

Additional redactions applied pursuant to F579.

1 Monday, 1 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: Good morning, Your Honours. This is file
8 number KSC-BC-2020-04, The Specialist Prosecutor versus Pjeter Shala.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I kindly ask the parties to indicate who is
11 present for their team today.

12 Please, you have the floor, Specialist Prosecutor's counsel.

13 MS. WYLER: Thank you. Good morning, Your Honours. For the
14 Specialist Prosecutor's Office today, we have Alex Whiting, Acting
15 Specialist Prosecutor. We have Giulia Bianchi, legal expert,
16 Line Pedersen, our case manager, Gaia Pergolo, Filippo De Minicis,
17 and myself, Eva Wyler, all Associate Prosecutors.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Victims' Counsel, you have the floor.

20 MR. LAWS: Thank you, Your Honour. Good morning. I'm
21 Simon Laws, Victims' Counsel in this case, together with my
22 co-counsel, Maria Radziejowska.

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

24 Defence Counsel, you have the floor.

25 MR. GILISSEN: Thank you very much, Madam President. We are

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1 here with Mr. Shala by videolink. First, I'm Mr. Gilissen,
2 Mr. Jean-Louis Gilissen, the Specialist Counsel. We are here with
3 Mr. Hedi Aouini, and Ms. Leto Cariolou, counsel. They will work
4 today, I think so.

5 PRESIDING JUDGE VELDT-FOGLIA: Sorry?

6 MR. GILISSEN: They will work today with the witness, I think
7 so.

8 And we have Dzeneta Petravica, case manager; Judit Kolbe,
9 evidence review assistant; Xhulia Tepshi and Mathias Lenglet, two
10 interns.

11 Thank you very much.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.
13 Today we will continue with the presentation of the evidence by the
14 Specialist Prosecutor, and more specifically, we will hear
15 Witness 10. We will sit for three regular sessions of one and a half
16 hours, and we will have our normal breaks and a lunch break of one
17 and a half hour.

18 Before we start with the testimony of the witness, the Panel
19 will issue an oral order.

20 Let me see. Mr. Shala, just to confirm, can you hear us?

21 THE ACCUSED: [via videolink][Interpretation] Yes.

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

23 The Panel will issue an oral order.

24 The SPO has requested to be allowed to use during its
25 questioning of Witness 10 two redacted excerpts of the

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1 audio-video-recorded SPO interview of the witnesses. I see you
2 nodding. The audio-video excerpts correspond to the previously
3 disclosed transcripts ERN 083537-TR-ET, Part 2 RED, and 108836-TR-ET,
4 Part 1 RED, which is disclosure packages 11 and 103, respectively.
5 This request by the SPO was made via e-mail on 24 April 2023, at
6 11.02. And the two video excerpts were disclosed on 24 April 2023,
7 at 9.52, which was disclosure package 117, and they were added to the
8 presentation queue for the witness.

9 The Defence and Victims' Counsel have not raised any objections.

10 The Panel will authorise the SPO to use the two individual
11 excerpts. The video recordings do not represent any new material or
12 content of which the Defence was not aware as they correspond to
13 transcripts previously disclosed. And the video excerpts themselves
14 were disclosed well ahead of today's hearing with sufficient
15 reasoning, and neither the Defence nor Victims' Counsel have raised
16 any objections. And, in fact, we noted that Defence also intends to
17 use these video excerpts during its cross-examination. And in the
18 present circumstances we find that the use will facilitate the
19 witness testimony.

20 And this concludes our oral order.

21 We can proceed with the testimony of the witness.

22 We will hear the witness testimony today by video-conference.

23 Court Officer, would you please invite the witness to the
24 courtroom via videolink.

25 [The witness entered court via videolink]

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1 THE COURT OFFICER: [via videolink] Your Honours, I confirm now
2 that present in the remote location, together with myself,
3 Senior Court Officer, as well as the Court Officer, are Witness
4 TW4-10 and his Duty Counsel, Mr. Thomas Gillis.

5 PRESIDING JUDGE VELDT-FOGLIA: Please be seated.

6 Mr. Witness.

7 THE WITNESS: [via videolink][Interpretation] I'm listening.

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, good morning.

9 THE WITNESS: [via videolink][Interpretation] Good morning,
10 Presiding Judge.

11 PRESIDING JUDGE VELDT-FOGLIA: Welcome to the
12 Specialist Chambers. Can you hear me?

13 THE WITNESS: [via videolink][Interpretation] Yes, I can hear you
14 well.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 Mr. Shala, can you hear the witness?

17 THE ACCUSED: [via videolink][Interpretation] Yes, very well.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Mr. Witness, how are you today?

20 THE WITNESS: [via videolink][Interpretation] I'm good.

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

22 Today we will start with your testimony and before we do that, I
23 have several remarks.

24 Mr. Court Officer, can you briefly bring us into private
25 session.

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1 [Private session]

2 [Private session text removed]

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22 [Open session]

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

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

25 Mr. Witness, let me briefly explain the protective measures that

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1 you have been granted for your testimony.

2 You have been assigned a pseudonym and it means that we will
3 never mention your name but we will only refer to you as
4 "Mr. Witness," to make sure that the public does not know your name.

5 We also have face and voice distortion, which means that no one
6 outside the courtroom watching the broadcast can see your face or
7 hear your real voice during your testimony.

8 When you answer questions that will not reveal your identity, we
9 will do so in open session, which means that the public can hear what
10 is said in the courtroom.

11 When you are asked to describe anything that relates
12 specifically to you, or to mention facts that might reveal your
13 identity, we will do so in private session. And that means that
14 there is no broadcast and no one outside the courtroom can hear what
15 is said in the courtroom.

16 If anything is said during the open session that may identify
17 you, we will protect this information. Your testimony will be
18 broadcast with a delay, and we can remove any such information from
19 the broadcast that will be seen and heard by the public, and we can
20 also remove it from the public transcript of the proceedings.

21 Are the protective measures that I just explained to you clear,
22 Mr. Witness?

23 THE WITNESS: [via videolink][Interpretation] Yes, they are
24 clear.

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

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1 All present in the courtroom shall respect the protective
2 measures and pay the utmost attention in the course of their
3 examination, avoiding disclosure of any confidential information in
4 open session.

5 Mr. Witness, I turn back to you.

6 You are called to testify before the Specialist Chambers in the
7 case of The Specialist Prosecutor versus Pjeter Shala to assist the
8 Panel to reach a verdict.

9 After you have made your solemn declaration to tell the truth,
10 you will be asked questions by the lawyers for the -- from the
11 Specialist Prosecutor's Office. Those are the people with the toga
12 in purple. Then the lawyers representing the victims participating
13 in the case, and then the Defence Counsel of Mr. Shala with the togas
14 partly in red, and by us, the people sitting here, the Judges of the
15 Panel.

16 And I would like to provide you with some guidance, Mr. Witness,
17 for answering the questions that you will be asked.

18 Listen carefully to each question, and if you don't understand
19 the question, feel free to ask the question to be repeated. We want
20 you to tell the truth and to tell us what you saw, you heard, you
21 experienced yourself. If did not see it or hear it yourself, please
22 tell us and explain us how you found out. You may not remember all
23 the details of the events and this is perfectly fine. Please testify
24 on what you remember. Do not guess, do not make things up. There's
25 nothing wrong in saying "I don't know."

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1 There are two more points.

2 Mr. Court Officer, could you bring us into private session,
3 please.

4 [Private session]

5 [Private session text removed]

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15 [Open session]

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

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Mr. Witness, I would like to give you some practical advice for
19 your testimony.

20 Everything we say here is translated and recorded, so it is
21 important that you speak into the microphone, that you speak clearly,
22 and that you speak at a slow pace, and this will allow the
23 interpreters to translate everything.

24 You should only start speaking when the person asking you a
25 question has finished. So when a question is asked, please wait five

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1 seconds and only then give an answer, and this pause of five seconds
2 is very important because it allows us to follow properly what you
3 are saying.

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

5 And sometimes we may disconnect the audio-video feed from the
6 courtroom if something needs to be discussed regarding the content of
7 your examination.

8 If you have any questions, if you need a break or you need
9 assistance of any kind, at any time, please raise your hand so that I
10 know that you wish to say something.

11 Have you understood all that, Mr. Witness?

12 THE WITNESS: [via videolink][Interpretation] Yes.

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

14 Duty Counsel, this applies also to you. If you would like to
15 communicate with the Panel, please raise your hand and I will give
16 you the floor.

17 MR. GILLIS: [via videolink] For sure, Your Honour. Thank you.

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I will now ask you
19 to make your solemn declaration to tell the truth. And I remind you
20 that it is an offence within the jurisdiction of the
21 Specialist Chambers to give false testimony.

22 Do you understand that?

23 THE WITNESS: [via videolink][Interpretation] Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please, Mr. Witness,
25 repeat after me.

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1 Conscious of the significance of my testimony ...

2 Mr. Witness, I will read out a part of the solemn declaration
3 and then you should repeat it. So:

4 Conscious of the significance of my testimony.

5 Please repeat after me.

6 THE WITNESS: [via videolink][Interpretation] Conscious of the
7 significance of my testimony.

8 PRESIDING JUDGE VELDT-FOGLIA: And my legal responsibility.

9 THE WITNESS: [via videolink][Interpretation] And my legal
10 responsibility.

11 PRESIDING JUDGE VELDT-FOGLIA: I solemnly declare.

12 THE WITNESS: [via videolink][Interpretation] I solemnly declare.

13 PRESIDING JUDGE VELDT-FOGLIA: That I will tell the truth.

14 THE WITNESS: [via videolink][Interpretation] That I will tell
15 the truth.

16 PRESIDING JUDGE VELDT-FOGLIA: The whole truth, and nothing but
17 the truth.

18 THE WITNESS: [via videolink][Interpretation] The whole truth,
19 and nothing but the truth.

20 PRESIDING JUDGE VELDT-FOGLIA: And that I shall not withhold
21 anything.

22 THE WITNESS: [via videolink][Interpretation] And that I shall
23 not withhold anything.

24 PRESIDING JUDGE VELDT-FOGLIA: Which has come to my knowledge.

25 THE WITNESS: [via videolink][Interpretation] Which has come to

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1 my knowledge.

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

4 WITNESS: TW4-10

5 [Witness testified via videolink]

6 [Witness testified through interpreter]

7 PRESIDING JUDGE VELDT-FOGLIA: We can now begin with your
8 questioning. We will start with the questioning by the Specialist
9 Prosecutor's Office.

10 Madam Prosecutor, I noted that you have estimated three hours
11 for your questioning of the witness. Please inform me of any changes
12 in this regard.

13 You have the floor.

14 MS. WYLER: Thank you, Your Honours.

15 Examination by Ms. Wyler:

16 Q. Good morning, Witness.

17 A. Good morning.

18 MS. WYLER: As just explained by Your Honours, the witness has
19 been granted in-court protective measures. As I will start with a
20 few questions about personal details and details about his family, I
21 would like to ask you to go into private session.

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

24 [Private session]

25 [Private session text removed]

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1 [Private session text removed]

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1 [Private session text removed]

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22 [Open session]

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

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

25 Madam Prosecutor, please proceed.

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1 MS. WYLER:

2 Q. Witness, were you ever a member of the Kosovo Liberation Army?

3 A. Yes.

4 Q. And where did you join the KLA?

5 A. I joined the KLA in 1998 in Kukes.

6 Q. Do you remember the month where you joined the KLA?

7 A. It was either March or April.

8 Q. Can you tell us how you got to join the KLA in Kukes?

9 A. Yes. We had connections. I had earlier connections two months
10 before from *[REDACTED] Pursuant to In-Court Redaction Order F499RED.,*
but then they would wait for people in Kukes.

11 Q. What do you mean by "wait for people in Kukes"?

12 A. Those in Granice, in Albania, the liberation army would wait for
13 people and mobilise them. I was a person who was known in the area
14 of *[REDACTED] Pursuant to In-Court Redaction Order F499RED..* So
those who were in their late 20s, 25, 30 years old,
15 one for each family, or those who had two or three brothers, one
16 would join voluntarily, one would be mobilised, and they would all
17 join the KLA.

18 Q. And after you joined the KLA in March/April 1998, did you go
19 back to the place where you lived before or did you stay?

20 A. No, no. I stayed in Kukes.

21 Q. Could you please describe the recruitment process you went
22 through.

23 A. I don't understand what's the purpose of your question,
24 Ms. Prosecutor.

25 Q. You said that you joined the KLA in Kukes. Can you tell us how

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1 you joined, how one joined the KLA back then?

2 A. Yes. As I -- as soon as I went to Granice in Albania, there
3 were uniformed soldiers and I immediately set off to Kukes.

4 Q. Why did you go to Granice back then?

5 A. We had to leave the place because it was war time.

6 Q. And you're sure that it was March/April 1998, or could it have
7 been 1999?

8 A. No, it was 1998.

9 Q. You said you immediately -- after you were recruited in Granice,
10 you immediately left to Kukes. How did you go to Kukes?

11 A. I went there with two soldiers.

12 Q. And where did they bring you?

13 A. To -- they brought me to the logistics headquarters, or staff,
14 in Kukes.

15 Q. With regard to the timing, do you remember whether that was
16 before or after the NATO bombing?

17 A. Can you please repeat the question?

18 Q. With regard to the timing, do you remember whether that was
19 before or after the NATO bombing?

20 A. NATO was conducting its air campaign.

21 Q. At the time you joined the KLA, do I understand correctly, that
22 NATO was conducting the air campaign?

23 A. Correct.

24 Q. You said that - and I refer to the provisional transcript on
25 page 15, lines 7 and 8 - that they, the two soldiers, brought you to

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1 the logistics headquarters, or staff, in Kukes. Is there a name for
2 that place?

3 A. To my knowledge, it was only referred to as headquarters,
4 logistics headquarters.

5 Q. Which unit, if any, did you join within the KLA?

6 A. Just as an ordinary soldier.

7 Q. But were you part of a certain unit within the KLA? A brigade
8 or something?

9 A. I didn't understand the question. Sorry.

10 Q. As a soldier, were you part of a certain unit within the KLA? A
11 brigade or something similar?

12 A. No, no.

13 Q. What was your function at the logistics headquarters in Kukes
14 after you joined the KLA?

15 A. Simple soldier.

16 Q. And what did you do at the headquarters as a simple soldier?
17 How did your day look like?

18 A. I was a guard. I was guarding.

19 Q. What was the task of the guard at the logistics headquarters in
20 Kukes?

21 A. We would mount -- guard the place, taking shifts.

22 Q. And was there something specific you checked as a guard?

23 A. Yes.

24 Q. So what did you check as a guard?

25 A. Trucks were coming in, people were coming in, and we had to

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1 check and verify their IDs.

