

Additional redactions applied pursuant to F631.

1 Tuesday, 6 June 2023

2 [Open session]

3 [The accused appeared via videolink]

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

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

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

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

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

10 Mr. Prosecutor, can you tell me who is present today in court.

11 MR. DE MINICIS: Good morning, Your Honours. Line Pedersen,
12 Giulia Bianchi, Gaia Pergolo, and Filippo de Minicis for the SPO.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 Victims' Counsel.

15 MR. LAWS: Good morning, Your Honours. I am Simon Laws, counsel
16 for the victims in this case, together with my co-counsel,
17 Maria Radziejowska.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Defence Counsel, you have the floor.

20 MR. GILISSEN: Thank you very much. And good morning to you,
21 Your Honour. I am Mr. Gilissen. We are here with Mr. Shala. And
22 this is the same team than yesterday.

23 PRESIDING JUDGE VELDT-FOGLIA: Good.

24 MR. GILISSEN: Ms. Cariolou, Mr. Aouini. I don't think I have
25 to go --

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1 PRESIDING JUDGE VELDT-FOGLIA: We take note of the fact that
2 you've said that, "We are in the same composition with regard to the
3 rest of the team."

4 MR. GILISSEN: Exactly. Excepting --

5 PRESIDING JUDGE VELDT-FOGLIA: Then it's noted.

6 MR. GILISSEN: Excepting our translator. She is not there. But
7 the same team.

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. But that's important too.

9 MR. GILISSEN: Of course, of course. Thank you very much.
10 Thank you.

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

12 Mr. Shala, can you hear me fine?

13 THE ACCUSED: [via videolink][Interpretation] Yes, I can. Good
14 morning.

15 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

16 Very well. We will continue with the examination of Witness 01.
17 We will be sitting again in the same way as yesterday with our
18 one-and-a-half-hour sessions.

19 Defence Counsel, could you indicate how long you think you will
20 be needing this morning approximately?

21 MR. AOUINI: Good morning, Your Honours. Good morning to
22 everyone in and around the courtroom.

23 Yes, we were planning to update Your Honours on this. We,
24 obviously, assessed what's left with what we have, and we estimate to
25 be a maximum of 15 minutes, maybe less, depending on how the answers

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1 go, the accuracy of the answers. We propose to wrap up with one
2 document, the last discussion of yesterday. Just put the document
3 with the references from the transcript. And then I would move to my
4 last topic.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 MR. AOUNI: Thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: Then we can proceed with the
8 testimony of the witness if there is nothing from the other side to
9 be raised? No. Very well. Thank you.

10 Madam Court Officer, we will proceed.

11 Madam Court Usher, could you bring the witness in.

12 [The witness takes the stand]

13 PRESIDING JUDGE VELDT-FOGLIA: Good morning, Mr. Witness.

14 THE WITNESS: [Interpretation] Good morning.

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

16 THE WITNESS: [Interpretation] Very well. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Very well.

18 Mr. Shala, can you confirm that you hear the witness?

19 THE ACCUSED: [via videolink][Interpretation] Yes, I hear very
20 well. Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well.

22 Mr. Witness, I remind you that you're still under oath to tell
23 the truth. You understand that?

24 THE WITNESS: [Interpretation] Yes, I do.

25 WITNESS: TW4-01 [Resumed]

Witness: TW4-01 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified Pursuant to F631* Page 1861
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1 [Witness answered through interpreter]

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

3 I will give the floor now to the Defence counsel. He will
4 continue with the last piece of his cross-examination, and then we
5 will see if there is a need for a second round by the other party and
6 Victims' Counsel. And then at the end there will be questions from
7 the Panel. Yes? Good.

8 Defence Counsel, you have the floor.

9 MR. AOUINI: Thank you, Your Honour.

10 Cross-examination by Mr. Aouini: [Continued]

11 Q. Good morning, Mr. Witness.

12 A. Good morning.

13 MR. AOUINI: Your Honour, we need to go to private session to
14 finish the last point.

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

17 ~~{Private session}~~ [Open Session] *Reclassified Pursuant*
18 *to F631*

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

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

20 Defence Counsel, you have the floor.

21 MR. AOUINI: Thank you, Your Honour.

22 Q. Mr. Witness, we spoke yesterday about a point that we need to
23 finish. It won't take long. And then I will move to my last topic
24 to ask you the last questions I have.

25 So you told us, Mr. Witness, on Friday, last Friday, at

1 transcript page 1617 of the transcript, that you never had
2 Serbian-issued documents. And I read at line 13:

3 "Did you take your passports with you?"

4 And you answered:

5 "No, because I did -- I never in my life had any Serbian-issued
6 documents [REDACTED]."

7 And you also told us yesterday, at transcript page 1852, that
8 you never crossed the border into Serbian territory since the end of
9 the war. And that is, if I read it, from line 17:

10 "I have never crossed into Serbian territory since the end of
11 the war, because I know that the moment -- the moment I cross over,
12 they -- I fear that they will stop me and force me to give a
13 statement, and that is the reason I have not travelled that way, and
14 I shall not do so in the next 50 years or so."

15 Okay? This is the setting in which I will ask you my last
16 question on this topic. Okay?

17 MR. AOUINI: Your Honour, if we may call a document, a note
18 which I will use and read to the witness, and then ask him for a
19 response.

20 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]. Is it
21 not possible to ask the question? Not so much in -- he needs to read
22 the document in order to be able to reply?

23 MR. AOUINI: There is --

24 PRESIDING JUDGE VELDT-FOGLIA: Yes, okay. I think I might
25 understand what you're aiming at. You want a clarification with

Cross-examination by Mr. Aouini (Continued)

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1 regard to the document.

