maximum, Your Honour. Maximum.

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

17 Good. Then we will have tomorrow a day that we are not in  
18 court, but we will resume this hearing at 9.30 on Friday.

19 The hearing is adjourned.

20 --- Whereupon the hearing adjourned at 4.35 p.m.

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