2 Q. Were you wearing a uniform when on guard duty?

3 A. Yes.

4 Q. You mentioned that you guarded the logistic headquarters in
5 Kukes in shifts. Can you tell us how the guard was organised?

6 A. Just like any guards in any regular army.

7 Q. Can you give us a bit more precise information about that.

8 A. Just like any guards in an army, based on the rules,
9 regulations, army regulations, that's how I performed my tasks.

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, could you be more
11 specific, because I have to hear it from your mouth. We cannot imply
12 that everybody knows how regular armies organise it. That's too
13 unspecific. So please try to be more concrete in your answers.

14 THE WITNESS: [via videolink][Interpretation] So the shift was
15 from 7.00 to 2.00, for example, I would be on guard, and then another
16 soldier will take over, would replace me, who then would, in turn, be
17 replaced by somebody else, meaning that there were always guards at
18 the gates, 24 hours.

19 MS. WYLER:

20 Q. Can you tell us who decided on the shifts, who -- which specific
21 soldier is on shift on a specific time?

22 A. Sali Saramati.

23 Q. And was there a specific place where you stood guard at this
24 logistic headquarters?

25 A. Yes. There was a room with 30 beds. We were many soldiers

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1 staying in there.

2 Q. Was that where you were staying or was that where you were
3 guarding?

4 A. No. That was the room where we slept, we stayed. We were 30
5 people in the -- we were replacing each other, but this is where we
6 stayed.

7 Q. And where did you stay as a guard when you were on guard duty?

8 A. At the gates. There was like a barracks.

9 Q. Thank you. Can you please describe in a few sentences how this
10 logistic headquarters in Kukes looked like.

11 A. They carried out mobilisation in the KLA.

12 Q. And can you tell us how the place looked, how the premises
13 looked, whether there were, for example, any buildings?

14 A. Yes. Can you please ask the question again?

15 Q. Can you tell us how this logistic headquarters at Kukes looked
16 like, whether there were any buildings or the like.

17 A. Yes, there were three ...

18 Q. Three what?

19 A. Three buildings.

20 Q. In your interview with the SPO in 2019, you drew a sketch and I
21 would like to show it to you.

22 MS. WYLER: Your Honours, I would like to call up exhibit with
23 the ERN 083536 to 083536 RED.

24 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Court
25 Officer.

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1 MS. WYLER: The item is not to be broadcasted to the public.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

3 Madam Prosecutor, I will ask a question to the witness now with
4 regard to translation.

5 Mr. Witness, do you understand the translation well?

6 THE WITNESS: [via videolink][Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Yeah. Now, I say that because
8 I'm noting that sometimes your answer to the question is something
9 different than has been asked. It's on a different topic. So please
10 try to answer the question.

11 So if a description of a location is asked, I don't see why you
12 then would talk about a duty. So stick to answering the questions.
13 Okay?

14 Mr. Witness, did you understand me?

15 THE WITNESS: [via videolink][Interpretation] Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. Okay.

17 Madam Prosecutor, please proceed.

18 MS. WYLER:

19 Q. Witness, do you see a sketch on your screen?

20 A. Yes.

21 Q. Is this the sketch you drew at your SPO interview in 2019?

22 A. Yes.

23 Q. And it is your signature on the bottom right corner of the
24 document?

25 A. Yes.

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1 MS. WYLER: Your Honours, we understand from the Court
2 Management Unit that if the witness would like to draw something on
3 an exhibit, he will have to be provided with a hard copy of it. And
4 my next questions might prompt the witness to draw something on the
5 sketch, so if I might ask that he is being provided with a hard copy
6 of this very exhibit, 083536 to 083536 RED, and be given the
7 possibility to draw.

8 PRESIDING JUDGE VELDT-FOGLIA: I see Madam Court Officer
9 providing the witness with a hard copy. Thank you. We see on the
10 screen the hard copy that has been provided to the witness.

11 Madam Prosecutor, please proceed.

12 MS. WYLER: Thank you.

13 Q. Witness, I would like to go through this sketch with you now
14 step by step.

15 Where does it show the entrance to the logistic headquarters?

16 A. The entrance is the first one, over here.

17 PRESIDING JUDGE VELDT-FOGLIA: Does the witness have a pencil in
18 order to indicate and put a marking there?

19 Madam Prosecutor, what do you propose?

20 MS. WYLER:

21 Q. Mr. Witness, one second. Can you please put number 5 on where
22 the entrance was?

23 MR. AOUINI: Excuse me. Can we put letters rather than numbers,
24 just to not confuse? There are numbers up there. Maybe we could put
25 letters.

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1 PRESIDING JUDGE VELDT-FOGLIA: If we take other numbers, then --
2 you would like to proceed with 5, 6, 7, 8?

3 MS. WYLER: [Microphone not activated] Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: Then I think that will do.

5 For the record, the witness has marked on the drawing the
6 number 5.

7 No, there -- on the same place where there is a 1. So there is
8 a 1 and a 5.

9 MS. WYLER: To the Court Officer, I understand that there are
10 multiple hard copies. Maybe you could give the witness a new one and
11 he can mark the entrance with a 5 anew, without the one that is
12 already marked there.

13 THE COURT OFFICER: [via videolink] Your Honours, I'm providing
14 the witness with a new copy and I will take the already-marked one
15 away which will later be destroyed.

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

17 Madam Prosecutor, please proceed with the exercise of marking
18 the document.

19 MS. WYLER: Thank you.

20 Q. Witness, you said that the entrance was where there was this
21 half circle with two lines in the middle. Could you please mark it
22 again with a number 5?

23 A. [Marks]

24 Q. Thank you. What do you remember about this entrance?

25 A. Well, that this was the entrance. And number 4 is where we

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1 slept. And the commanders had the office, number 3 is -- it was like
2 a canteen, a kitchen, and sometimes --

3 Q. Witness, excuse me, I interrupt you. We go to these buildings
4 later on. I just would like to know about the entrance, what you can
5 tell us about the entrance, how this looked like.

6 A. Well, the entrance, the courtyard, and it --

7 THE INTERPRETER: It broke up, so couldn't hear.

8 THE WITNESS: [via videolink][Interpretation] And then there was
9 the other part and the warehouses.

10 MS. WYLER:

11 Q. Mr. Witness, you haven't answered my question. I put it again
12 to you. How did the entrance look like? Can you describe whether
13 there was a gate, for example?

14 A. Yeah, the gate is there, just there. And then that was where I
15 was keeping guard. And then the courtyard.

16 Q. Okay.

17 MS. WYLER: I next call up the exhibit with the ERN 065594 to
18 065596. This document is also not meant to be broadcasted to the
19 public.

20 The witness should be shown the picture on top of page 065596 on
21 his screen, please.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, please
23 proceed. And we will proceed with uploading the document that has
24 been marked by the witness into Legal Workflow, and as soon as that
25 has been done, it will be given an exhibit number.

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1 Please, Mr. Court Officer, proceed.

2 MS. WYLER: Just the picture on top of the page, please. Thank
3 you.

4 Q. Mr. Witness, do you see a photograph on your screen?

5 A. Yes, I do.

6 Q. Do you recognise what is shown on this picture?

7 A. Yes, I do.

8 Q. What do you recognise?

9 A. Well, this is the entrance at the logistics headquarters.

10 Q. So this is the entrance to the logistic headquarters that we
11 just discussed; correct?

12 A. Yes.

13 MS. WYLER: I would like to go back to the sketch now with ERN
14 083536 to 083536 RED, please.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, please proceed
16 with going back to the other exhibit.

17 MS. WYLER:

18 Q. Mr. Witness, we are going back to the sketch.

19 Right to the left-hand side of the entry gate, there is a small
20 square, a black one. On top there are an H and an N. Do you see
21 that?

22 A. Yes, I do.

23 Q. What is this?

24 A. This is like a booth. This is where the guards stayed.

25 MS. WYLER: Could the witness please be given the opportunity to

Witness: TW4-10 (Open Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 mark a number 6 on this guard booth.

2 THE COURT OFFICER: [via videolink] Shall we use the document
3 already marked by him?

4 MS. WYLER: That would be excellent, yes.

5 Q. Mr. Witness, can you please mark the guard booth with the
6 number 6.

7 A. [Marks]

8 Q. Thank you.

9 [Trial Panel and Court Officer confer]

10 MS. WYLER:

11 Q. Mr. Witness, one more question with regard to the guard booth.
12 Could you confirm that this was the place where you stood guard
13 during your shifts?

14 A. Once again, Madam Prosecutor, I didn't understand your question.

15 Q. Of course. Can you confirm that the guard booth that you just
16 marked with the number 6 was the place where you stood guard during
17 your shifts?

18 A. Yes.

19 Q. Thank you.

20 MS. WYLER: I next call up the exhibit with ERN 065597 to
21 065612. This document is also not to be broadcasted to the public.

22 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Court
23 Officer.

24 MS. WYLER: The witness shall please be shown the picture on top
25 of page 065597.

Witness: TW4-10 (Open Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 Q. Mr. Witness, do you see a photograph on your screen?

2 A. Yes, I do.

3 Q. Do you recognise what is shown on the picture?

4 A. Yes.

5 Q. What do you recognise?

6 A. This is where I stood guard. Basically it's the gate, the main
7 gate, Madam Prosecutor.

8 Q. So this is the guard booth that we just discussed; correct?

9 A. Yes, it is.

10 Q. Thank you.

11 MS. WYLER: We'll go one more time back to the sketch. The
12 witness shall please be shown the exhibit with ERN 083536 to 083536
13 RED. Can it be shown completely to the witness or on the screen?
14 Thank you.

15 Q. Mr. Witness, right on top of what you just identified as the
16 guard booth, there is a red square with a number 4 in the centre.
17 What is this building?

18 A. This is the sleeping quarters, where we slept. And the officers
19 too, that's where they slept.

20 Q. How many storeys did this building have?

21 A. Two storeys.

22 MS. WYLER: I call up again exhibit with ERN 065597 until
23 065612, and this time the witness shall please be shown the picture
24 on the bottom of page 065597.

25 Q. Witness, do you see a photograph on your screen?

Witness: TW4-10 (Open Session)

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Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 A. Yes, I do.

2 Q. And do you recognise what is shown on this picture?

3 A. Yes, yes, I do.

4 Q. And what do you see?

5 A. This is where we slept, the army. And then I kept watch, guard,
6 at the booth.

7 Q. Can you give us a little bit more detail about the inside layout
8 of this building.

9 A. Could you repeat the question once again, please? Madam
10 Prosecutor, I didn't quite understand.

11 Q. Of course. Can you give us a little bit more information about
12 the inside layout of this building; for example, where you slept,
13 where the officers were?

14 A. Yes. We slept on the second storey and the officers on the
15 first. And with the windows that you can see, that was the office of
16 Sali Saramati. The window over there, this one here, is *hodniki*.
17 And then just a few metres away, that's where the officers slept. So
18 the hallway.

19 Q. You said you were sleeping on the second floor. How many people
20 slept on the second floor?

21 A. Well, 30, 25. Because the army was being transported.
22 Sometimes it was full; sometimes it was empty. But 20 to 30. I
23 mean, it was never more than that.

24 Q. And how did the rooms you slept in look like?

25 A. Big room.

Witness: TW4-10 (Open Session)

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Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 Q. So was it one room all of you slept in?

2 A. All in one room.

3 Q. And what about the officers?

4 A. The officers, downstairs.

5 Q. Also in one room or in individual rooms?

6 A. No, no. The officers had smaller and separate rooms. Because
7 where we slept, it was just upstairs. And there were doctors looking
8 after us.

9 Q. And these doctors, they were also upstairs, or where were they
10 in the building?

11 A. Doctors were on the second storey, but they didn't sleep there.
12 They slept outside the headquarters. It was a room for the ill, for
13 the sick, and that was a separate area, 3 by 3 or 3 by 4.

14 Q. All right. Thank you.

15 MS. WYLER: We go back to the sketch. The witness shall please
16 be shown again --

17 PRESIDING JUDGE VELDT-FOGLIA: No, please, Madam Prosecutor,
18 allow me to continue just for one moment with this photograph.
19 Because the witness said at page 26 of the provisional transcript,
20 line 1 and 2, he said:

21 "And with the windows that you can see, that was the office of
22 Sali Saramati."

23 I think it would be useful to have the witness indicate with a
24 pencil which windows he is referring to, because I see several
25 windows on the picture.

Witness: TW4-10 (Open Session)

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Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 And then he continued:

2 "The window over there, this one here, is," and then I think
3 there is a misspelling. So I suggest that you have him indicate with
4 a letter or a number, not to go through your examination with
5 different numbers, what the window of the office of Mr. Sali Saramati
6 was. And "the window over there," to whom that belonged. It is
7 written "*hodniki*" but it cannot be right.

8 MS. WYLER: Of course. Can the witness please be provided with
9 a hard copy of the picture he is seeing on the screen. Yes, thank
10 you.

11 Q. Mr. Witness, on the picture of the bottom of this page you see
12 the very same building as you see on the screen. You earlier
13 indicated that one of these windows belonged to the office of a
14 certain Saramati. Can you please indicate which window belonged to
15 his office?

16 A. Yes, I can.

17 Q. Can you make a circle around the window and put the letter A on
18 top of it.

19 A. [Marks]

20 Q. Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: Could it be shown again to us
22 because I cannot very clearly see it. Thank you for approaching it
23 to the camera. Okay. I see the three windows are encircled. And
24 the letter A, where can we -- oh yes, and I also see the letter A.
25 Yes, it is clear. Thank you.

Witness: TW4-10 (Open Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 MS. WYLER:

2 Q. Witness, on the same picture you referred to another window that
3 belonged to another office. Can you repeat to whom the office
4 belonged and which window you are referring to?

5 A. This other window is of the hallway. We call it *hodnik*, but
6 it's -- you call it hallway, but, yes, corridor, hallway. And that's
7 where the officers slept, to the right. And there were four rooms
8 there.

9 Q. Can you please again circle that window that you're referring to
10 and put the letter B on it.

11 A. [Marks]

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
13 I see that next to the three windows, the single window has been
14 circled and the letter B has been put. Thank you. It is clear for
15 us here in the courtroom.