2 MR. AOUNI: Yes. And it is one sentence.

3 PRESIDING JUDGE VELDT-FOGLIA: Very well.

4 MR. AOUNI: I think this is the most --

5 PRESIDING JUDGE VELDT-FOGLIA: Please.

6 MR. AOUNI: -- efficient way.

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
8 please, after having received the references, call the document up.

9 MR. AOUNI: Yes, so it is ERN 058583-058585 RED2 of [REDACTED]
10 [REDACTED], page 2. The paragraph number is 7. And that's the same
11 ERN

12 and page and paragraph for the Albanian version. The ERN has a -AT
13 on it.

14 Q. Mr. Witness, at paragraph 7 it reads:

15 "[REDACTED]. I once saw
16 him in [REDACTED] when I had an old Serbian passport."

17 Mr. Witness, here there are three information I want to give you
18 an opportunity to comment on. First, [REDACTED], which is
19 a city in Serbia, you seem to say that you have been there in
20 [REDACTED].

21 That's after the war. And here also you seem to say that you had an
22 old Serbian passport, which is a Serbian-issued document. So please
23 respond.

24 A. It says here that there was an old passport, and I never was in
25 possession of a passport or ID card issued from Serbia before the
war. I've -- I've never had a Serbian-issued identity document. It
says here an old one, and I've never had an old one. I -- I never

1 had an old or a new one, as a matter of fact, during the Serbian
2 rule.

3 Q. As to the city of [REDACTED], can you respond?

4 A. What should I say about [REDACTED]? Can you ask the question and
5 I'll give you an answer?

6 Q. Mr. Witness, here it says that you went to [REDACTED], which is
in

7 Serbian territory. Did you or did you not ever cross into the
8 Serbian territory?

9 A. I -- I went up to [REDACTED]

10 [REDACTED]

11 [REDACTED] Because everybody knows that if Serbs

12 were to apprehend you, you'd never be released unless they -- you
13 give them what they want to. Even if I were to go today -- even if I
14 were to go there today, I'd be subjected to the same. From that day
15 onwards, I've never been there.

16 And when I went there on that particular occasion, I was with
17 somebody who guaranteed my passage. And I have never been there
18 since.

19 Q. Thank you, Mr. Witness. We're going to the last topic now.
20 Okay?

21 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would like to
22 ask a question to the witness.

23 MR. AOUNI: Yes, please.

24 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you were asked if
25 you had gone to Serbia and then you first said no. And now when

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1 Defence Counsel showed you this document, you indicated that you were
2 there once in [REDACTED]. Can you tell the Panel why you didn't say
it
3 right away?

4 THE WITNESS: [Interpretation] Because I'd forgotten about it.
5 When I read it here, that brought it back to mind. I cannot deny it.
6 But I'd simply forgotten about it, because I -- I never thought it
7 was something of significance to remember. There is nothing to hide
8 here.

[Private Session]

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

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Cross-examination by Mr. Aouini (Continued)

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

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Cross-examination by Mr. Aouini (Continued)

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23 [Open session]

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

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

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1 We will have a break of 20 minutes. The Court Management Unit
2 will facilitate contact between you and your client. And after that,
3 we will come back and we will continue with the examination of the
4 witness. Yes? Very well.

5 The hearing is adjourned for 20 minutes.

6 --- Recess taken at 10.02 a.m.

7 --- On resuming at 10.20 a.m.

8 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

9 I see we are in the same composition. Yes, I see nodding. Very
10 well. That is noted. Mr. Shala is there, too.

11 I will give you the floor, Defence Counsel, as soon as we go
12 into private to give your views.

13 MR. AOUNI: Maybe I can respond in public. It's purely legal
14 arguments back. Maybe we can try?

15 PRESIDING JUDGE VELDT-FOGLIA: I have a preference to go into
16 private. And we will leave the witness for now in -- not in the
17 courtroom.

18 Very well. Madam Court Officer, can you bring us into private
19 session.

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

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

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

23 Defence Counsel, you were put in the possibility to discuss with
24 your client, yes?

25 MR. AOUNI: We are grateful for that. Yes, we did.

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1 PRESIDING JUDGE VELDT-FOGLIA: Very well. You have the floor to
2 give your views on this specific topic.

3 MR. AOUINI: Yes, Your Honour. Thank you very much.

4 We reject, strongly reject, this objection for the three reasons
5 that are following.

6 First, my colleague, my learned colleague, said that we are
7 trying to adduce opinion evidence, referring to 1 May, and the use of
8 that, in our objection, with regard to other witnesses. The
9 situation is completely different. We did not ask this witness for
10 his opinion. We did not do that. We have put information, and I
11 clearly said we are putting information, we have the basis for that.
12 Since he spoke about individual witnesses, I allowed him the
13 opportunity to respond with the extra information if that information
14 or belief comes from investigators. That's point one.

15 Point two. This is not opinion. This is the belief. It's very
16 different from opinion. This is the belief of professional
17 investigators who dealt with this person. We are not seeing in the
18 document "I think" or "I have formed the opinion." No. This is
19 belief of investigators, so we're not talking about opinion. We're
20 not talking about the same thing.

21 The third point, that this has been dealt with. I personally
22 don't remember asking any other question [REDACTED]
23 [REDACTED]. We discussed it yesterday amongst us, trying to say
24 shall I provide the witness statement or not based on previous
25 objections. That was the only discussion I remember, but I stand to

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1 be corrected. This is the first time I was asking these questions to
2 this witness.

3 So, Your Honour, we believe these objections really don't stand
4 at all, and we should be permitted -- the formulation we used is very
5 accurate. We said we have information that from -- from the material
6 that [REDACTED]
7 [REDACTED]. We cannot put it as simple or as more
8 precise than that. We didn't make up anything. We didn't change or
9 re-characterise any of the wording that is here. And we believe we
10 are fully entitled to pose the question as it was posed.

