

*Redactions applied pursuant to F631.*

1 Friday, 2 June 2023

2 [Open session]

3 [The accused appeared via videolink]

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

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

6 Court Officer, can you please call the case.

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

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

10 Firstly, I kindly ask you to indicate who is present today for  
11 the different parties and participants.

12 You have the floor, Mr. Prosecutor.

13 MR. DE MINICIS: Good morning, Your Honours. For the SPO,  
14 Line Pedersen, Case Manager; Gaia Pergolo, Associate Prosecutor;  
15 Filippo De Minicis, Prosecutor.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Victims' Counsel, you have the floor.

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

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 And, Defence Counsel, you have the floor.

23 MR. GILISSEN: Thank you very much, Your Honour. I'm  
24 Jean-Louis Gilissen. We are here with Mr. Shala, who is in the  
25 detention centre; with the two co-counsel, Mr. Aouini and

*Redactions applied pursuant to F631.*

1 Ms. Leto Cariolou; Ms. Dzeneta Petravica, our case manager; Juliette  
2 Healy and Judit Kolbe, our evidence review assistants;  
3 Camille Gosson, who is an intern. And we have Anita Dautaj. She  
4 joined our team. It's an intern and interpreter.

5 Thank you very much.

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

7 Mr. Shala, can you hear me fine?

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

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

11 We will continue today with the examination of Witness 01. We  
12 have our regular sitting schedule of three sessions of one and a half  
13 hour, twice 30 minutes of a break, and a lunch break of one and a  
14 half hour.

15 Before we begin, we will issue an oral order for the --  
16 specifically for the Defence.

17 You have been -- you have requested us to be allowed to use  
18 during your questioning of the witness newly disclosed items,  
19 consisting of a photograph, that is ERN DPS00124; three aerial maps,  
20 yes, ERN DPS000159 to 161. And this was done by email dated 26 May  
21 2023, at 17.30.

22 You also intend to use newly disclosed Albanian or English  
23 translations of items that were previously disclosed by the SPO.  
24 Yes, that's also correct. They were all made available by the  
25 Defence between 22 and 26 May.

*Redactions applied pursuant to F631.*

1 I didn't hear any objections from the side of the SPO and  
2 Victims' Counsel, so we authorise to use it. And all the newly  
3 disclosed items, they were made available in time, they're not  
4 lengthy, and they are corresponding to previously disclosed items.

5 So this oral order of the Panel is concluded.

6 Before I give you the floor, Defence Counsel, I would like to  
7 address two matters.

8 First is a question. It's the request you presented to the  
9 Panel for reconsideration of the Decision Concerning Prior Statements  
10 given by Mr. Shala. This is filing 515. We received that on  
11 18 May of this year. We received a response by the SPO on 30 May.  
12 That's filing 527. And I would like to ask you if you intend to come  
13 with a reply to the SPO's response prescribed by the deadline of 5  
14 June.

15 MR. AOUINI: Can you allow me to confer with my colleagues,  
16 Your Honours.

17 PRESIDING JUDGE VELDT-FOGLIA: Of course.

18 MR. AOUINI: Thank you.

19 [Specialist Counsel confer]

20 MR. AOUINI: Yes, Your Honour. We will be filing a reply on the  
21 deadline or before -- or by the deadline.

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

23 And then there's one more point with regard to the examination  
24 of this witness.

25 If you would like to further explore a topic that has been dealt

*Redactions applied pursuant to F631.*

1 already with during the prior examination by the SPO or by  
2 Victims' Counsel, my suggestion would be that you read out what he  
3 has said in the transcript, with, of course, the reference, and then  
4 we continue with a follow-up question. I would just like to avoid  
5 some kind of repetitive questioning, and I'm sure that you are not  
6 intending to do that, but to be very cautious with that in order to  
7 avoid that the examination would go differently from -- for the  
8 witness than we hope that it will go.

9 MR. AOUINI: Thank you, Your Honour. Good morning.

10 This is the intention, we'll try to do that. But we suggest  
11 that for -- when we refer to a whole event or whole sequence, that we  
12 put the reference without reading because some episodes are big ones.  
13 Then we can refer to the page numbers with a general topic to  
14 introduce a topic. But when we are asking specific questions about  
15 one specific info or fact, exploring it, then we read it.