16 Please proceed, Madam Prosecutor.

17 MS. WYLER: Thank you.

18 I would like to go back to the sketch, the exhibit with ERN
19 083536 to 083536 RED. Thank you.

20 Q. Mr. Witness, on top of the building where you and -- where you
21 slept and the officers stayed and slept with number 4 on the sketch,
22 there is another red square with the number 3 in the middle. Can you
23 tell us what this building was?

24 A. Yes. This building was the kitchen. But the officers, like the
25 superiors, would also come in, and we didn't really have a chance to

Witness: TW4-10 (Open Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 meet them.

2 Q. Was there a way -- a hallway or something that connected
3 building number 4 with building number 3?

4 A. No, there wasn't. No.

5 Q. On the very top of your sketch, there are two parallel lines
6 with the number 2 in the middle. What is this?

7 A. The number 2 refers to the fact that there were warehouses
8 there.

9 Q. Do you know, by any chance, what was stored in these warehouses,
10 if anything?

11 A. In one of the warehouses, so -- there were the uniforms of the
12 KLA. In the others, I don't know what they stored.

13 MS. WYLER: I call one more time exhibit with ERN 065597 to
14 065612, this time page 065600. And the witness shall please be shown
15 the picture on top of this page. Yes, thank you.

16 Q. Mr. Witness, do you see a picture on your screen?

17 A. Yes, I do.

18 Q. Do you recognise what is in the centre of this picture?

19 A. Yes.

20 Q. Can you tell us what this building is?

21 A. This building, the warehouses.

22 Q. You mean the warehouses that we just discussed; correct?

23 A. Yes.

24 Q. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I -- for

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Additional redactions applied pursuant to F579.

1 reasons of clarity, I would like to have the witness put a circle
2 around the warehouses. Because we see three buildings. And I know
3 you specified it, but I think that for reference it is better to make
4 a circle.

5 MS. WYLER: Of course.

6 Can the witness please be provided with a hard copy of this
7 picture he has just seen on the screen. It's page 065600 and it's
8 the top picture. Yes.

9 Q. Mr. Witness, can you please, on this picture, circle where you
10 see the warehouse.

11 A. [Marks]

12 Q. On your sketch you have a number 2 in between those two lines,
13 and you earlier called this the warehouse. Is this the same
14 building?

15 A. Yes, the same building.

16 Q. So could you please mark the circles that you have on the
17 photograph with the number 2 as well.

18 A. [Marks]

19 MS. WYLER: To the Court Officer, do we see the number 2? Yes.
20 Excellent.

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

22 MS. WYLER: Thank you.

23 So we now go back to the sketch, please. The witness shall be
24 shown the exhibit with ERN 083536 to 083536 RED. Thank you.

25 Q. Mr. Witness, there is a blank space in between all of these red

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Additional redactions applied pursuant to F579.

1 squares. What is this?

2 A. That's the courtyard. It shows the courtyard.

3 Q. So since the courtyard doesn't have a number, could you please
4 number the courtyard on your sketch with the number 7.

5 A. [Marks]

6 Q. Thank you.

7 Now, on the right-hand side on your sketch, there is again a red
8 square with the number 1 in the centre. Can you please tell us what
9 this is?

10 A. Yes, I can. This was a house. It was -- it had two rooms.

11 Q. How many storeys did the house have?

12 A. One storey.

13 Q. And do you know what the purpose of this house was?

14 A. Yes, I do. The purpose was for the suspects or for those who
15 wanted to join the KLA, and they would ask them questions and to see
16 whether there was information from Serbia, for instance.

17 Q. So the people that stayed in this building with number 1, was it
18 their free will to stay in this building?

19 MS. CARILOU: I'm sorry to interrupt. This was a leading
20 answer -- yes.

21 PRESIDING JUDGE VELDT-FOGLIA: Wait. We will disconnect for a
22 moment and then we can discuss this. Unless you rephrase it and then
23 we don't have to discuss it.

24 [Specialist Prosecutor confers]

25 MS. WYLER: One second, Your Honours.

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Additional redactions applied pursuant to F579.

1 I think I can rephrase the question.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, that -- I see
3 the point you have made so --

4 MS. CARIOLOU: Thank you.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay, good.

6 Please proceed.

7 MS. WYLER:

8 Q. Mr. Witness, in this building number 1, were there people
9 sleeping in there?

10 A. No, no. No. They were being questioned, they would be kept
11 there for two to three hours, and then they would be let go.

12 Q. What do you mean by "kept there"?

13 A. Well, there were people, for instance, that Serbia would send in
14 to obtain information.

15 Q. And how were these people treated by the KLA?

16 A. Well, they would question them and then they would let them go,
17 the big officers, the superiors. They knew that they weren't
18 suspicious, for instance, and then they would put on the KLA uniform.
19 And then those that would be suspicious of anything, then they would
20 be let go.

21 Q. You earlier said that they were kept there. Could they leave
22 the building on their own?

23 A. No, no. No chance of that.

24 MS. WYLER: I would like to call up the exhibit with ERN 074390
25 to 074391.

Witness: TW4-10 (Open Session)

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Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Yes, you may proceed.

2 MS. WYLER: The witness shall please be shown the picture on
3 page 074390. Thank you.

4 Q. Mr. Witness, do you see a picture on your screen?

5 A. Yes.

6 Q. Do you recognise what is shown on this picture?

7 A. Yes.

8 Q. What do you see?

9 A. Well, that was the room or, like, where the investigators would
10 be and question them. And then they would let them go, say, after
11 two hours.

12 Q. So this is the building that you just mentioned, where on your
13 sketch is the number 1, where people were kept to be questioned; is
14 that correct?

15 A. Yes.

16 Q. Do you remember how many metres approximately this building was
17 away from the building where you slept in and where the officers
18 stayed?

19 A. 15, 20, no more than that.

20 Q. You mentioned that this building had two rooms. Can you be a
21 bit more precise about the layout, the inside layout of the building?
22 Do you know anything else?

23 A. So this was one of the rooms. And there was another room on the
24 other side, and you can see actually the windows of it. It was like
25 a workshop.

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 Q. By what do you recognise that this was like a workshop? What do
2 you see on the windows?

3 A. Well, I see the bars on the windows. I see the door. And the
4 other two windows at the other end.

5 Q. You said you see a door.

6 MS. WYLER: Can the witness please be provided with a hard copy
7 of this very picture. Thank you.

8 Q. Mr. Witness, can you please mark where you see the door.

9 A. [Marks]

10 THE COURT OFFICER: [via videolink] Your Honours, the witness
11 marked with blue colour. I'm not sure if it is clearly visible or if
12 we should use a different colour perhaps.

13 PRESIDING JUDGE VELDT-FOGLIA: I think we -- yes, we can see it.
14 Unless some of the colleagues -- yes, I see the Defence nodding and
15 also the SPO. I suppose that Victims' Counsel agrees too. Yes, very
16 well.

17 MS. WYLER:

18 Q. Can the witness please put a letter A to this circle.

19 A. [Marks]

20 Q. Mr. Witness, you also spoke about barred windows. Can you
21 indicate where there were bars at the windows, all of them or just
22 some?

23 A. In all of the windows there were bars.

24 Q. Okay. You don't have to mark them then. Thank you.

25 You referred to two rooms. Do you remember how big the rooms

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Additional redactions applied pursuant to F579.

1 were?

2 A. Well, it's not like I've measured them, but 5 to 4. I don't
3 think they were any bigger than that.

4 Q. And what was the condition of the rooms you saw?

5 A. Well, especially back then, they weren't too bad. They were
6 okay. They really weren't too bad. They were okay. I mean, if one
7 had to sleep there, one could.

8 Q. Did you ever see yourself inside these rooms?

9 A. Yes.

10 Q. And can you describe what you see -- what you saw? Excuse me.

11 A. There was some wood panels, they were painted, but not -- well,
12 that's it. I mean, they were okay to sleep on.

13 Q. What do you refer to when you say "they were okay to sleep on"?

14 A. Well, wood. Wood. Nothing else.

15 PRESIDING JUDGE VELDT-FOGLIA: You mean on the floor?

16 THE WITNESS: [via videolink][Interpretation] Yes. Yes, we call
17 it pode [phoen]. Yes. So -- yes. There were no beds, by the way.

18 PRESIDING JUDGE VELDT-FOGLIA: For me, it's not clear,
19 Mr. Witness. What do you mean with wooden panels? Where were those
20 wooden panels?

21 THE WITNESS: [via videolink][Interpretation] In the first room,
22 5 by 4. So we mean the wooden part. I don't know, Presiding Judge,
23 what you refer to it. But it's not basically cement underneath.
24 It's wood instead.

25 PRESIDING JUDGE VELDT-FOGLIA: You said there were no beds. I

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Additional redactions applied pursuant to F579.

1 understood - and correct me if I'm wrong - that the people were
2 sleeping on the wooden panels on the floor.

3 THE WITNESS: [via videolink][Interpretation] The army, yes.
4 There was no parquet flooring. It was just wood, wooden planks. But
5 no soldiers slept here. We had another pavilion, or quarters,
6 sleeping quarters. But they investigated cases here. The commanders
7 did investigation work whether somebody was suspected of having been
8 sent from Serbia to obtain information.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you for clarifying this
10 specific point.

11 Madam Prosecutor, you may proceed. Although I have other
12 questions, but it is your questioning.

13 MS. WYLER:

14 Q. How often, Mr. Witness, were you at this building in your time
15 at the logistics headquarters in Kukes?

16 A. In total twice. That's how many times I have been in this
17 building.

18 MS. WYLER: Your Honours, I'm mindful of the time. We are three
19 minutes early but now would be a good time to take a break, if you
20 agree.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you very much,
22 Madam Prosecutor.

23 Mr. Witness, we will have a break of half an hour. I will ask
24 Madam Court Officer to escort you out from the witness -- from the
25 location where you are now. We will see you back at 11.30. Thank

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Additional redactions applied pursuant to F579.

1 you.

2 [The witness stands down via videolink]

3 PRESIDING JUDGE VELDT-FOGLIA: We will resume in 30 minutes.

4 The hearing is adjourned.

5 --- Recess taken at 10.58 a.m.

6 --- On resuming at 11.31 a.m.

7 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

8 Madam Court Officer in the remote location, could you bring the
9 witness back.

10 Mr. Shala, can you hear us?

11 [The witness takes the stand via videolink]

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, can you hear us?

13 THE ACCUSED: [via videolink][Interpretation] Yes.

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

15 I check the -- if there's a change in -- no changes for the SPO,
16 no, not for the victims, and not for the Defence.

17 Mr. Shala is here and he can hear us.

18 Mr. Witness, welcome back. Can you hear us?

19 THE WITNESS: [via videolink][Interpretation] Yes. Glad to see
20 you.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well.

22 We will resume with the testimony of Witness 10.

23 Yes, Madam Prosecutor, before you continue, with regard to the
24 sketch, when are you done with the sketch, I ask you to kindly inform
25 me because then, at that point, the Court Officer can inform us of

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Additional redactions applied pursuant to F579.

1 the ERN number that will be allocated to this document.

2 And I would like you to ask, with regard to the sketch, on the
3 left-hand side of the sketch, under number 3, there are the wordings
4 HH, DZK and SS. I don't know if you were to put some questions on
5 that; but if not, I kindly ask you to ask the witness about that
6 specific point.

7 MS. WYLER: Of course. And I can go there now.

8 PRESIDING JUDGE VELDT-FOGLIA: Okay, good.

9 MS. WYLER: So may I ask or call up the exhibit with ERN 083536
10 to 083536 RED one more time, please.

11 Q. Mr. Witness, on your screen, do you see one more time the sketch
12 of the logistic headquarters in Kukes?

13 A. Yes, I do.

14 Q. When you look at building which IS marked as number 4, the place
15 where you slept and the officers stayed, there are some markings in
16 dark blue or black. It starts with H and H with a DZK and then with
17 an SS. Do you see these markings?

18 A. Yes.

19 Q. Can you please explain to us, first, what H and H means?

20 A. From what I can remember, it's -- it refers to the corridor.

21 Q. What does -- what do the two letters H and H -- or aren't these
22 letters? Can you explain what this means?

23 A. Madam Prosecutor, it's been many years, so if you could show me
24 again the house where the office of Sali Saramati was, I could
25 indicate probably better. Now I have forgotten.

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Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I would like to know
2 where HH stands for. What does that mean? It appears to me to be an
3 abbreviation for something.

4 THE WITNESS: [via videolink][Interpretation] Your Honour, this
5 can only be *hodnik*, which stands for corridor.

6 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Thank
7 you. And then DZK, where does it stand for?

8 MS. WYLER: Madam Presiding Judge, may I quickly maybe start
9 with the SS on bottom of the sketch? Maybe this is clearer.

10 PRESIDING JUDGE VELDT-FOGLIA: You may, but I don't want to go
11 too slow on this. Please. Thank you for this.

12 MS. WYLER:

13 Q. Mr. Witness, do you see an S and an S on the bottom of this
14 building 4?

15 A. I have seen it, Madam Prosecutor.

16 Q. Do you remember what this S and S stands for?

17 A. No.

18 MS. WYLER: Madam Presiding Judge, may I refresh the witness's
19 memory?

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MS. WYLER: I would like to call up exhibit 083537-TR-ET,
22 Part 1, and the page is 21. I unfortunately don't have the reference
23 in the Albanian translation, but we are happy to give that later to
24 you.

25 Q. Mr. Witness, back in 2019, in your SPO interview, you were asked

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Additional redactions applied pursuant to F579.

1 on line 5 of page 21:

2 "And who else did you see when you first arrived?"

3 And you said:

4 "Hafir Hoxha."

5 And then you were asked:

6 "Can you do an H? It's Hafir Hoxha? Okay. Can you put an HH
7 where he was?"

8 And then you marked the HH on your sketch.

9 Do you remember this?

10 A. Yes.

11 Q. So could it be that this H and H in this building number 4
12 stands for Hafir Hoxha?

13 A. Yes.

14 Q. So going back to the S and S on the bottom of this building 4,
15 and considering that earlier on you marked the building of
16 Sali Saramati -- the office of Sali Saramati in this building number
17 4, could it be that this S and S stands for Sali Saramati?

18 A. Yes.

19 Q. Now, going back to the sketch, 083536 to 083536 RED, in the
20 middle between H and H and the SS on the bottom, you have, I believe,
21 a D, a Z, and a K. What do these three letters stand for?