11 PRESIDING JUDGE VELDT-FOGLIA: I see nodding from the side of
12 Mr. Prosecutor that he doesn't want to ask -- or doesn't want to make
13 any further submissions.

14 Victims' Counsel, from your side.

15 MR. LAWS: Briefly, if I may. It's true, dealing with the first
16 point, that what Defence Counsel is doing is not asking this witness
17 his opinion, but he's doing something significantly worse than that,
18 which is asking a question based on someone else's opinion. We don't
19 even have the person here in the courtroom to give any possibility of
20 assessing the weight that we should attach to their opinion. So it's
21 not an answer to the objection. It just underlines it, in our
22 submission.

23 Moving to the second point. The suggestion that there's a
24 difference between someone's belief and their opinion is, we suggest,
25 simply impossible to sustain. If I believe something, then I have an

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1 opinion about it. My co-counsel has helpfully opened Merriam
2 Webster's dictionary which gives us one of the definitions of
3 opinion, a belief based on experience. They're interchangeable. And
4 that's not an answer.

5 As to the third, I'm very happy to apologise if that's the
6 position, that we ended up not asking the witness a question. I know
7 that there was a very -- a great deal of discussion about it. And if
8 it wasn't asked yesterday, then I withdraw my third objection.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 Can we conclude the exchange of positions?

11 MR. AOUNINI: We maintain every single thing we said in our
12 response.

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

14 There are a few observations to make in this respect, and we
15 have to reply to the question to allow or not this question.

16 Now, it's not an issue of admissibility of evidence. It's about
17 allowing this question or not.

18 *[REDACTED]* has not been discussed
19 before, only how to put this question to the witness. That was
20 discussed extensively, and we have given guidance in this respect.
21 The question is now for us whether to allow or not.

22 And, Defence Counsel, you have been able to put the question to
23 the witness. You received a clear answer with further explanation.
24 I will, therefore, not allow for any further questioning on this,
25 taking into consideration that the document doesn't further any

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1 factual basis the witness can comment on. So that is for us decisive
2 why not to proceed.

3 And the discussion regarding opinions and beliefs. Sometimes it
4 can be very useful to put it to the witness, but for now, I think
5 that this topic has been explored enough.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 So I will now call the witness back.

12 Defence Counsel, if I understood well, there was one topic more
13 you wanted to discuss with the witness, or was it the last topic?

14 MR. AOUINI: We're in the middle of that last topic.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well.

16 MR. AOUINI: I have one transcript reference to read and a
17 couple of questions left.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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

20 And with regard to us being in private, we had a very large
21 group in the public gallery, and I wanted to avoid that if we would
22 discuss this topic and something would go out, then it would have
23 been of no use to do any redactions because there would have been too
24 large a group. And here I apply the rule better safe than sorry.

25 [The witness takes the stand]

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

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Cross-examination by Mr. Aouini (Continued)

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[Private Session]

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

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Cross-examination by Mr. Aouini (Continued)

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

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Cross-examination by Mr. Aouini (Continued)

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Cross-examination by Mr. Aouini (Continued)

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

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Cross-examination by Mr. Aouini (Continued)

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

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Cross-examination by Mr. Aouini (Continued)

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16 [Open session]

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

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

19 Mr. Witness, the Defence has finalised its cross-examination. I

20 will now turn to the Specialist Prosecutor's Office to see if they

21 want to proceed with questioning you.

22 Mr. Prosecutor, do you wish to proceed with the redirect

23 examination of the witness?

24 MR. DE MINICIS: Yes, Your Honour. We really don't have much.

25 But before we proceed, if we could ask for the witness to be just

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1 escorted out for a second because, with regard to a matter we want to
2 explore, we'd like to seek the Panel's guidance as it may or may not
3 be necessary to actually put certain questions to the witness.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well. Very well, yes.

5 Mr. Witness, you will be ushered out for a moment because we
6 have to discuss again something. Thank you.

7 [The witness stands down]

8 PRESIDING JUDGE VELDT-FOGLIA: Please, Mr. Prosecutor.

9 MR. DE MINICIS: Yes, Your Honour. We're going to have to go
10 into private session for this.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay.

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

14 [Private session]

15 [Private session text removed]

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23 [Open session]

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

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

1 Madam Court Usher, could you have the witness ushered in.

2 [The witness takes the stand]

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, thank you for coming
4 back. This was to inform you that the Specialist Prosecutor's Office
5 will continue with its examination of you after the break. So that
6 means that we now will adjourn the hearing for 30 minutes. We will
7 proceed at 11.20. And then you will be asked questions by
8 Mr. Prosecutor. Yes?

9 So thank you for coming in. You will be ushered out again, but
10 I wanted to inform you what we were doing. Thank you.

11 THE WITNESS: [Interpretation] Thank you.

12 [The witness stands down]

13 PRESIDING JUDGE VELDT-FOGLIA: The hearing is adjourned till
14 11.20.

15 --- Recess taken at 10.52 a.m.

16 --- On resuming at 11.21 a.m.

17 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

18 I will ask Madam Court Usher to bring the witness in, please.

19 [The witness takes the stand]

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

21 THE WITNESS: [Interpretation] Thank you.

22 PRESIDING JUDGE VELDT-FOGLIA: I give the floor now to
23 Mr. Prosecutor.

24 You have the floor. Do you want to remain in public session or
25 do we have to go into private?

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

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Re-examination by Mr. De Minicis

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1 MR. DE MINICIS: Your Honour, I'm afraid my redirect will need
2 to be conducted entirely in private session.

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

5 [Private session]

6 [Private session text removed]

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

Page 1892

Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

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

Page 1893

Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

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

Page 1894

Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

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

Page 1895

Re-examination by Mr. De Minicis

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

Page 1896

Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

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

Page 1897

Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

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

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Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F631.