16 But we're in your hands. If you feel at a moment that something  
17 needs to be read that wasn't, we're ready do it in principle.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you. I'm sure  
19 that we can take it as it comes if it would be necessary to  
20 intervene. But for now I think it is clear how to proceed. Thank  
21 you.

22 Then we can proceed with the testimony of the witness.

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

24 [The witness takes the stand]

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

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

Page 1608

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 THE WITNESS: [Interpretation] Good morning.

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

3 THE WITNESS: [Interpretation] I'm good. Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well.

5 Mr. Shala, can you hear the witness?

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

7 PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you, Mr. Shala.

8 Mr. Witness, today we will continue with your examination, and I  
9 remind you that you're still under oath to tell the truth. Yes, I  
10 see you nodding, you understand that.

11 I will give the floor now to the Defence Counsel. They will be  
12 asking you questions, yes.

13 Defence Counsel, you have the floor.

14 MR. AOUINI: Thank you, Madam President.

15 WITNESS: TW4-01 [Resumed]

16 [Witness answered through interpreter]

17 Cross-examination by Mr. Aouini:

18 Q. Good morning, Mr. Witness.

19 A. Good morning.

20 Q. Mr. Witness, I will -- I am one of the counsels of Mr. Shala,  
21 the Defence -- with the team of the Defence, and we will be asking  
22 you a number of questions on topics that you have addressed and  
23 topics that were not dealt with in your previous days of testimony.  
24 Do you understand that?

25 A. I understand.

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

Page 1609

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 Q. Mr. Witness, we might have to go again into some unhappy moments  
2 or difficult or sad episodes and events, but we have to clarify some  
3 timelines and seek clarifications and explanations from you. Do you  
4 understand that?

5 A. Yes.

6 Q. Thank you, Mr. Witness.

7 MR. AOUINI: Madam President, I think that we cannot start in  
8 public session, so, with your leave, let's move to private session.

9 PRESIDING JUDGE VELDT-FOGLIA: Yes. And you will indicate as  
10 soon as we are in private session the topic so that I know why we are  
11 in private session. Thank you.

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

14 [Private session]

15 [Private session text removed]

16

17

18

19

20

21

22

23

24

25

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

Page 1610

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1611

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1612

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1613

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1614

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1615

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1616

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1617

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1618

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1619

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1620

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1621

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1622

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1623

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1624

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1625

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1626

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1627

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1628

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1629

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Cross-examination by Mr. Aouini

Redactions applied pursuant to F631.

[Open Session] Reclassified Pursuant to F631

1 Q. Mr. Witness, do you remember having a phone conversation with  
2 the SPO on [REDACTED]? It's not  
3 an interview. It's a phone conversation. Do you remember that?

4 A. I've had many phone conversations, but I really can't understand  
5 what concretely you're referring to. Can you please explain it to me  
6 so that I can understand what you want to know. There have been many  
7 phone conversations and I don't know to which one specifically you're  
8 referring. And I do forget dates.

9 Q. Absolutely, Mr. Witness. I will try my best with specific  
10 details to come to that. So you had many phone conversations. Do  
11 you remember having a phone conversation with the SPO on the day or  
12 the day [REDACTED]? Does that  
13 ring a bell to you?

14 A. Yes, I did.

15 Q. Do you remember what you told the SPO in that phone conversation  
16 in [REDACTED] about this transport and Pjeter Shala? Do you have a  
17 recollection of that?

18 MR. DE MINICIS: Your Honours.

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

20 Mr. Witness, I will ask Madam Court Usher to usher you out for a  
21 moment because we need to discuss something. Yes? Thank you.

22 [The witness stands down]

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you have the  
24 floor.

25 MR. DE MINICIS: The witness said that he had many conversations

Redactions applied pursuant to F631.

1 with the SPO over the years, which I can confirm is the case. It may  
2 be difficult to remember what somebody said during a conversation,  
3 amongst many, [REDACTED]. Maybe counsel can just  
4 put whatever is recorded in the Official Note to the witness and then  
5 take it from there.

6 It's not because of anything but the fact that the witness seems  
7 to have trouble remembering specific conversations among all those he  
8 had with us.