22 A. I don't remember, Madam Prosecutor.

23 Q. Mr. Witness, could it be that this DZ stands for the first name
24 and the K for the last name, and could it be that this stands for
25 Xhemshit Krasniqi?

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Additional redactions applied pursuant to F579.

1 A. I don't know. I have forgotten. I don't remember.

2 MS. WYLER: I call up again exhibit 083537-TR-ET Part 1, page
3 21, and this time line 20.

4 Q. Where the question -- or 18, where the question was:

5 "And who did you see next when you first arrived at this
6 pavilion 2 location?"

7 The answer was: "I saw Xhemshit Krasniqi."

8 And then the question is:

9 "And if you can put an X and a K where you saw him."

10 And then the witness marked the sketch at this place with a DZ
11 which is a phonic for -- for Xhemshit and then Krasniqi.

12 And then it goes on and says:

13 "So it looks like these -- everyone you're seeing is inside
14 building 4; is that correct?"

15 And he confirms that with a "yeah."

16 A. Yes.

17 PRESIDING JUDGE VELDT-FOGLIA: So, Mr. Witness, now you
18 remembered that you have said that?

19 THE WITNESS: [via videolink][Interpretation] Yes, yes, I
20 remember.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay.

22 I remind you, Mr. Witness, that you are here to tell the truth.
23 And I also indicated if you don't remember, you don't have to make up
24 anything, but that doesn't mean that you should not try hard. And in
25 this specific case, or more generally, I would urge you to tell the

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Additional redactions applied pursuant to F579.

1 truth.

2 Madam Prosecutor, you may proceed.

3 MS. WYLER: Thank you. This is all I had on this sketch. If
4 there are no further questions or markings needed on the sketch, this
5 would be complete.

6 PRESIDING JUDGE VELDT-FOGLIA: The Panel might at a later stage
7 have questions, but we won't be interrupting your examination at this
8 moment in time.

9 Mr. Court Officer, as the SPO has indicated that they have
10 completed the examination with regard to this sketch, could you give
11 this item an ERN number, please.

12 THE COURT OFFICER: Thank you, Your Honours. The sketch from
13 ERN range 083536 RED, with markings made by Witness TW4-10, is
14 allocated ERN REG00947.

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

16 Madam Prosecutor, you may proceed.

17 MS. WYLER: Thank you.

18 Q. Mr. Witness, I refer to the provisional transcript page 36,
19 lines 22 to 23, where you said before the break that you have been to
20 the building you marked as building number 1 on your sketch in total
21 twice. Why did you go there?

22 A. Just to take a look, see what's in there. No particular reason.

23 Q. Did you see people inside this building?

24 MS. CARILOU: Madam President.

25 THE WITNESS: [via videolink][Interpretation] Yes --

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Additional redactions applied pursuant to F579.

1 MS. CARILOU: I was just going to say there's a suggestion put
2 to the witness. Perhaps it could be addressed with an open question
3 instead, like what did you see in the building.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well, Defence Counsel.
5 Please rephrase.

6 MS. WYLER:

7 Q. Mr. Witness, what did you see in the building when you went
8 there?

9 A. When I first went to Kukes, the logistics, I immediately went in
10 there to see what's in there.

11 Q. And what did you see in there?

12 A. Empty rooms.

13 MS. WYLER: I would like to call up the exhibit with the ERN
14 108836-TR-ET, Part 1 RED, on page 14.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Court
16 Officer.

17 MS. WYLER: And the corresponding Albanian translation is
18 page 17.

19 Q. Witness, you just told us that when you went there the first
20 time you saw empty rooms. What did you see the second time you went
21 there?

22 A. At a later stage, a few days later, there were people that were
23 being interrogated, like I said.

24 Q. Can you describe a bit more specific? Like how did these people
25 look like?

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Additional redactions applied pursuant to F579.

1 A. There were men in their 30s, 25 years old, 18, even 40 years
2 old.

3 Q. Was there anything specific about them?

4 A. No.

5 Q. So on page 14 of the exhibit in the English version, lines 22 to
6 23, you were asked:

7 "Do you know by any chance how this building looked on the
8 inside?

9 And you answered, and now I am on page 15, line 1:

10 "I saw it only once through the window."

11 And then you continued on lines 8 to 10, and in the Albanian
12 translation this will be line 20 to 21. You added that you were at
13 the prison build -- you were at the building when you accompanied
14 another KLA soldier there. And I quote:

15 "So it was not me but there was another soldier, but I was kind
16 of accompanying him just in case that this person might flee, so
17 that's why I was there."

18 Do you remember this?

19 MS. CARILOU: Before the witness answers to the question, if I
20 could just -- I'm just wondering what is the purpose of showing the
21 witness his prior statement at this point. Is it to refresh his
22 memory? Because we haven't really touched this at all. I'm just --
23 yeah.

24 PRESIDING JUDGE VELDT-FOGLIA: I had an understanding that --
25 but I can have the SPO -- maybe I should not -- for me it was not a

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1 question, but I will have the SPO answering it.

2 MS. WYLER: The witness before said that he didn't go there for
3 a certain purpose. And before, in his prior statements he mentioned
4 that he was there for a purpose. That's why I'm putting the
5 statement to him.

6 PRESIDING JUDGE VELDT-FOGLIA: Does this clarify?

7 MS. CARIOLOU: Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Prosecutor.

9 MS. WYLER:

10 Q. Witness, do you remember having said that?

11 A. Perhaps I did, but I have forgotten.

12 Q. I ask you again: Was there a certain purpose why you did go to
13 this building number 1 on your sketch?

14 A. This is when I went to the window, by the window. That was
15 later. When I first went there, initially, I went inside and took a
16 look at the room. But when I went to the window, there were people
17 in there.

18 Q. And you mentioned that before, that was, I believe, the second
19 time you went to the building.

20 So can you tell us more about why the second time you went to
21 the building exactly?

22 A. No. Nothing. Nothing. Just to see who is in there.

23 Q. You said that you saw people inside the second time you went to
24 the building. How many people did you see?

25 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, could we bring

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Additional redactions applied pursuant to F579.

1 down the evidence?

2 MS. WYLER: Yes.

3 THE WITNESS: [via videolink][Interpretation] Yes, Madam
4 Prosecutor.

5 MS. WYLER:

6 Q. Can you tell us how many people you saw in this room?

7 A. Like I said, there were no more than five persons in there.

8 Q. And you already have provided bits and pieces of information on
9 that, but to have it clear on the record, do you know why these
10 people were in this room?

11 A. Yes. They were kept in the room as suspects. That room was for
12 the suspects. To verify if Serbia had sent somebody over to gather
13 information or intelligence.

14 Q. When you call them "suspects," what were they specifically
15 suspected of?

16 MS. CARIOLOU: I'm sorry to interrupt, but I believe the witness
17 has answered. He has explain --

18 PRESIDING JUDGE VELDT-FOGLIA: No, he has not. No.

19 MS. CARIOLOU: No?

20 PRESIDING JUDGE VELDT-FOGLIA: We will proceed.

21 MS. WYLER:

22 Q. Mr. Witness, I repeat my question. Can you -- you say these
23 were suspects. Can you tell us what exactly they were suspected of?

24 A. It was suspected that they would have been sent by Serbia to
25 gather information.

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Additional redactions applied pursuant to F579.

1 Q. Were they called a particular name or were they called a
2 particular way by the KLA present in Kukes?

3 A. No, just as a suspicious person, or a suspect.

4 Q. You said they were kept in the room to verify whether they did
5 what they were suspected of. What does "verify" mean? How -- how
6 was that done?

7 A. Look, they, the bigger guys, the commanders, know what the
8 verification is. As far as I'm concerned, this is all I know and I
9 don't know anything else.

10 Q. You are referring to "bigger guys" and "commanders." Who was
11 taking care of verifying such information; do you know?

12 A. The commanders who were in Kukes.

13 Q. Do you remember any names?

14 A. Yes.

15 Q. Can you please tell us?

16 A. Yes. Xhemshit Krasniqi, Sali Saramati, Hafir Hoxha.

17 Q. You are saying that they -- or earlier said that they were
18 interviewed in this building number 1. Was there also another place
19 where they conducted interviews?

20 A. No.

21 Q. How did you learn that these people who were kept in this
22 building number 1 were interviewed? Did you see that yourself?

23 A. They would let them go. Because I happened, one or two days, to
24 stand guard by the gate, and when they left, they left -- they were
25 asked, "Do you have any connections or ties with Serbia?"

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Additional redactions applied pursuant to F579.

1 Q. But how did you learn that they were asked these questions?

2 A. They would question them and then let them go. And when they
3 crossed the gate, I would ask them, "What was the reason you were
4 here?" And they said, "They just let me go, because they questioned
5 me whether I had any -- if I had any connections or ties with
6 Serbia."

7 Q. So if I understand you correctly, back at the time when you were
8 a guard at the gate of the logistic headquarters, the people who have
9 been interviewed by these commanders told you or provided you with
10 this information; is that correct?

11 A. Yes.

12 MS. WYLER: Your Honours, could we please move into private
13 session for a few questions.

14 PRESIDING JUDGE VELDT-FOGLIA: And you will explain us at the
15 beginning of the private session why we are going into private
16 session.

17 Mr. Court Officer, could you bring us into private session,
18 please.

19 [Private session]

20 [Private session text removed]

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Witness: TW4-10 (Private Session)

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Additional redactions applied pursuant to F579.

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Witness: TW4-10 (Private Session)

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Witness: TW4-10 (Private Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

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Witness: TW4-10 (Private Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

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Witness: TW4-10 (Private Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

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Witness: TW4-10 (Private Session)

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Examination by Ms. Wylér

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Witness: TW4-10 (Private Session)

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Witness: TW4-10 (Private Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

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Witness: TW4-10 (Private Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

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Witness: TW4-10 (Private Session)

Page 1079

Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

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Witness: TW4-10 (Private Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

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17 [Open session]

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

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

20 Madam Prosecutor, you have the floor.

21 MS. WYLER: Thank you.

22 Q. Mr. Witness, you just mentioned that you saw Pjeter Shala at the
23 logistic headquarters in Kukes --

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, just for the
25 witness to be clear.

Witness: TW4-10 (Open Session)

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Additional redactions applied pursuant to F579.

1 Mr. Witness, we are now back in public session, so you should be
2 careful again with any identifying information.

3 Please, Madam Prosecutor, proceed.

4 MS. WYLER: Thank you.

5 Q. Mr. Witness, you just mentioned that you saw Pjeter Shala at the
6 logistic headquarters in Kukes. How often, if more than once, did
7 you see Pjeter Shala there?

8 A. Around twice, not more than that.

9 Q. And do you remember -- we have heard when you saw him one time.
10 Do you remember when you saw him the second time, which month this
11 was?

12 A. It was around the fifth month or maybe the sixth. Yeah, the
13 fifth or the sixth month.

14 Q. So do I understand correctly that both instances you refer to
15 now were in either May or June 1999?

16 A. I didn't understand the question, Madam Prosecutor. What did
17 you wish to ask about May?

18 Q. Is it correct that both instances to which you refer to now when
19 you saw Pjeter Shala at the logistic headquarters in Kukes, that both
20 of them were in May and/or June 1999?

21 A. Yes, that's accurate.

22 MS. WYLER: I would like to put a prior statement at the
23 witness. If I may call up the exhibit with ERN 083537-TR-ET, Part 2,
24 on page 21.

25 PRESIDING JUDGE VELDT-FOGLIA: And the background of this prior

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Additional redactions applied pursuant to F579.

1 statement, Madam Prosecutor, is?

2 MS. WYLER: I would like to clarify a discrepancy.

3 PRESIDING JUDGE VELDT-FOGLIA: Very well.

4 MS. WYLER: It's page 21, lines 13 to 14 of the English version,
5 and page 28, lines 8 to 9 of the Albanian version.

6 Q. You were asked, Mr. Witness, in your 2019 SPO interview, whether
7 you remember when you saw him, and in the context, "him" meaning
8 Pjeter Shala, how many times. And your answer was:

9 "I had seen Pjeter Shala five or six times during the time I was
10 there. He would come and go to Kukes."

11 Do you remember this?

12 A. Perhaps I did say so. Now I have forgotten.

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I'm giving the
14 floor to Defence Counsel.

15 Defence Counsel, you have the floor.

16 MR. AOUINI: Excuse me, again, Your Honour. Here it's been read
17 "during the time I was there." And in that interview, the time span
18 is quite different. So maybe we should put a little bit of context
19 there. During that time. It's significantly different from what we
20 heard today.

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

22 Madam Prosecutor, can you take this on board in your question.

23 MS. WYLER:

24 Q. Mr. Witness, to clarify, at the logistic headquarters in Kukes,
25 when did you see Pjeter Shala there?

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Additional redactions applied pursuant to F579.

1 [REDACTED] Pursuant to In-Court Redaction Order F499RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F499RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F499RED.

4 Q. Mr. Witness, we are in public session. Please don't mention any
5 names.

6 So it was June and May 1999 where you saw Pjeter Shala several
7 times. I would like to clarify: Is it two times, as you said today,
8 or is it more than two times, could it be more than two times, as you
9 said in 2019?

10 A. It could be the case. Maybe I saw him, but I have forgotten
11 now.

12 MS. CARIOLOU: Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please.

14 MS. CARIOLOU: In fairness to the witness, perhaps we could say
15 that in his prior statement he said "during the time I was there,"
16 and I understand this can be clarified with him. In the question he
17 specifically talks about May and June 1999. Perhaps this is what
18 is -- thank you.

19 MS. WYLER:

20 Q. Mr. Witness, do you know whether Pjeter Shala had a nickname?

21 A. From what I can remember, I think it was Uki, the Wolf.

22 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I will ask a
23 question to the witness now.

24 Mr. Witness, during the time you were in Kukes, do you remember
25 how often you saw Mr. Shala?

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Additional redactions applied pursuant to F579.

1 THE WITNESS: [via videolink][Interpretation] From what I can
2 remember, I saw him on two occasions. It could be that I saw him on
3 other occasions, but I do not remember now.

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

5 Defence Counsel? Yes, okay. Good.

6 Prosecutor, please proceed.

7 MS. WYLER:

8 Q. Mr. Witness, today you told us that there was this building
9 number 1 on your sketch where sometime people were kept in there
10 under the suspicion of having dealings with Serbia.

11 MS. WYLER: I would like to call up the exhibit with ERN
12 083537-TR-ET, Part 1, page 20. And in the Albanian translation it
13 would be page 26.