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

Page 1903

Further Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F631.

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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 Mr. Witness, you have been asked several questions by the

24 Prosecutor and Victims' Counsel and Defence Counsel, and the Panel

25 would like to ask you some additional questions to gain more clarity

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

Page 1904

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 with regard to what you have already stated in your testimony and
2 your prior statements. So bear with us some more.

3 I will start with some of the questions now. Understood?

4 THE WITNESS: [Interpretation] Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: Good. Thank you.

6 Very well. I will take -- I will ask Madam Court Officer to
7 bring us into private session, please.

8 [Private session]

9 [Private session text removed]

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

Page 1905

Further Questioned by the Trial Panel

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

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Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

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

Page 1907

Further Questioned by the Trial Panel

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

Page 1908

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

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

Page 1909

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

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

Page 1910

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

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

Page 1911

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

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[Open Session] *Reclassified Pursuant to F631*

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

22 Thank you, Mr. Witness.

23 Very well. I'm going to confer with one of my colleagues and
24 then I come back to you.

25 [Trial Panel confers]

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I will have some
2 more questions for you, but for now I will give the floor to my
3 colleague on my left-hand side. He will start putting questions to
4 you. And after that, I will come back to you. Okay? Very well.
5 You have the floor.

6 JUDGE BITTI: Thank you, Madam Presiding Judge. I think we
7 could try to go back into public session.

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

10 ~~{Open session}~~

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

12 JUDGE BITTI: Thank you.

13 Mr. Witness, a lot of questions on precise events were put to
14 you, and I would like now to have an idea about the general situation
15 at the Kukes metal factory. You do not have to mention names,
16 because we are in public session. If you want to mention names, then
17 just let me know and we will go back to private session.

18 And we will first go to the sketch which was discussed
19 extensively on the first day of your testimony, Tuesday last week.

20 And I would like to have on the screen a document which is
21 SITF00012876 to SITF00012878, and it is page 3. This is not to be
22 displayed to the public.

23 Mr. Witness, do you see the sketch in front of you?

24 A. Yes, I do.

25 JUDGE BITTI: Thank you. Could you go to the top. So at the

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

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Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 top of the sketch, there is a food warehouse. And then there is like
2 a square with a number 3. And there is something which is written in
3 English on that, and I will read it to you, and I understand that you
4 did not write this, because it is written in English and you don't
5 write in English. That's correct, no?

6 A. Yes, I don't write in English.

7 JUDGE BITTI: Okay. So it is written, if I understand well,
8 because it's not that easy, it's: "3 room where Serbians held." So I
9 repeat, so it's a number 3, and then it is said "room where Serbians
10 held." Do you confirm that you said this?

11 A. I don't remember. I did not see Serb, but I said that I heard
12 them scream. Now, whether somebody was shouting in Serbian to
13 instill fear or whether there were really Serbians there, that I
14 don't know. Whether they tried just to instill fear and did that on
15 purpose, that I don't know. But when I gave the statement, this was
16 what I thought. It was a bit separated. I've seen this room after
17 *[REDACTED] Pursuant to In-Court Redaction Order F535RED.*

18 They themselves had said that they had Serbs, but whether that
19 was true or not, that I don't know. We heard them speak in Serbian,
20 but whether they were just playing around with our feelings, that I
21 don't know.

22 JUDGE BITTI: When you say "we heard them speak in Serbian," who
23 is "them" and who is "they"? Who was speaking in Serbian?

24 A. I don't know because I did not see them myself. But we heard
25 voices speaking in Serbian. Whether now people from the headquarters

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

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Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 were playing games or not or whether there were really people
2 speaking Serbian, that I don't know. But we did hear these voices in
3 Serbian, and we did think that there were prisoners.

4 JUDGE BITTI: Okay. So you heard from others. Then, actually,
5 there may have been Serbian detainees close to the food warehouse.
6 That's what you're telling me?

7 A. Yes.

8 JUDGE BITTI: But did you see them or you didn't see them?

9 A. I personally didn't see them.

10 JUDGE BITTI: Okay. You also told me that you heard them
11 scream. So you heard, apparently, those detainees screaming?

12 A. Yes.

13 JUDGE BITTI: Could you elaborate? Do you think they were
14 screaming because they were mistreated or they were arguing? Do you
15 have any idea why they were screaming?

16 A. We thought that they were being mistreated. But, again, I'm
17 telling you that I don't know whether this is true or not. Maybe
18 they just played games so that we get scared. Maybe there was no
19 Serb being held there. They just wanted to instill fear. Maybe they
20 just play acted. Our windows had no glass, so we could hear the
21 voices.

22 JUDGE BITTI: Okay. Did you see a senior officer go into that
23 room?

24 A. You cannot see this room without going outside. You cannot see
25 it from number 1, 2, or 3. You had to go out from behind in order to

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

Page 1915

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 be able to see it.

2 JUDGE BITTI: Okay. Thank you for that.

3 Last week you told us that three Romas were detained in the
4 warehouse and then they were moved to room 1. This is transcript
5 page 1414, lines 17 to 24.

6 You also told us that other places were used for detention.
7 This was room 1 and room 3. This is in the transcript page 1421,
8 lines 19 to 20.

9 Do you know if other buildings, other places at the Kukes metal
10 factory were used for detention?

11 A. *[REDACTED] Pursuant to In-Court Redaction Order F535RED.*

12 *[REDACTED] Pursuant to In-Court Redaction Order F535RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F535RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F535RED.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F535RED.*

16 *[REDACTED] Pursuant to In-Court Redaction Order F535RED.*

17 *[REDACTED] Pursuant to In-Court Redaction Order F535RED.*

18 PRESIDING JUDGE VELDT-FOGLIA: I think it's better that we go
19 into private session.

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

22 [Private session]

23 [Private session text removed]

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

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Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

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[Open Session] *Reclassified Pursuant to F631*

20 JUDGE BITTI: Okay. Going back to the Serbians being eventually
21 detained in that room which is close to the warehouse. Did you hear,
22 did you understand why Serbians would be detained on one place,
23 whereas Romas and Kosovo Albanians would be detained separately?

24 A. As I said, I did not see the Serbs. I just heard voices. As I
25 said, they could have just been play acting to scare us, but I did

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 not see the Serbs with my own eyes.

2 JUDGE BITTI: Thank you very much.

3 Was it possible to see from the courtyard at the Kukes metal
4 factory that people were detained on the premises? So when you
5 entered the courtyard, was it easy to see that actually people were
6 detained there?

7 A. From the warehouse, you could not see outside. Only if you went
8 out to the door, because the windows were very high or above. Higher
9 than in this courtroom. And you could not see from there. Only who
10 entered the warehouse, that you could see. But for the rest, you
11 couldn't.

12 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, you can take
13 the evidence off from the screen. Thank you.

14 JUDGE BITTI: Okay. Do you have any idea how many people were
15 detained at the Kukes metal factory, taking into consideration the
16 different places of detention at the Kukes metal factory? Do you
17 have any idea about how many people were detained there?

18 A. When I was taken to room number 1, in the meantime they could
19 have taken somebody else to the warehouse, or maybe they didn't. I
20 know for number 1 and 3. While I was there, at one point we were 12
21 or 13. At times, there were only six or seven of us, depending on
22 whether they released someone or not. But there was a point when we
23 were 12 of us in the room, and at all times there were not less than
24 five to seven people. I'm speaking about number 1, room number 1,
25 which had more detainees.

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 JUDGE BITTI: When people, and I'm speaking about detainees,
2 when they were taken out of room number 1, for example, they were
3 taken out by soldiers, I guess, or did you see detainees being
4 released and leaving freely the Kukes metal factory? Did you see
5 that?

6 A. When they were taken from the room, they were always taken by
7 the military police or a soldier to go out in the courtyard. Someone
8 opening the door for them that I did not see.

9 JUDGE BITTI: Okay. Thank you.

10 With regard to the Romas who were detained with you, do you know
11 if they were asked to do some things or forced to perform some task
12 that others were not asked to do?

13 A. They were forced to carry foodstuff and to load trucks from the
14 warehouse. Whatever was needed to be done, they would take the
15 Romas. They would beat them but also use them for labour. Whenever
16 they would bring food, trucks loaded with food and which needed to be
17 unloaded, they would use the Romas for that work.

18 JUDGE BITTI: Thank you. Do you know why they were forcing only
19 the Romas to do that?

20 A. Honestly, I don't know. I don't know. I don't remember. And
21 there's nothing to remember. They were detainees and they forced
22 them. Whether they wanted or not, it didn't matter. And in Kosovo,
23 they always stigmatised the Roma.

24 JUDGE BITTI: I understand. Thank you.

25 A few more questions about the Kukes metal factory. What did

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 you hear during the night at the Kukes metal factory when you were
2 detained in room number 1?

3 A. We heard conversations. I can't remember them entirely now.
4 When soldiers would come back from the front line, people -- some of
5 them would be wounded, somebody from their family had been killed, or
6 a comrade in arms had been killed. Then in those circumstances, they
7 wanted to enter the room where we were kept and to maltreat us, but
8 the guards would not let them in.

9 So these sorts of threats. They would come to the window, curse
10 our mothers, and use offensive language.

11 JUDGE BITTI: Okay. Did you hear people screaming at night at
12 the Kukes metal factory?

13 A. As far as I remember, and I've forgotten, but as far as my room
14 is concerned, the people would be brought up in a beaten-up state
15 after they had been beaten in room number 2. Even if somebody had
16 just arrived, he would be brought back to our room in a beaten-up
17 state.

18 JUDGE BITTI: Okay. So what you're telling me is that when
19 people would be brought to your room, they were already beaten and
20 you could see that because you saw the marks on their bodies and
21 their faces? That's what you're telling me?

22 A. Yes.

23 JUDGE BITTI: Okay. At night, was it possible for you, from
24 room 1, to hear people coming into the Kukes metal factory? Could
25 you hear, for example, the cars coming in?

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 A. Yes, yes, because from the room over there, you could see the --
2 the barrier. You could it's -- you know, one end of it. You could
3 see the cars coming in. If you were standing, you'd be able to see.
4 You wouldn't if you were sat. And you could see it from this side
5 and that side too. From this side, you could see the entire
6 courtyard and the barrier. Whilst from the other side, you could
7 only see one tiny section of the barrier.

8 From the other side, however, you had a good view of the
9 courtyard, the headquarters, and more than half of the warehouse.

10 JUDGE BITTI: Okay. Was it a busy place? Meaning, was there a
11 lot of people coming in, going out? Were there a lot of cars coming
12 in and going out?

13 A. Yes, there were movements. Sometimes more, sometimes less,
14 sometimes there wasn't any. Depending on the moves, really.

15 JUDGE BITTI: Okay. You told me already a bit, but I would like
16 to have a bit more information if you can on that. Were people
17 brought regularly as new detainees in room 1 during the night or
18 during the day?

19 A. It depends on how the individual was caught. Was it in the
20 daytime, was it at night, it all depends.

21 JUDGE BITTI: But was it regularly? Did it happen more than
22 once or regularly that new detainees would be brought in?

23 A. No, it wasn't regular. Because if that were regular, I would
24 have been able to see at least 5 to 600 people. No, they did not
25 bring in people regularly. Those who came in there, I saw them with

Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 my own eyes. And those who were detained and some released, and so
2 on and so forth, the numbers would certainly be around 40 or so.
3 Some were kept for a day, two days, three days. Some for a week or
4 two weeks.