14 PRESIDING JUDGE VELDT-FOGLIA: And this is also for a
15 clarification?

16 MS. WYLER: Excuse me, yes.

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

18 MS. WYLER:

19 Q. Mr. Witness, in your SPO interview back in 2019, you were asked
20 whether building 1 -- whether it was building 1 that you identified
21 as possibly a workshop. And then you said:

22 "It was just like a workshop ..."

23 In your interview with the SPO in 2019, you seem not to have
24 referred to the building as being used to keep people in it but
25 simply as a workshop-like building. What was the reason, if any, in

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Additional redactions applied pursuant to F579.

1 2019, you did not mention that this building was used for that
2 purposes?

3 A. This is how I heard they referred to this building, as a
4 workshop, when I came to Kukes.

5 Q. What was the reason that back in 2019 you did not mention that
6 this building was also used to keep people under certain suspicion
7 there?

8 A. I did say that he was a suspicious person, but the
9 interpretation was wrong.

10 Q. So do you say that you said that the building was used for
11 suspicious persons but it was not interpreted? Do I understand you
12 correctly?

13 A. Let's make it clear, Madam Prosecutor. It was like a workshop.
14 Then it was used for suspicion persons or reasons. I said this
15 earlier, but the translator was very bad. He could not translate
16 properly.

17 Q. So do I understand correctly that what you have told us today is
18 what actually happened back in 1999 at the headquarters in Kukes?

19 A. That's the truth.

20 Q. You also told us today - and I refer to the provisional
21 transcript on page 36, line 22 - that you have been to this building
22 number 1 on two instances.

23 MS. WYLER: I would like to clarify a prior statement with the
24 witness and, therefore, call up the exhibit with ERN 083537-TR-ET,
25 Part 1 RED2, page 16.

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Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

2 MS. WYLER: In the Albanian translation, it would be page 21,
3 line 11, while I'm on line 9 in the English version.

4 Q. In the SPO interview back in 2019, you were asked:

5 "What was in there?"

6 "There," meaning the workshop-like building that you numbered
7 with number 1 on your sketch.

8 Your answer on line 10 of the English version and line 12 of the
9 Albanian version was:

10 "I don't know. I have never been there."

11 Today you said you have been there on two instances and you
12 actually saw people in there. Is there a reason why you did not tell
13 the SPO that already in 2019?

14 A. This is correct, what you are saying now, but the translator did
15 not translate correctly. It was like a workshop, indeed. I was
16 there on two occasions and it was empty rooms. And then it was
17 later, because I stayed there for six months, Madam Prosecutor. I
18 was -- here I was referring to my first visit, at the beginning, and
19 the translator was not good and could not translate properly.

20 Q. Furthermore, today you also told us that you saw -- or that you
21 learned that these people who were kept in this building number 1
22 were interrogated. This is consistent with what you told us in your
23 2022 SPO interview.

24 MS. WYLER: But I would like to clarify an answer that the
25 witness gave in his 2019 interview, and for that I call up the

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Additional redactions applied pursuant to F579.

1 exhibit with ERN 083537-TR-ET, Part 1 RED2, page 29.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have the
3 floor.

4 MR. AOUINI: Sorry, Your Honour, we need to know, are the SPO
5 colleagues cross-examining their own witness? We need to be notified
6 about this.

7 PRESIDING JUDGE VELDT-FOGLIA: You don't have to apologise,
8 that's first. And I don't see any problem in the question they are
9 putting.

10 MS. CARILOU: Your Honour, if I may just add one point. The
11 prior statements are not in evidence. So if the purpose is to
12 clarify something in a statement which is not in evidence, perhaps we
13 need other explanation why we're going back to clarify. What exactly
14 are we trying to clarify? Just to be sure.

15 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, is there
16 something you would like to add in this respect?

17 MS. WYLER: Well, we are seeking for the truth, and we sometimes
18 have heard information today that is not completely coherent with
19 what the witness has said in prior statements, so we would like to
20 clarify.

21 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I see you
22 standing.

23 MR. AOUINI: Sorry, Your Honour, just to complete the objection,
24 we need clear notice of what the allegations of the SPO are. We have
25 two interviews with some discrepancies, okay. But the SPO colleagues

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Additional redactions applied pursuant to F579.

1 seem to pick whichever suits them, and there are some points that we
2 need notice about.

3 The question about bringing in, the transport of persons is
4 something we need to be clear about in the allegations of the SPO.

5 PRESIDING JUDGE VELDT-FOGLIA: But are -- Madam Prosecutor, are
6 you now examining about bringing in? That was not my impression.

7 MR. AOUMINI: This is not what we are saying, Your Honour. We
8 need clear notice about key aspects of the allegations. So that's
9 why we ask are they cross-examining? Are they attempting to --

10 PRESIDING JUDGE VELDT-FOGLIA: It's not -- no, Defence Counsel,
11 it's not about cross-examining now. We are here to find the truth
12 about what happened. We have some prior statements and we have the
13 witness here, and we see some -- there are things that have been said
14 today that might be -- that could be - I don't know because I have to
15 weight them - that could be seen as discrepancies. And what I see
16 what the SPO is doing is trying to clarify to -- to bring out in one
17 way or the other what happened. I don't see that as a
18 cross-examination. I see that as an exercise to find the truth.

19 And I think that, for now, on this specific point, we have been
20 given enough clarification. And the point you made with regard to
21 "brought," "to bring," we have to tried to recuperate on that, to be
22 very specific about presence, "came," because I saw your point. So I
23 think that will do for now.

24 MR. AOUMINI: Fully agree, Your Honour, and thank you. We would
25 request at some point to have a clear notice from the SPO as to what

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Additional redactions applied pursuant to F579.

1 is their case about who brought specific persons, because this is in
2 the indictment not in very specific points and we need to know it.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. But that question --

4 MR. AOUINI: We will leave it for later.

5 PRESIDING JUDGE VELDT-FOGLIA: -- should not have been raised
6 now because it is distracting from the point that the SPO wanted to
7 make on something very different. You know that I want to give you
8 the space and the floor to discuss whatever is necessary, but I would
9 pick your moment. Yeah?

10 But, Madam Prosecutor, please proceed.

11 MS. WYLER: Thank you. It is in the English version page 29,
12 lines 18 to 21, I am referring to. Yes. Thank you.

13 Q. Mr. Witness, in your SPO interview back in 2019, you were asked
14 the following question:

15 "Did anyone ever bring in people to be questioned while you were
16 working the gates or investigated or interrogated in any way?"

17 And your answer was:

18 "I didn't see anything."

19 Today we talked or you told us about interviews that were
20 conducted with people from this -- or people kept in this building
21 number 1. Can you explain why you did not mention this back in 2019
22 in your SPO interview?

23 A. Madam Prosecutor, on this occasion, the translator was very bad.
24 I didn't say this. Because when you're standing guard by the gate,
25 you, of course, would see people, because I would open and close the

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Additional redactions applied pursuant to F579.

1 door. And I didn't say that I didn't see anything. The
2 translation -- this was a wrong translation. People would come in
3 and out.

4 Q. Was there a reason why, back in 2019, you didn't mention that
5 people were interviewed on certain suspicions in the headquarters in
6 Kukes, Mr. Witness?

7 A. I did mention them, but there was a problem with the
8 translation. The translation was very poor. I did mention them.

9 Q. So do I understand you correctly that you mentioned that there
10 were people being interviewed on certain suspicions at the
11 headquarters in Kukes but it was not translated; is that correct?

12 A. That's correct.

13 Q. Thank you. I would like to move on to the use of the logistic
14 headquarters in Kukes.

15 You mentioned earlier - and I refer to page 15 of the
16 provisional transcript, lines 7 to 8 - that it was a logistic
17 headquarters, and you also said that it was used for mobilisation on
18 page 18, line 5.

19 Can you tell us a bit more for what purposes the KLA used these
20 headquarters in Kukes?

21 A. This was used for the army purposes. The mobilisation happened
22 there. We would wake up in the morning and carry out military tasks
23 as long as the logistics headquarters were there.

24 Q. What do you mean by "military tasks"?

25 A. I mean the mobilisation was done there. These -- we ate there,

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Additional redactions applied pursuant to F579.

1 we stayed there, we did physical exercise there. Sometimes we would
2 need to go to Albania, to take KLA uniforms, carry food, bread.

3 Q. With regard to what you told us about building number 1 before
4 and the people kept there under suspicion of collaborating with
5 Serbia, was it used also for that purpose? You called it "to
6 verify."

7 A. Now I said -- I was referring to these people separately. Those
8 who were in civilian clothes were on this side. Those who -- people
9 were questioned, and if there were suspicions, they would be sent
10 away from the headquarters. If there were no suspicions, then they
11 would be allowed in and, therefore, mobilised in the KLA. We, in
12 military outfit, were separate from them.

13 Q. Which -- do you know which entity of the KLA was stationed at
14 these headquarters?

15 A. I didn't understand the question.

16 Q. Do you know which unit of the KLA was stationed at the
17 headquarters in Kukes?

18 A. No, there were no units. At that time there were no units. If
19 you are referring to brigades.

20 PRESIDING JUDGE VELDT-FOGLIA: Can we bring the statement -- the
21 transcript down?

22 MS. WYLER: Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Court
24 Officer.

25 MS. WYLER:

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Additional redactions applied pursuant to F579.

1 Q. What do you mean if we refer to brigades?

2 A. There were no units at that time. Brigades were formed at the
3 end of the war.

4 Q. So was there ever a brigade stationed at the headquarters in
5 Kukes?

6 A. Perhaps there were. Maybe. I have forgotten.

7 Q. How many soldiers were stationed at these headquarters in Kukes?

8 A. People would come in every day to mobilise.

9 Q. So do you have an approximate -- do you have an idea of an
10 approximate number of how many people there were?

11 A. Listen, people would -- every day two or three people would come
12 in. We were 30 people sleeping in the same room.

13 Q. Since we are speaking about a logistic headquarters, were there
14 any other premises of the KLA in Kukes?

15 A. Yes.

16 Q. And what kind of premises were these?

17 A. This -- now, behind the logistics buildings, 20 metres further,
18 there was another headquarters called at that time as number 1.

19 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, it's almost
20 time for the lunch break.

21 MS. WYLER: Can I make use of the last two minutes? Thank you.

22 Q. Do you know what this headquarter 1 was used for?

23 A. What I -- I heard that headquarters was used by Ruzhdi Saramati
24 to mobilise people as well.

25 Q. Thank you.

Additional redactions applied pursuant to F579.

1 MS. WYLER: Now would be a good time also for us to break.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you, Madam
3 Prosecutor.

4 We will -- Mr. Witness, we will have a break, and -- of one and
5 a half hour till half past 2.00. And I wish you a good lunch, and we
6 see you back then.

7 I wish you all a good lunch. The hearing will be adjourned.

8 [The witness stands down via videolink]

9 --- Luncheon recess taken at 1.00 p.m.

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

11 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

12 The composition of the Specialist Prosecutor's Office has
13 changed, I see.

14 Madam Prosecutor.

15 MS. WYLER: Yes, Mr. Alex Whiting, the Acting Specialist
16 Prosecutor, has left for the afternoon.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you very much.
18 Noted.

19 I see that you are in the same composition, Victims' Counsel.
20 And the Defence is also in the same composition. Thank you.
21 Very well. And then Mr. Shala is there.

22 And we will ask the witness to be brought in.

23 Madam Court Officer, could you bring the witness in, please.

24 Thank you.

25 Madam Prosecutor, when you have finalised your examination, I

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Additional redactions applied pursuant to F579.

1 will give the floor to Mr. Court Officer to give numbers, ERN numbers
2 to any of the documents that you might have been using during your
3 interrogation of the witness.

4 MS. WYLER: Of course.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 [The witness takes the stand via videolink]

7 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, welcome back. Can
8 you hear me?

9 THE WITNESS: [via videolink][Interpretation] Yes, thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well.

11 Mr. Shala, did you hear the witness? Yes, I see you nodding.
12 Yes. It's always better that you speak, Mr. Shala, because that's
13 for the record. The stenographer cannot see that you are nodding.

14 THE ACCUSED: [via videolink][Interpretation] Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you for that.

16 Madam Prosecutor, you may continue with the examination of
17 Witness 10. You have the floor.

18 MS. WYLER: Thank you.

19 I note that I also owe you some references to the Albanian
20 translation of where we referred to the initials on the sketch this
21 morning. If you'd like to, I can provide them now.

22 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

23 MS. WYLER: This would be the exhibit with ERN 083537-TR-AT,
24 Part 1, and one instance would be at page 27, lines 11 to 20, and the
25 other one is on page 28, lines 9 to 13.

Witness: TW4-10 (Private Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you for that. And my
2 question would be, for the upcoming questions, if you are requesting
3 for clarification, if you could just with a key word indicate what
4 the clarification is about, to avoid that from the side of the Panel
5 we think we're asking you for clarification on point A and then it
6 turns out to be another point. So, please.

7 MS. WYLER: Of course.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 MS. WYLER: Since my next question concerns a protected witness,
10 can we please go into private session.

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

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

14 [Private session]

15 [Private session text removed]

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Witness: TW4-10 (Private Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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Witness: TW4-10 (Private Session)

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Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F579*

22 MS. WYLER:

23 Q. I repeat my question, Mr. Witness.

24 You said earlier today that the people who were kept in building

25 number 1 were kept there for approximately two to three hours. Now,

Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 with regard to [REDACTED] who also stayed at this
2 building 1, you said that they were kept there for longer. Is this
3 correct?

4 A. Correct, it is.

5 Q. Were there other people you know of which were kept for longer
6 than these two to three hours in building 1?

7 A. Yes, it was a Roma guy as well.

8 Q. Do you remember by any chance for how long this person was kept
9 in building number 1?

10 A. For -- during the time I was there, it was three to four, and
11 then I went on to Kalimash.

12 Q. What do you mean with "three to four"?

13 A. So I was there for three to four days, and then I moved on with
14 the soldiers to Kalimash.

15 Q. But referring to the Roma person you saw that was kept for more
16 than just a few hours in this building 1, for how long -- do you
17 remember for how long the person was kept in this building?

18 A. No, I cannot remember how long he was there. [REDACTED]
19 [REDACTED]

20 Q. Okay, thank you.

21 Today you also told us that people were interrogated in this
22 building 1, and I refer to the provisional transcript, page 32, lines
23 16 to 17. You also told us when asked that there were not -- that
24 they were not interrogated in any other building as far as you
25 remember. And that is on page 47, lines 12 to 14 of the provisional

Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 transcript.

2 MS. WYLER: I would like in that regard to refresh the witness's
3 memory with his statement to the SPO in 2022 which says a bit
4 different.

5 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

6 MS. WYLER: So I call up the exhibit with ERN 108836-TR-ET,
7 Part 1 RED, on page 11, line 25 of the English version.

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, please
9 proceed.

10 MS. WYLER:

11 Q. Mr. Witness, you were asked:

12 "And you referred to this building you marked as number 1 on
13 your sketch. Is that the building you consider to be a workshop?"

14 And your answer was:

15 "So number 1 was kind of like a prison."

16 Then you go on, on the next page, page 12:

17 "At the time it was some sort of a prison. Number 1, yeah, they
18 told -- they would -- they would detain people there ..."

19 I next call up page of the same exhibit, page 16, lines 11 to
20 12, where you say on line 11:

21 "So they were interviewed by people higher up. They" -- you
22 refer to the people as detainees before and they were interviewed in
23 that number 4 building, referring to the building with the number 4
24 on the sketch.

25 Do you remember today that people were interrogated in this

Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 building number 4 and not only in this building number 1?

2 A. Madam Prosecutor, again, you're confusing things, 1998 and 1999.

3 I have said this and I shall say so again. As of March or April, or

4 even August, I stayed at the logistics headquarters. And from

5 September onwards to January, September, October, perhaps a month on

6 or earlier, I went to Kalimash in drills. January, February. Then I

7 returned to Kukes again. And then, yet again, they were people being

8 questioned in room number 1 and they were being interviewed in number

9 4.

10 And it was there that I stayed until the end of the fifth month.

11 So at the beginning of the sixth month, only about three to four

12 days. [REDACTED]

13 [REDACTED] But I didn't stay much longer, just three to four days,
and

14 then I moved on to Kalimash with quite a few soldiers. I cannot

15 remember exactly how many.

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I want you to answer

17 the question because you got me lost a little bit. And I'm here

18 trying to understand what you are trying to share with us.

19 Is that okay? I will just want to proceed -- Mr. Witness, in

20 May and June 1999, where were people interrogated? In which

21 building?

22 THE WITNESS: [via videolink][Interpretation] They were being

23 questioned in building number 4.

24 PRESIDING JUDGE VELDT-FOGLIA: And building number 4, which

25 building was that?

Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 THE WITNESS: [via videolink][Interpretation] That's where we
2 were sleeping.

3 PRESIDING JUDGE VELDT-FOGLIA: And building number 1, when was
4 that used for interrogation, according to you?

5 THE WITNESS: [via videolink] [Interpretation] Well, according to
6 me, it was used as of 1998.

7 PRESIDING JUDGE VELDT-FOGLIA: As of. And until?

8 THE WITNESS: [via videolink] [Interpretation] From 1998 until
9 the sixth month of 1999. And then I really don't know anything else
10 about that.

11 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Till
12 June 1999 - so from 1998 till June 1999 - building 1 was also used --

13 THE WITNESS: [via videolink][Interpretation] Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: -- as a place for interrogation?
15 That's a question.

16 THE WITNESS: [via videolink][Interpretation] Building number 1,
17 once again, Madam Judge, was a bit of a prison, if you like. They
18 would take them from there and bring the patients to building or
19 pavilion number 4 where they would be interrogated.

20 PRESIDING JUDGE VELDT-FOGLIA: "Patients"?

21 THE WITNESS: [via videolink][Interpretation] Well, yes, the
22 people who were suspected.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you for clarifying
24 for now.

25 Madam Prosecutor, I will give you the floor back.

Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 MS. WYLER:

2 Q. Mr. Witness, the people you saw being kept in this prison
3 building, do you know whether these people have been mistreated while
4 being kept in this prison building?

5 A. Not whilst I was there. I do not know what happened afterwards.

6 MS. WYLER: Your Honours, may I call up an exhibit to clarify an
7 earlier statement of the witness which sounded a bit different?

8 PRESIDING JUDGE VELDT-FOGLIA: Yes, on this specific point.
9 Yes, you may proceed.

10 MS. WYLER: So I'd like to call up the exhibit with ERN
11 108836-TR-ET, Part 1, page 17. And the Albanian version can be found
12 at page 20.

13 PRESIDING JUDGE VELDT-FOGLIA: Mic is on.

14 MS. WYLER: I refer to lines 15 to 18 in the English version and
15 lines 9 to 11 in the Albanian version.

16 Q. Where you say:

17 "To tell you the truth I didn't any," anybody, "but I think they
18 have mistreated them."

19 Mr. Witness, that is the statement you made to the SPO in the
20 interview in 2022. Can you please clarify whether you ever heard
21 something about mistreatments or saw something about mistreatments in
22 Kukes?

23 A. Madam Prosecutor, again I think it's the interpretation that's
24 wrong.

25 Let me tell you, I didn't see nor did I hear even a tiny voice.

Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

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

3 Defence Counsel, you have the floor.

4 MR. AOUNI: Thank you, Your Honour.

5 We object to this way of proceeding. There was no discrepancy
6 here to put the prior statement. If the purpose was to adduce what
7 the witness thinks, then we will object to that as well. What he
8 said that he didn't see is something that he said before being put
9 his prior statement.

10 They can ask questions about whether he heard or anything at
11 source of information. But what they have put to them is what he
12 thinks. I don't think we're here to hear opinion of fact witnesses,
13 Your Honour.

14 This is our objection.

15 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I don't see a
16 problem with this line of questioning on this specific point. The
17 witness makes -- if the Prosecutor wouldn't have asked the question,
18 I would have put this specific paragraph to the witness at a later
19 moment in time to understand where this is coming from.

20 So we can proceed.

21 MS. WYLER: Thank you.

22 I will leave this topic anyways now and move on to the command
23 structure of the KLA at the logistic headquarters in Kukes.

24 Q. Mr. Witness, in terms of hierarchy and structure of the KLA at
25 the logistic headquarters in Kukes, how was the KLA organised there?

Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 Who were the commanders in charge?

2 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor -- Mr. Witness,
3 please.

4 THE WITNESS: [via videolink][Interpretation] Madam Prosecutor, I
5 did not understand the question.

6 PRESIDING JUDGE VELDT-FOGLIA: Please.

7 Madam Prosecutor, haven't we had this question already today,
8 that the witness mentioned three commanders?

9 MS. WYLER: He did mention three commanders in different
10 aspects, in relation to interrogations or offices, but not how the
11 command structure looked like, because there were several commanders
12 apparently at the place --

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed.

14 MS. WYLER:

15 Q. Witness, what do you know about the organisational structure of
16 the KLA at the logistic headquarters in Kukes? How were they
17 organised?

18 A. Well, the organisation was manned -- was actually done by the
19 higher-ups.

20 Q. Can you tell us who was -- who were the commanders in charge at
21 the logistic headquarters in Kukes?

22 A. Well, it was Sali Saramati, Xhemshit Krasniqi, and, yeah, them.
23 So they were just there in Kukes. But, of course, some of the lead
24 commanders came to the area, and again there's Hashim Thaci,
25 Fatmir Limaj, Azem Sylá.

Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 Q. Have you ever seen --

2 PRESIDING JUDGE VELDT-FOGLIA: Please. Do we still need to be
3 in private session?

4 MS. WYLER: No. Apologies. We can go out of private session.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

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

7 ~~{Open session}~~

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

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

10 Madam Prosecutor, please proceed.

11 MS. WYLER: Thank you.

12 Q. Witness, you just mentioned that the commanders in charge at the
13 logistic headquarters in Kukes were, at least among others,
14 Sali Saramati, Hafir Hoxha, Xhemshit Krasniqi. You also saw
15 Azem Sylja and Fatmir Limaj there. Have you ever seen Sabit Geci?

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

17 THE WITNESS: [via videolink] [Interpretation] Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we were not
19 quick enough.

20 MR. AOUMINI: Sorry. He didn't mention Hafir Hoxha this time.

21 MS. WYLER: But he mentioned him earlier as a commander.

22 PRESIDING JUDGE VELDT-FOGLIA: He mentioned him in an earlier
23 stage.

24 MR. AOUMINI: But our colleague said that it was in a different
25 context. The question about who was in charge was put now to him and

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Examination by Ms. Wyler

Additional redactions applied pursuant to F579.

1 the reference is "you just mentioned commanders in charge," and then
2 the name. I mean, we'll leave it at that but --

3 PRESIDING JUDGE VELDT-FOGLIA: No, but I want to correct -- I
4 don't want to leave it. I don't want to leave -- we don't leave
5 anything. My question before was about commander -- to the SPO was
6 if she was not repeating the question, and it was my impression that
7 it was partly a repetition because, at an earlier stage, three
8 commanders were mentioned. And that's the reason that I now allowed
9 for this third name, because it was mentioned before, and that's how
10 I understood it. But correct me if I'm wrong?

11 But what we can do, because I want everything to be elicited as
12 clear as possible, we can ask with regard to this specific name
13 again, in my view, further specificities.

14 Does that meet your concern?

15 MR. AOUBINI: Absolutely, Your Honour. As an answer to the last
16 question. Two or three names.

17 MS. WYLER:

18 Q. Mr. Witness, earlier you mentioned that at the logistic
19 headquarters in Kukes that Hafir Hoxha was present. Was he one of
20 the commanders there?

21 A. Let's make things clearer. Let's separate structures.
22 Hafir Hoxha was a commander from military police in the park. Sabit
23 Geci was police commander of Hashim Thaci.

24 Q. And were either one or both of them, Hafir Hoxha and Sabit Geci,
25 present at the logistic headquarters in Kukes?

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 A. Yes.

2 Q. Did you see Sabit Geci present in the months of May and June
3 1999 at the headquarters in Kukes?

4 A. Yes, I saw him when he came from the Ljubljana hospital, because
5 he been wounded and he was on crutches.

6 Q. And, Mr. Witness, do you know a KLA soldier by the name of Bedri
7 who was at the logistic headquarters in Kukes at the time you were
8 there?

9 A. I didn't understand the question.

10 PRESIDING JUDGE VELDT-FOGLIA: Can we bring the transcript down,
11 or you still need it?

12 MS. WYLER: No. Excuse me, the exhibit, no, it can be put down.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 MS. WYLER:

15 Q. Mr. Witness, did you, while you were at the logistic
16 headquarters in Kukes, did you ever meet a KLA soldier called Bedri?

17 A. Yes. Bedri Dervishaj.

18 Q. Can you tell us what his role was at the logistic headquarters
19 in Kukes?

20 A. He was in pavilion number 1, but he would come there by the
21 doctor for -- to be examined.

22 Q. Thank you. I just have two or three questions left that I would
23 like to address, looking at the time.

24 I refer to the provisional transcript to page 58, line 12, where
25 you said that you left the logistic headquarters in Kukes beginning

Witness: TW4-10 (Open Session)

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Examination by Ms. Wylér

Additional redactions applied pursuant to F579.

1 of June 1999 and went to Kalimash.

2 My question is: How long were you staying at Kalimash?

3 A. I stayed in Kalimash a few days, two to three weeks, and then I
4 went on the front line.

5 Q. And after these few weeks, two or three weeks, where did you go
6 next?

7 A. We went to Pogaj, to the front line.

8 Q. For how long did you stay in Pogaj at the front line?

9 A. We stayed in Pogaj about a week.

10 Q. And where did you go next?

11 A. Madam Prosecutor, after the Kumanovo Agreement, we stayed
12 another week in Pogaj and then we set off to Nashec.

13 *[REDACTED] Pursuant to In-Court Redaction Order F499RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F499RED.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F499RED.*

16 Q. Thank you.

17 MS. WYLER: Your Honours, these were all our questions. I
18 tender the witness.

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

20 I wanted to come back to one -- on one point to the Defence.
21 When I was referring to information shared or evidence shared by the
22 witness with us, it's on page 47 that the witness is discussing
23 "bigger guys" and "commanders." "Who was taking care of verifying
24 such information; do you know?" Because he talked about
25 verification.

Witness: TW4-10 (Open Session)

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Procedural Matters

Additional redactions applied pursuant to F579.

1 And then he said:

2 "The commanders who were in Kukes."

3 "Do you remember any names?"

4 "Yes."

5 "Can you please tell us?"

6 And then he mentioned three names, among which Hafir Hoxha. And
7 that's the name I was referring to. Just to give you my source of
8 what we were discussing.

9 That's page 47, lines 4 till 10.

10 Thank you, Madam Prosecutor.

11 [Trial Panel and Legal Officer confer]

12 PRESIDING JUDGE VELDT-FOGLIA: There's one issue left and that
13 is the numbers to the -- the ERN numbers to be given to exhibits
14 used.

15 Mr. Court Officer, you have the floor.

16 THE COURT OFFICER: Thank you, Your Honours.

17 The second document where Witness TW4-10 made markings on ERN
18 065597, which was an extract from the ERN range 065597 to 065612, is
19 allocated ERN REG00948.

20 The next document where markings were made by Witness TW4-10 on
21 065600, from ERN range 065597 to 065612, is allocated REG00949.

22 And the last one where the Witness TW4-10 made markings on
23 074390, from ERN range 074390 to 074391, is allocated ERN REG00950.

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

25 Very well.

Witness: TW4-10 (Open Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F579.

1 Q. Yes. We can't ask him at the moment so we're going to ask you.

2 MR. LAWS: I see that Defence Counsel is on his feet,

3 Your Honour. I don't want to --

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have the
5 floor.

6 MR. AOUBINI: Thank you. And sorry to interrupt.

7 We strongly object the adducing of opinion evidence from fact
8 witnesses.

9 MR. LAWS: With great respect, it is not opinion evidence in the
10 sense that that term is used in the law of evidence. We all have
11 millions of admissible opinions about a vast range of subjects. We
12 can't give our opinion about a matter of expertise. But this witness
13 -- and perhaps at this stage we should turn off his access to the --

14 PRESIDING JUDGE VELDT-FOGLIA: I agree with you.

15 MR. LAWS: -- hearing.

16 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer at the
17 location of the witness, could you usher the witness out of the room.
18 Mr. Witness, you will be accompanied out.

19 [The witness stands down via videolink]

20 THE COURT OFFICER: [via videolink] Your Honour, I can confirm
21 the witness and his assigned Duty Counsel have left the room.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
23 Victims' Counsel was standing, and then I will give you the
24 floor again, Defence Counsel.

25 MR. LAWS: Thank you, Your Honour.

Additional redactions applied pursuant to F579.