5 There were people who were brought in for two or three days and
6 not beaten up because they probably knew somebody higher up the
7 chain, somebody who would have intervened and released them.

8 JUDGE BITTI: Thank you very much. You, I think, already
9 answered a question I had, and I'm really reaching my last question.
10 I was about to ask you in total how many people did you see being
11 detained in room 1 during the time you were there, including those
12 who were detained for a limited amount of time, and I see that you
13 speak about "40 or so." Is that correct? That if you count, if you
14 try to remember all the people who were brought to room 1 --

15 A. Yes. Roughly so. I cannot be exact. But there were lots who
16 were brought in who were released. Some were held for a day or two
17 or three. Some were held for over a week.

18 JUDGE BITTI: Okay. So I understand, and that would be my last
19 question, that there were people who were taken out of room 1 that
20 you never saw again?

21 A. Yes.

22 JUDGE BITTI: I want to thank you very, very much for your
23 patience. Thank you very much. These were my questions.

24 Thank you very much.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

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

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Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

[Private Session]

1 [Private session text removed]

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Additional redactions applied pursuant to F631.

1 [Open session]

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

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

4 Mr. Witness, we will now have a break for lunch of one and a
5 half hour, so till a quarter past 2.00. And then the Panel will
6 finalise the questioning. There will still be some questions, but
7 that is the last part. And I foresee that we -- with your
8 examination, we will finish today.

9 So thank you for now. I wish you a good lunch. And Madam Court
10 Usher will accompany you out.

11 THE WITNESS: [Interpretation] Thank you.

12 [The witness stands down]

13 PRESIDING JUDGE VELDT-FOGLIA: So that is the planning for the
14 afternoon. I wish you a good lunch. We see each other at quarter
15 past 2.00. Thank you.

16 The hearing is adjourned.

17 --- Luncheon recess taken at 12.42 p.m.

18 --- On resuming at 2.15 p.m.

19 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

20 I see on my right-hand side the same composition. For the
21 Victims' Counsel, too. And for the Defence --

22 MR. GILISSEN: Almost the same.

23 PRESIDING JUDGE VELDT-FOGLIA: Almost the same.

24 MR. GILISSEN: -- Madam President. Ms. Cariolou is sorry but
25 she's not there.

Additional redactions applied pursuant to F631.

1 PRESIDING JUDGE VELDT-FOGLIA: Very well. I see Mr. Shala with
2 us via videolink.

3 Can you hear me fine, Mr. Shala?

4 THE ACCUSED: [via videolink][Microphone not activated]

5 PRESIDING JUDGE VELDT-FOGLIA: Please put on your microphone,
6 Mr. Shala, because we could not hear you.

7 THE ACCUSED: [via videolink][Microphone not activated]

8 PRESIDING JUDGE VELDT-FOGLIA: Hm. I still cannot hear you,
9 Mr. Shala.

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

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. Then we have
13 established that connection too, and that is important.

14 Mr. Prosecutor, you have the floor.

15 MR. DE MINICIS: Your Honour, just a small clarification for the
16 record before I forget to do so. At page 49, Your Honour was
17 questioning the witness with regard to a statement he gave to the
18 SPO.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes.

20 MR. DE MINICIS: Your Honour indicated that statement from 2021,
21 but, in fact, it's from 2019.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you are right.
23 Thank you. And we have put that on record. And I saw that. Good
24 that we have noted.

25 Something else the parties would like to raise at this moment in

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

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Further Questioned by the Trial Panel

Additional redactions applied pursuant to F631.

1 time? No?

2 Then I will ask Madam Court Usher to bring the witness in.

3 Thank you.

4 [The witness takes the stand]

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, welcome back.

6 THE WITNESS: [Interpretation] Thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, could you hear the
8 witness?

9 THE ACCUSED: [via videolink][Interpretation] Yes, I did.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Mr. Witness, I will ask you some further questions, and I think
12 that we then can wrap up the examination.

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

15 [Private session]

16 [Private session text removed]

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

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Further 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*

5 PRESIDING JUDGE VELDT-FOGLIA: Do you know a unit called the
6 Black Unit?

7 A. There were many black units. There were several. The -- the --
8 the unit, however, that wore black clothing, they were the best
9 prepared and the ones with the longest and best experience at war.

10 PRESIDING JUDGE VELDT-FOGLIA: Do you know if Mr. Shala was a
11 part of this black unit?

12 A. He most certainly would have been because his clothing was such,
13 black. I've never seen him wearing any other uniform but black.

14 PRESIDING JUDGE VELDT-FOGLIA: Yes. You now tell us that he
15 wore a black uniform, but my question is if he was a part of this --
16 if you remember or if you know that he was a part of this black unit.
17 And if you don't know, that's also an answer, of course.

18 A. I don't know. All I know is that he told me once when we were
19 at the warehouse that he was a superior officer. Whether he was or
20 not, I don't know. I'm relaying here only his words.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. Then let
22 us go back to a prior statement of yours. And I will read it to you,
23 and then we can see if that helps to refresh your memory.

24 It is 059730. And I'm not sure if I now, again, turn the two
25 numbers -- or is this the right one? The right one. Okay. Very

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Additional redactions applied pursuant to F631.

1 well. So 059730-TR-ET Part 4 Revised. That is the -- as indicated,
2 the English translation. And that would correspond to the Albanian
3 translation page 10, starting at line 1.

4 THE COURT OFFICER: What's the English page number?

5 PRESIDING JUDGE VELDT-FOGLIA: The English page is -- sorry, I
6 did not tell you. That is page 20 -- no, page 10. So it's page 9,
7 line -- the last line, and then page 10, line 1.

8 So then line 25, you said:

9 "He was a member of the special unit with black ..."