1 I've had half of the answer that I want from the witness already
2 and it has been adduced, we respectfully submit, in an entirely
3 legitimate way. At the provisional transcript at page 88, this
4 witness said, at line 12, in relation to Pjeter Shala, that:

5 "He would come in and leave the place without asking for
6 permission from anyone ..."

7 That's what he said, and that may or may not be an important
8 piece of evidence for the Panel to receive. It's a topic which he
9 elaborates on in his interviews and it is going to assist this
10 Trial Panel in understanding his status in Kukes.

11 PRESIDING JUDGE VELDT-FOGLIA: And what would be -- you said you
12 received half of the answer.

13 MR. LAWS: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: What would be the next question
15 in this respect?

16 MR. LAWS: The other part of the question is: Does the witness
17 know why he, unusually for a military base, could come and go freely
18 as he pleased. And the answer to that is given in his interviews, in
19 this witness's interviews, namely that he was a very well-connected
20 man. "He was Ramush's man." "Ramush Haradinaj," he says. And that
21 in itself is not an irrelevant consideration when the Panel comes to
22 reflect on all of the evidence in this case. And he says that it's
23 because -- that's at -- would Your Honour like the --

24 PRESIDING JUDGE VELDT-FOGLIA: No, no, I --

25 MR. LAWS: You've already --

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Your explanation is -- I
2 understand your explanation, but I want it to be set out here to --
3 to know what is coming next --

4 MR. LAWS: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: -- because then Defence Counsel
6 can already now anticipate on -- we can have this discussion now --

7 MR. LAWS: Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: -- instead of going back and
9 forward.

10 MR. LAWS: Thank you. May I just add one thing. I took my
11 learned friend to -- slightly to task for using the expression
12 "opinion evidence." But the law doesn't render our opinions
13 inadmissible. If I go outside and it's raining, I can report that
14 back and I can say that it's cold. Those are opinions but they're
15 not inadmissible opinions. If I see somebody coming and going at
16 will from a military base, I'm able to form the opinion that they can
17 come and go and I can report that back to a courtroom if it becomes
18 relevant and necessary for me to do so. So that's all I wanted to
19 add. Thank you.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 Defence Counsel, you have the floor.

22 MR. AOUBINI: Thank you, Your Honour.

23 We disagree on this point. And our objection was to the
24 question not to the answer. We may concede that this is a relevant
25 topic, but we are objecting to the manner of adducing this evidence.

Additional redactions applied pursuant to F579.

1 In our opinion, in our submission, the witness should be first asked
2 whether he knew and on what basis and what is the source of his
3 knowledge. This is a fact witness. He didn't tell us throughout his
4 evidence something that could prompt a question to the formulation:
5 Were you able to form an opinion about whether he himself obeyed
6 orders.

7 We have to understand first whether this witness knows anything
8 about that, from where, what is the source. This is the instructions
9 we give to all fact witnesses when they start. They will have to
10 tell us what they know, what they saw, or what they heard. And the
11 basis should be that, not starting from an opinion.

12 PRESIDING JUDGE VELDT-FOGLIA: Maybe the word "opinion" brings
13 some confusion in this debate we are having. However, I think it's a
14 legitimate question to ask what Victims' Counsel asked with regard to
15 Mr. Shala, what the witness has observed, because that's what he is
16 bringing back to us. And the weight we will attach to that, that
17 will come later.

18 But I -- no, I will allow for this question. And I will also
19 allow for the why question. But although I should have said it in
20 the other way around, but I will give you the opportunity to change
21 my mind on this.

22 So is there a reason you think we should not have this question
23 asked with regard to why?

24 MR. AOINI: If we have ascertained first that he observed that,
25 the source of the information we receive, then the question as to why

Additional redactions applied pursuant to F579.

1 will be legitimate. But it's the way to proceed about asking for an
2 opinion rather than a solid source of information and evidence from
3 fact witnesses.

4 Mr. Shala, I think needs to say something.

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

6 MR. AOUNI: Absolutely. But we made our point. This is a fact
7 witness. We have to ascertain if there is evidence, information to
8 source, if this person is able to give that -- if he has that
9 information, from where he got it, has he heard something of the
10 sort, and then absolutely legitimate if that is the case to ask why.

11 Maybe he will testify to some things that he has seen but not
12 the way the question was formulated, in our opinion.

13 PRESIDING JUDGE VELDT-FOGLIA: Would you like to talk to your
14 client?

15 Mr. Shala, I see that you raised your hand. What would you like
16 to say?

17 THE ACCUSED: [via videolink][Interpretation] Thank you,
18 Your Honour.

19 I would need to briefly consult with my Defence Counsels before
20 they start cross-examining the witness, with your permission.

21 Thank you.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Shala. We will
23 take that on board when we proceed with the rest of the hearing,
24 after we finalise the questioning by Victims' Counsel.

25 I've heard your concerns, Defence Counsel, but I think that

Witness: TW4-10 (Open Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F579.

1 these two questions can be put to the witness, and in your
2 cross-examination, feel free to elaborate on this specific point.

3 Victims' Counsel, I will bring the witness back and then you can
4 continue with your questions.

5 MR. LAWS: Thank you, Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
7 bring the witness back in.

8 [The witness takes the stand via videolink]

9 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness. I
10 will give the floor now back to Victims' Counsel for his questions.

11 MR. LAWS: Thank you, Your Honour.

12 Q. Mr. Witness, just before we broke off, you had given this
13 answer, and it's page 88, at line 12. You said this about
14 Pjeter Shala:

15 "He would come in and leave the place without asking for
16 permission from anyone ..."

17 Do you remember saying that a few moments ago?

18 A. Yes, I do. However, I don't know whether he had any permission
19 or authorisation or not.

20 Q. Sorry. Just about seven or eight minutes ago you said:

21 "He would come in and leave the place without asking for
22 permission from anyone ..."

23 Was that evidence right or wrong?

24 A. Yes, I did say so.

25 Q. Thank you.

Witness: TW4-10 (Open Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F579.

1 A. That's correct. However, I do not know if Pjeter Shala had a
2 permission or not.

3 Q. Did you know why he would come in and leave the place without
4 asking for permission from anyone?

5 A. Pjeter Shala was at -- would come at the logistics headquarters
6 before I did. Maybe he earned their trust. Maybe he had a prior
7 authorisation. I don't know.

8 Q. It's a long time ago. Do you want to just take a moment to
9 think about it and I'll ask you the question again.

10 Do you know why Pjeter Shala was able to come and go without
11 asking for permission from anyone?

12 A. I am saying this again. The question is accurate. Now, I do
13 not know if Pjeter Shala had a permission or not. Maybe he had the
14 trust from the higher-up commanders.

15 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, I want to speak
16 to the witness.

17 Mr. Witness, you first said, talking about Mr. Shala:

18 "He would come in and leave the place without asking for
19 permission from anyone ..."

20 I understood that -- that you said that he did not ask anyone
21 for permission.

22 Then you say --

23 THE WITNESS: [via videolink][Interpretation] Yes, the question
24 is accurate.

25 PRESIDING JUDGE VELDT-FOGLIA: Yes. No, the answer. Is the

Witness: TW4-10 (Open Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F579.

1 answer accurate? That is the question.

2 And then you say:

3 "... I don't know whether he had any permission ..."

4 That seems to me, but I'm putting it to you, that seems to me a
5 contradiction. First, you say he did not ask anybody. And then you
6 say: I did not know if he had any permission.

7 So my question to you: What is it?

8 THE WITNESS: [via videolink][Interpretation] Your Honour, I
9 would ask for permission to my commander. Maybe he had his own
10 commander. I don't know who was his commander. Like, he would come
11 in and go. I was there like a guard, a soldier. There were two
12 other soldiers. He wouldn't say anything. Now, I do not know things
13 that commanders are supposed to know.

14 PRESIDING JUDGE VELDT-FOGLIA: I understand. But then for me
15 it's not clear why you started off with saying that Mr. Shala did not
16 ask for permission. Because then could you have said right away:
17 Mr. Shala would come and go, and I don't know if he had permission to
18 do so.

19 So for me, now it's --

20 THE WITNESS: [via videolink][Interpretation] Your Honour --

21 PRESIDING JUDGE VELDT-FOGLIA: No, Mr. Witness, you should wait
22 until I finish my sentence.

23 So, for me, it's not clear what you intended to say. Because it
24 seems that you are contradicting yourself, but I'm not sure yet. I'm
25 listening to you.

Witness: TW4-10 (Open Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F579.

1 Do you see my point?

2 THE WITNESS: [via videolink][Interpretation] Yes, I understand
3 very well.

4 Your Honour, Pjeter Shala did not stay, didn't sleep at the
5 logistics premises. He stayed and slept somewhere else outside. I
6 don't know where. I don't know if he had a private house somewhere
7 or not. I don't know.

8 PRESIDING JUDGE VELDT-FOGLIA: That has nothing to do with the
9 question. You first stated that he left and came without permission;
10 and then you say you did not know. And I'm trying to give you the
11 possibility to explain to us what you have meant. And I cannot do
12 more than -- no, wait.

13 THE WITNESS: [via videolink] [Interpretation] And I'm saying
14 again he didn't ask for permission from anyone. He came in and left
15 as he pleased.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. So you went back to the
17 thing you first said.

18 Victims' Counsel, I give you the floor, and I will look -- maybe
19 you will do it, to look for the prior statement on this specific
20 point.

21 MR. LAWS: Your Honour, yes, I have it to hand, and with
22 Your Honours' leave I'll use it now.

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

24 MR. LAWS: Could we have please on the screen the document with
25 the ERN 108836-TR-ET, Part 1, and it's page 21. And it's the same

Witness: TW4-10 (Open Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F579.

1 document obviously in Albanian and it's page 24. In the English,
2 it's lines 8 to 11. In the Albanian, it's lines 7 to 12.

3 Q. *[REDACTED] Pursuant to Post-Session Redaction Order F519.*

4 *[REDACTED] Pursuant to Post-Session Redaction Order F519.*

5 *[REDACTED] Pursuant to Post-Session Redaction Order F519.*

6 Do you understand?

7 PRESIDING JUDGE VELDT-FOGLIA: Do you understand, Mr. Witness?

8 THE WITNESS: [via videolink][Interpretation] No.

9 MR. LAWS:

10 Q. Let me to explain to you.

11 *[REDACTED] Pursuant to In-Court Redaction Order F499RED.*

12 *[REDACTED] Pursuant to In-Court Redaction Order F499RED.*

13 A. Yes.

14 Q. A transcript of what you said has been prepared and part of that
15 transcript is available to you on the right-hand side of the screen
16 in Albanian. And on the left-hand side we have it in English.

17 Do you follow me so far?

18 A. Yes.

19 Q. So what I'm going to do is to read you just a short part of that
20 transcript which deals with the same topic that we have just been
21 discussing just now.

22 Do you understand that?

23 A. Yes.

24 Q. At line 8, you're talking about -- line 8 in the English and
25 it's line 7 in the Albanian. You're talking about the time when

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Additional redactions applied pursuant to F579.

1 Pjeter Shala took [REDACTED] *Pursuant to In-Court Redaction Order F499RED.* away, and I don't need to ask you about

2 that. But do you have the place?

3 MR. AOUNI: We're in public session.

4 MR. LAWS: I'm so sorry. I'm so sorry. May we go, please, into
5 private session just for a moment.

6 PRESIDING JUDGE VELDT-FOGLIA: Court Officer, can you bring us
7 into private session.

8 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
9 *to F579*

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

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

11 Victims' Counsel, please proceed. We will proceed with
12 redacting.

13 MR. LAWS: Thank you.

14 Q. You go on to say, can you see:

15 "... he was that kind of person who didn't care about the other,
16 like, commanders there because he had connections with people higher
17 up."

18 Can you see those words of yours, Mr. Witness? If you could
19 answer "yes" or "no" first, please.

20 A. Yes.

21 Q. Was that true when you told the Specialist Prosecutor's Office
22 about it?

23 A. Yes.

24 Q. Just a few lines down from that answer, five lines down, you can
25 see the next -- you can see a question that is asked of you on

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Additional redactions applied pursuant to F579.

1 exactly this topic. Can you see it begins:

2 "You indicated that Pjeter Shala had connections with higher-up
3 officials."

4 Can you see that in the transcript?

5 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, it's better
6 that you read it out to the witness.

7 MR. LAWS: Yes, Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: That will suffice. Rather than
9 that he has to see it.

10 MR. LAWS: Yes, very well. Thank you.

11 Q. Five lines further down you say -- sorry. The questioner asks
12 you:

13 "You indicated that Pjeter Shala had connections with higher-up
14 officials. So what role did Pjeter Shala have in ... in Kukes? Was
15 he an important person there?"

16 And you said -- I'll pause for the translation. And you said:

17 "... he was Ramush's man.

18 "And can you confirm Ramush. Who is Ramush? If you can provide
19 the full name."

20 And you say: "Ramush" --

21 A. He was Ramush Haradinaj's soldier.

22 Q. Going back to where we started, was that the reason that he
23 could come and go as he pleased from the logistics facility in Kukes?

24 A. I don't know.

25 Q. Mr. Witness, I've just taken you through the answers that you

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Additional redactions applied pursuant to F579.

1 gave in which you're saying that that is why he could come and go as
2 he pleases. I wonder if we could just have the answer to that
3 question.

4 PRESIDING JUDGE VELDT-FOGLIA: Two points. I like to have the
5 transcripts put a little bit higher because I think we are losing the
6 last four lines.

7 And Defence Counsel, I see you're standing. Are you going to
8 make a remark that it's better that I have the witness escorted out
9 of the -- no.

10 Please, then proceed.

11 MR. AOUINI: Maybe I'm trying to be helpful. We are told by one
12 of the members of the team that the Albanian rendering of that
13 transcript, if you look at the lines 10 and following, it doesn't say
14 exactly the same. And maybe my colleague and the witness are at
15 cross purposes and it's a translation issue. The transcript in
16 Albanian, maybe the witness can read it or somebody who speaks
17 Albanian can read it and we can have a fresh translation or at least
18 interpretation into English to clarify whether that's the reason of
19 the discrepancy.

20 PRESIDING JUDGE VELDT-FOGLIA: And about what line are you
21 talking? Because I'm not sure we can do that now. We will see. But
22 what lines are the lines that you say that there is a discrepancy?

23 MR. AOUINI: In Albanian --

24 PRESIDING JUDGE VELDT-FOGLIA: Yes.

25 MR. AOUINI: -- page 24, lines 10 to 11.

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Additional redactions applied pursuant to F579.