10 And then we have to go to the next page:

11 "... with black uniform, and special unit, the special unit was
12 the most dangerous unit. They were the ones with all the most fierce
13 actions."

14 When I read this to you, does some more information come to your
15 mind with regard to this special unit with black uniforms?

16 A. Your Honour, as I said, the special unit that wore black
17 clothing were the most prepared to carry out war in Kosovo. There
18 were lots of them. Some were called the Leopardi, the Leopards,
19 Tigri, the Tigers, and other special units. However, those ones who
20 wore black clothing were the ones who were most prepared and the ones
21 that undertook the boldest of actions. They were the most drilled of
22 the troops, and they had a better experience. They were especially
23 selected. They were taller, well built, people who were brave,
24 braver.

25 PRESIDING JUDGE VELDT-FOGLIA: I will leave it for here now.

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Additional redactions applied pursuant to F631.

1 Mr. Witness, when we discuss -- I asked you about Mr. Shala,
2 from whom he would take orders, and you replied to that. If I ask --
3 can you give an answer to the question, if you know, how -- in what
4 relation Mr. Shala stood to Xhemshit Krasniqi.

5 A. I do not know. I didn't know it then. I don't know it now.
6 All I know, that they were in the same office all the time, talking
7 and laughing, and so on and so forth. They should know that best. I
8 know that he's got good relations with Sabit. I don't know about
9 Xhemshit. However, they served -- they served in the same staff HQ.
10 They certainly must have had a good relationship given that they
11 collaborated really closely together in everything, including the
12 mistreatments, so on and so forth. So I assume that their
13 relationship was good.

14 PRESIDING JUDGE VELDT-FOGLIA: I'm just asking for what you
15 know. With regard to Sabit Geci, you said that he was in a good
16 relationship with him.

17 A. Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: I read in -- I will call up --
19 no, could I say that he was the right hand of Mr. Sabit Geci?

20 A. I wouldn't be able to describe it with 100 per cent certainty,
21 but they cooperated with Sabit and they implemented everything that
22 Sabit ordered them to do, given that Sabit was their superior. You
23 can see the kind of relationship when people are talking and laughing
24 with each other, and so on and so forth. I mean, the -- even the
25 manner of -- of smiling and laughter is different when I'm with a

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Additional redactions applied pursuant to F631.

1 friend of mine than with someone else. So their relationship was
2 good, I'd say.

3 PRESIDING JUDGE VELDT-FOGLIA: And you know that? Why do you
4 know that? How could you know that? You're now saying, "I think
5 they had a good relationship." And my question to you is now how do
6 you know that?

7 A. Even after -- after the war, I was told that they stayed and
8 spent time together after the war too. It was not only in Kukes
9 during the war but also across Kosovo after the war. And this comes
10 from what I heard from friends and other people. They told me that
11 they have -- that they enjoy good relations.

12 PRESIDING JUDGE VELDT-FOGLIA: But, I mean, when you were in
13 Kukes you saw it? That's my question. That you saw them -- see them
14 interacting?

15 A. Yes, I saw that they -- they were chatting and laughing, and he
16 was sat right next to Sabit, this one here.

17 PRESIDING JUDGE VELDT-FOGLIA: Yes. My next question relates to
18 Xhemshit Krasniqi. From whom would he take orders? Do you know
19 that?

20 A. No, I don't, because Xhemshit was the one who came to our room
21 most often. He -- he did come to our room without their presence.
22 As far as I know, Xhemshit was in charge of the detainees. And I can
23 say that with about 90 per cent certainty.

24 However, when Sabit was there, he was the man in charge. No one
25 dared disobey him.

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Additional redactions applied pursuant to F631.

1 PRESIDING JUDGE VELDT-FOGLIA: Yes. I will mention -- I will
2 now discuss with you shortly a prior statement you gave, which is
3 083219-TR-ET Part 2 Revised. And in the Albanian translation, it's
4 page 45, line 5. And in the English translation, we are at page 33.
5 Very well. Thank you.

6 Line 5, you say:

7 "Everyone would take orders from Sabit Geci."

8 So also Mr. Krasniqi?

9 A. Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. And do you
11 know from whom Mr. Sabit Geci would take his orders?

12 A. I don't know. At the time, he was a strong man and he remained
13 until very -- until very late. Now the situation has changed, but at
14 the time he was a strong man. He was -- he was -- he was someone who
15 wouldn't -- wouldn't obey anyone. I don't think he would obey
16 anyone, to be frank with you.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay. But the bottom line of
18 your answer is you don't know from whom he was taking his orders?

19 A. Yes. All I know, that he was all-powerful.

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

21 Yes, there is another question I would like to put to you on a
22 topic you already partly testified. You gave testimony on when and
23 where you saw Mr. Shala at the headquarters when you were mistreated.
24 And I mentioned, for example, at the transcript of 31 May, page 1537,
25 lines 2 to 10.

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

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1 And my question to you now is: How often in the period you were
2 there, as far as you remember, of course, according to you, did you
3 see Mr. Shala?

[Private Session]

4 [Private session text removed]

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

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Further 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*

10 PRESIDING JUDGE VELDT-FOGLIA: Do you -- yes, now I will say --
11 do it differently. I will try to see if I can refresh your memory on
12 this with a prior statement. And if you don't remember anything
13 about the number of times you have seen him, then you say so.

14 But before I get to the prior statement, do you remember,
15 according to what you have seen, the number of times he allegedly
16 mistreated somebody?

17 A. No, I honestly can't remember because it's been such a long time
18 and there are quite a few things that I have forgotten about.

19 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then I will call up a
20 prior statement of yours, which is 083219-TR-ET Part 4, page 14. And
21 that would correspond to page 19, the first two lines of that page in
22 the Albanian translation. And then page 14 -- thank you,
23 Madam Court Officer, for pulling it up.

24 [Microphone not activated].

25 THE INTERPRETER: Microphone for Your Honour, please.

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

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Additional redactions applied pursuant to F631.

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Additional redactions applied pursuant to F631.

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

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Further Questioned by the Trial Panel

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, Madam Court Officer.

25 Mr. Witness, this is the end of the examination of you before

Additional redactions applied pursuant to F631.

1 this Panel. I would like to thank you very much for the efforts you
2 have put into giving your testimony in the last days. I remind you
3 that you shall not discuss the testimony you've given before this
4 Panel with anyone.

5 I wish you a safe trip home, and I thank you again. Madam Court
6 Usher will usher you out.

7 THE WITNESS: [Interpretation] Thank you very much. I have
8 testified to what I was able to remember, and I wasn't able to go
9 further to what I was able to remember. So thank you very much. I
10 have told you everything that I thought I remembered. That's all I
11 had. So thank you very much. Have a nice day.

12 [The witness withdrew]

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

14 Before we adjourn this hearing, we will give an oral ruling on a
15 matter and this oral ruling can be given in public.

16 It's an oral ruling on the Defence request for reconsideration
17 of the decision concerning the prior statements given by
18 Pjeter Shala. This is filing 515.

19 The Panel has considered all submissions made by the parties,
20 including the SPO response, which is filing 527, and the Defence
21 reply, filing 533, and - and this is already a summary of what we
22 will decide - we will reject the request.

23 First, the Panel notes that reconsideration must not be used as
24 a second appellate remedy or to relitigate matters already decided
25 upon. The admissibility of the accused's statements has been

Additional redactions applied pursuant to F631.

1 extensively litigated before this Panel. The Panel then granted the
2 Defence leave to appeal its decision, which is filing 401. The
3 Defence did so, and the Court of Appeals Panel ruled on the matter
4 and upheld the Panel's decision. The Defence may not use Rule 79 of
5 the rules to reopen matters that have already been decided upon
6 because it disagrees with the outcome.

7 Second, under Rule 79 of the rules, reconsideration is an
8 exceptional remedy. This means that a party seeking reconsideration
9 must meet a high threshold in showing that the Panel committed an
10 error of reasoning or that reconsideration is necessary to avoid
11 injustice, and the Panel is not satisfied that the Defence has done
12 so. And while the Court of Appeals Panel found that this Panel
13 committed an error in its finding that Mr. Shala was not overall
14 barred from access to a lawyer during his interview with the Belgian
15 Federal Judicial Police in 2016, it held that the violation of
16 Mr. Shala's human rights was ultimately "limited." And I refer to
17 filing IA-006/F00007, paragraph 79. And the Court of Appeals Panel
18 also clearly stated that it found "no indicia of unreliability or
19 possible damage to the integrity of the proceedings if the interview
20 is admitted." And this is paragraph 81.

21 And, finally, the Panel considers that it is important to uphold
22 the principle of finality and finds that reconsideration is not
23 warranted in the present circumstances.

24 And for these reasons, the Panel rejects the Defence request.

25 And this concludes the Panel's oral ruling.

Additional redactions applied pursuant to F631.

1 We are almost at the end of this third evidentiary block. We
2 will have a next hearing 16 June. I'm looking at the SPO and I see a
3 nodding which I interpret as a yes. We will hear a witness then.

4 Everything is set for that day as far as you can confirm?

5 MR. DE MINICIS: Your Honours, we've managed to -- we understand
6 from the Language Services of the KSC that interpreters have been
7 secured, and we understand everything is settled. We will just
8 confirm that and let Your Honours know should there be an issue, but
9 we don't know of any at the moment.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well.

11 THE INTERPRETER: Your Honour, the interpreters would like to
12 make a correction to page 78, lines 23, 24. I don't know if we can
13 do this in public or private, because we don't remember whether it
14 was said in private or public session.

15 PRESIDING JUDGE VELDT-FOGLIA: Let us see if we can. It was in
16 private. So we will go in private, and then we come back to public,
17 and then we will continue with what we were doing.

18 Madam Court Officer, thank you for bringing us into private.

19 THE INTERPRETER: So page 78 --

20 PRESIDING JUDGE VELDT-FOGLIA: No, no, please. Please.

21 [Private session]

22 [Private session text removed]

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Additional redactions applied pursuant to F631.

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8 [Open session]

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

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

11 Mr. Prosecutor, you were informing the Panel that if there would
12 be a need to give us a further update, then it would come as soon as
13 possible.

14 Very well. I will make my tour of the table.

15 Mr. Prosecutor, is there something you would like to raise with
16 the Panel?

17 MR. DE MINICIS: No, thank you, Your Honour.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well.

19 Victims' Counsel.

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

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

23 MR. AOUINI: Thank you, Your Honour. If I may be allowed a few
24 seconds just to -- on behalf -- on the name of Mr. Gilissen,
25 Ms. Cariolou, and myself, three counsel, we would like to thank the

Additional redactions applied pursuant to F631.

1 team that assisted us, and in particular Ms. Camille Gosson and
2 Mr. Mathias Lenglet who are interns in our team and will be leaving
3 us after this block, because they are interns, and they provided a
4 huge contribution beyond what is expected and anticipated from
5 interns. So we thank them publicly. And thank you for allowing us
6 to do it.

7 PRESIDING JUDGE VELDT-FOGLIA: We take note of that.

8 Then if there's nothing else to raise with the Panel, it's my
9 time, because we are concluding the hearing of this third evidentiary
10 block, to thank also some people. And we always thank the security,
11 the stenographer, the audio-visual booth, and the interpreters for
12 their assistance. And I thank also the parties and Victims' Counsel
13 for their attendance.

14 The hearing is adjourned.

15 --- Whereupon the hearing adjourned at 3.04 p.m.

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