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

2 MR. LAWS: It's 10 to 11 in the English, I think. I'm not clear
3 what part is inaccurate.

4 PRESIDING JUDGE VELDT-FOGLIA: Because I will ask the
5 interpreters to translate the Albanian version, the lines you
6 indicate to me, yeah, I will ask them if they -- I will instruct them
7 to translate that into English. But then for me it is important to
8 know which lines need to be instructed, and I cannot ask them to do
9 the whole -- I don't want to ask them to do the whole page but two
10 lines is not a problem, of course.

11 MR. AOUNI: So for the transcript to be clear, the equivalent
12 of the English transcript page 21, lines 8 to 11, for which we got
13 into the private session, we have the equivalent at page 24, lines 10
14 and 11 of the Albanian. So maybe those two lines could be read out.

15 PRESIDING JUDGE VELDT-FOGLIA: But then I would start in --
16 okay. If we start in line 9, then we have first have the question
17 and then we could -- may I ask the interpreters to interpret into
18 English --

19 THE INTERPRETER: Yes, madam.

20 PRESIDING JUDGE VELDT-FOGLIA: -- line 9 to 12 then. Because I
21 think that the last word on 12 belongs to the sentence in line 11.
22 Please.

23 THE INTERPRETER: It actually starts with line 10, Your Honour.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then ...

25 THE INTERPRETER: Okay. In that case, the first part of the

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Additional redactions applied pursuant to F579.

1 sentence until the two hyphens, it is just a fragmented sentence
2 which doesn't really make sense. But the second sentence starts
3 with: Pjeter Shala. And it says: He didn't hold himself
4 accountable to anyone there because he used to hang out with the
5 higher-ups.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Interpreter.
7 Defence Counsel, does that meet your concern?

8 MR. AOUNI: Our in-house translation was to the effect that
9 nobody got into his business so -- we don't speak Albanian to check
10 it.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay. But I'm not going to take
12 an issue --

13 MR. AOUNI: No, no, no.

14 PRESIDING JUDGE VELDT-FOGLIA: -- with our interpreters.

15 MR. AOUNI: Absolutely not.

16 PRESIDING JUDGE VELDT-FOGLIA: But if you want to have a
17 verification, we have a procedure for that. But --

18 MR. AOUNI: I'm just trying to explain where --

19 PRESIDING JUDGE VELDT-FOGLIA: Yes.

20 MR. AOUNI: -- or why we tried to help with this respect.

21 PRESIDING JUDGE VELDT-FOGLIA: Yes.

22 MR. LAWS: Well, with the great respect, the sense of that is
23 identical, really, to what's here and what it's done is simply to
24 have interrupted the proceedings. There is no change of substance.
25 If anything, the proposed translation is rather more emphatic.

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Additional redactions applied pursuant to F579.

1 So I make that observation for future reference.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you. I find it important
3 that if an issue raises, Victims' Counsel, of interpretation and
4 could be helpful to be verified that there is no misunderstanding as
5 to the language, that we try to clarify that. And we have clarified.

6 MR. LAWS: Your Honour, my comment was not directed at
7 Your Honours' action in relation to, but in relation to the need for
8 us to spend the time that we did looking at a translation issue where
9 there really wasn't one.

10 PRESIDING JUDGE VELDT-FOGLIA: We are turning around the same
11 thing, but I repeat that because we are -- none of us - I'm talking
12 about the Panel - are Albanian speakers, we need to check it. And
13 that it needs time, I take that as a necessary use of time.

14 Please proceed.

15 MR. LAWS:

16 Q. So it's a little while ago now, Mr. Witness, but I was asking
17 you this question or one very similar.

18 Was it because Pjeter Shala had connections with people who were
19 higher up than him that he was able to come and go as he pleased from
20 Kukes?

21 A. Yes.

22 Q. Thank you.

23 MR. LAWS: I have no other questions.

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

25 Thank you, Victims' Counsel.

Procedural Matters

Additional redactions applied pursuant to F579.

1 Let me finalise this.

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

3 ~~[Open session]~~

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

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

6 It's a quarter to 4.00, so what we will do is that I will
7 adjourn the hearing till -- you will get the floor. We will adjourn
8 the hearing in a short while without starting the cross-examination
9 by the Defence. That will allow you, the Defence team, to have a
10 meeting with your client and then we can resume tomorrow.

11 Defence Counsel, I saw that you wanted to take the floor.
12 Please.

13 MR. AOUINI: Thank you, Your Honour. And apologies if I have
14 been too disruptive today. That's absolutely not the purpose, but
15 we're trying to do our best to clarify things.

16 We had a request that we made a bit earlier - maybe we should
17 deal with it in private, but I can endeavour also to do it in public
18 session - regarding notice about a couple of points that are very
19 important to the Defence in their preparation for the
20 cross-examination of this witness but, more importantly, for
21 following witnesses.

22 [Trial Panel and Legal Officer confer]

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, what I will do
24 is first finalise, then, this part of the session and then we will
25 continue.

Additional redactions applied pursuant to F579.

1 Mr. Witness, for today, we have finished with your examination.
2 Tomorrow we will continue, and it will be the turn of the Defence
3 Counsel. So tomorrow we will see each other, we will meet again at
4 9.30.

5 I want to thank you for your time today, Mr. Witness. And let
6 me remind you that until tomorrow morning, you shall not discuss your
7 testimony with anyone. Have you understood that?

8 THE WITNESS: [via videolink][Interpretation] Yes, Your Honour.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay. You will be assisted now
10 by the Registry staff. Try to rest, and we will see you again
11 tomorrow morning. Is that clear?

12 THE WITNESS: [via videolink] [Interpretation] Good-bye.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good-bye. And have a good
14 afternoon.

15 [The witness stands down via videolink]

16 THE COURT OFFICER: Your Honours, we will terminate the
17 videolink connection to the remote location now.

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

19 And thank you, to the Court Officers at the other side. You
20 will convey my gratitude to our colleagues. Thank you, Mr. Court
21 Officer.

22 Very well. Then today we will do the round the other way, a
23 round with regard to pending issues.

24 Defence Counsel, you started already with some points you wanted
25 to discuss with us. Please. And I don't know what you want to

Additional redactions applied pursuant to F579.

1 discuss, so it I leave it up to you if we have to go into private
2 session because at this moment ...

3 MR. AOUNI: I can give you key words and we decide together.
4 It is about notice about certain allegations in the indictment, PTB
5 and opening statement about two specific points. One of them
6 concerns protected individuals so ...

7 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]. That
8 sounds as private. And the second point?

9 MR. AOUNI: Is the second allegation about a named
10 co-conspirator. So two points of clarification about what the case
11 of the Prosecutor is concerning two discrete points. One of them can
12 be dealt with probably in public. But the second one absolutely
13 needs to be dealt with in private.

14 PRESIDING JUDGE VELDT-FOGLIA: Let us go into private first.

15 Mr. Court Officer, can you bring us into private session,
16 please.

17 ~~{Private session}~~ [Open Session] *Reclassified Pursuant*
18 *to F579*

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

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

20 Defence Counsel, please, you have the floor.

21 MR. AOUNI: Thank you very much, Your Honour.

22 Today we have heard probably for the first time certain aspects
23 of evidence relating to two points. The first one is the transport
24 of alleged victims to the Kukes metal factory. And there are
25 allegations in the pre-trial brief, and if I'm not mistaken, I can

Additional redactions applied pursuant to F579.

1 give you the reference, to detainees being transported as part of the
2 allegations made towards Mr. Shala. But we need to have a clear and
3 unequivocal notice about what the case of the SPO is as to the
4 *[REDACTED]* What happens
5 if we don't have sufficient clarity is the potential -- and that's
6 the reason for some of the objections we had and whether we were --
7 we were questioning whether the SPO was cross-examining actually the
8 witnesses. We need to know the stance of the SPO as to whether
9 Mr. Shala *[REDACTED]*,
10 because we have two different versions from this witness, *[REDACTED]*
11 *[REDACTED]*, and we
12 need to be able to prepare our defence to know what is the position
13 of the SPO. Otherwise, the SPO will be unpermissibly and
14 inappropriately permitted to modulate his case as the evidence
15 unfolds. And that was the concern we had today.

16 I'm not reproaching anything to the SPO, but we need a clarity
17 as to that specific allegation. It is a live issue and we need to
18 see if we need to respond to such allegation or not, based on what
19 the witnesses say, and what the SPO -- a clear indication of the
20 allegation to that specific point. Is it him, according to the SPO,
21 or is it someone else, *[REDACTED]*.

22 That's the first point, and I can stop there.

23 PRESIDING JUDGE VELDT-FOGLIA: No. I propose that you deal with
24 the two -- both points.

25 MR. AOUINI: Yes.

Additional redactions applied pursuant to F579.

1 The second point, Your Honour, we need to have clear indication
2 from the SPO as to Bedri. Bedri is a named co-conspirator. We heard
3 the question of my learned colleague earlier. The question was put
4 as Bedri. Bedri is a first name. And we have made our
5 investigations and we have looked at the evidence disclosed by the
6 SPO, and there is considerable number of Bedris associated with the
7 KLA, with the brigade, with Kukes metal factory. And we have seen
8 traces of the SPO trying to ascertain some investigation about
9 certain Bedris.

10 So it is this stage where the SPO has to tell us which Bedri is
11 the Bedri. Because Bedri seems to be a nickname but it's also a
12 first name. And that will guide us into our preparation, because we
13 have been investigating that point as well and we need to -- it has
14 many legal and evidentiary implications in what we do.

15 Is it Bedri Dervishaj that we heard today or is it -- we have at
16 least two other Bedris mentioned in the papers that were disclosed.
17 Some of them were admitted -- they were submitted from unavailable
18 witnesses to Your Honours.

19 So this is also something that we need clarity on before we go
20 on with other witnesses.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. References are important
22 in this respect, so ...

23 MR. AOUINI: I have it at hand.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes, please, if you can mention
25 it for the record, then we have it in the transcript.

Additional redactions applied pursuant to F579.

1 MR. AOUINI: So corrected indictment, F00098, paragraph 10.

2 Bedri. Soldier, nicknamed Bedri. That is the point about Bedri.

3 The other one about transport of detainees, I think we mentioned
4 it in one of our recent responses to filings. The transport of
5 detainees in general and we made submission that the position of the
6 SPO regards the -- one of the unavailable witnesses that is dead.
7 That is their position, but we need clarity towards that.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes. But I -- if you cannot give
9 it now, you will give it to us tomorrow morning.

10 MR. AOUINI: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: But I think to be complete.

12 MR. AOUINI: Yes, I have it.

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

14 MR. AOUINI: So it's F00139, paragraph 31, participated in the
15 transfer -- in the transfer of W04733, that is the unavailable
16 witness, and other prisoners. So we need clarity as to whether
17 *[REDACTED]*, in the allegation of the SPO, is somebody who was
18 being transferred by Pjeter Shala. Or is it *[REDACTED]* or somebody
19 else?

20 Thank you, Your Honour.

21 Sorry. This is annex 1 of the filing F00139. Sorry. Sorry for
22 that.

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

24 I can give the floor now to the SPO if they are in a position to
25 react; and, if not, we will continue tomorrow.

Additional redactions applied pursuant to F579.

1 [Specialist Prosecutor confers]

2 MR. DE MINICIS: Your Honours, just briefly. These are
3 wide-ranging issues raised by the Defence that went well beyond the
4 scope of the testimony of this witness.

5 That's a lot to unpack and we will read the submissions tonight,
6 if need be, and get back to them tomorrow.

7 But as far as notice is concerned, we are -- our case has been
8 sufficiently noticed as found by the -- through the indictment and
9 pre-trial brief.

10 To the extent that there may be some details that as we hear
11 evidence, that is the purpose of a trial, may differ from original --
12 an original allegation, that would be for the Trial Panel to assess
13 in the end. We don't believe that we have put the Defence in any
14 difficult position at the moment with regard to their exercise of
15 their right to defend their client effectively.

16 And counsel has also made some submissions on alleged
17 differences that are in the evidence of a certain witness which we
18 don't feel we should entertain right now. This witness is yet to be
19 heard. [REDACTED]. So we will look into
20 whether we can provide any clarification, but it's our position that
21 our case is sufficiently noticed to the Defence and at the moment we
22 can proceed on that basis.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay.

24 Please, Defence Counsel, if there is something you would like to
25 react on that.

Additional redactions applied pursuant to F579.

1 MR. AOUINI: A quick reaction. We believe these are material
2 facts and need to be pleaded. Maybe we will need a ruling on that.

3 The two points were discussed today, [REDACTED]
4 [REDACTED], that was discussed today with
5 the evidence of this witness, and also the Bedri was discussed. So
6 it is not beyond this witness and it will be much more problematic if
7 we go on foggy terrain with the main witness. We need to know what
8 we need to respond to, and, again, we believe these are material
9 facts.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. This point
11 will remain pending for the moment. The SPO has said that they will
12 look if they can follow up on this; and, if necessary, we will as a
13 Panel take a position on this.

14 Thank you.

15 And then to come back to what you just said on page 103, line
16 25, you have not been too destructive today. I think that in the
17 interests of the case, the parties and participants bring forward
18 what is necessary in their view.

19 MR. AOUINI: I meant disruptive. I'm sorry.

20 PRESIDING JUDGE VELDT-FOGLIA: Ah, okay. Yes. Very well.

21 Good. In this respect, is there something Victims' Counsel
22 would like to bring in?

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

24 PRESIDING JUDGE VELDT-FOGLIA: Good.

25 Then I will make my classical round.

Additional redactions applied pursuant to F579.

1 I look at the Specialist Prosecutor's Office -- oh, yes, thank
2 you very much, Mr. Court Officer.

3 Please bring us back into public session, please.

4 ~~{Open session}~~

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

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

8 I will make my classical round. For the Specialist Prosecutor's
9 Office, is there something you that you would like to raise at this
10 moment in time?

11 MS. WYLER: No pending issues from our side. Thank you.

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

13 Victims' Counsel.

14 MR. LAWS: Nothing from us. Thank you, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well.

16 Then I -- we will resume tomorrow at 9.30. And I thank the
17 participants and the parties for their participation in this trial
18 for today. And to everybody who has been assisting us, both
19 security, interpreters, and stenographer for -- and CMU, of course,
20 for their assistance in all different ways.

21 The hearing is adjourned.

22 --- Whereupon the hearing adjourned at 3.58 p.m.

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