9 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] before  
10 I give you the floor, Defence Counsel, I see that the Defence Counsel  
11 has asked, "Do you remember what you told the SPO in that phone  
12 conversation," so the phone conversation on the day or the day  
13 [REDACTED], "about this transport and Pjeter Shala?"

14 I don't -- I'm wondering what your objection in this respect  
15 could be --

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 PRESIDING JUDGE VELDT-FOGLIA: I would go with you if I would  
21 have seen a hesitation, but I have the impression that he -- if he  
22 hesitates and we see that he is getting lost, I would go with you.

23 But if he thinks that from the top of his head he can recall  
24 that specific telephone conversation because it's about an event  
25 that, in his words, is unforgettable, or not, I don't know what is

Cross-examination by Mr. Aouini

Redactions applied pursuant to F631.

1 coming -- I know maybe what is coming, but I mean I don't know what  
2 he is going to say. So I would say that you -- this question,  
3 because by the time, Defence Counsel, the witness gets back some  
4 minutes have passed, if you can repeat it and then we take it from  
5 there. If we see hesitation, Defence Counsel, then I don't -- I  
6 would follow the path indicated by Mr. Prosecutor, and you can read  
7 it out to him. Yes?

8 MR. AOUINI: Thank you. I'm just going to retrieve the passage  
9 to repeat my question as it was, since it is allowed.

10 PRESIDING JUDGE VELDT-FOGLIA: If it could help, page 27, lines  
11 2 to 4.

12 MR. AOUINI: Thank you very much. Much appreciated,  
13 Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] "Do you  
15 remember what you told the SPO in that phone conversation in  
16 *[REDACTED]*  
17 about this transport and Pjeter Shala?"

17 What I just read out. Good.

18 Madam Court Officer, could you ask Madam Court Usher to usher  
19 the witness back.

20 [The witness takes the stand]

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.  
22 Welcome back, Mr. Witness. I will give the floor to  
23 Defence Counsel.

24 MR. AOUINI: Thank you, Your Honour.

25 Q. So, Mr. Witness, I will pose to you again the question. If you

Cross-examination by Mr. Aouini

Redactions applied pursuant to F631.

1 don't understand it, you tell us. Okay?

2 The question is this: Do you remember what you told the SPO in  
3 that phone conversation in [REDACTED]

4 [REDACTED], and

5 Pjeter Shala?

6 Do you remember discussing that, saying something about that?

7 PRESIDING JUDGE VELDT-FOGLIA: And we're talking about the phone  
8 conversation you had on the day or the day [REDACTED]  
9 [REDACTED]. If you remember that. And if you don't remember, it's  
10 fine too.

11 THE WITNESS: [Interpretation] No, I can't remember now. If I  
12 was given more details about the content, I would probably remember  
13 more, but -- maybe, perhaps I would remember if you give me some more  
14 information about the content of this.

15 MR. AOUINI: With your leave, Your Honour, I put the note and  
16 then read it and ask the question.

17 PRESIDING JUDGE VELDT-FOGLIA: Very well. Did you already give  
18 the references to Madam Court Officer?

19 MR. AOUINI: Thank you. The reference is 093591. It's dated  
20 [REDACTED] and it's an Official Note. The Albanian is the same, with  
21 the -AT, of course. The page is page 1. The paragraph is  
22 paragraph 2.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you take off  
24 your headphone.

25 Are you going to talk about the content?

Redactions applied pursuant to F631.

1 MR. DE MINICIS: Yes, I am, Your Honour.

2 PRESIDING JUDGE VELDT-FOGLIA: Sorry, Mr. Witness, you have to  
3 be ushered out again.

4 [The witness stands down]

5 MR. DE MINICIS: The reason, Your Honour, why I have a  
6 preference for the document to be put to the witness before counsel  
7 sort of paraphrases or summarises the content is that the  
8 paragraph says:

9 [REDACTED]

10 [REDACTED]

11 Now, counsel stated: Do you remember what you said in that  
12 phone conversation in [REDACTED]

13 [REDACTED], Pjeter Shala -- it's  
14 a bit broader, the context.

15 Also this is really not a verbatim recorded conversation in  
16 which we can say that these were, you know, the exact words of the  
17 witness or -- so a bit more adherence to the content of the document  
18 in putting that to the witness because I'm not sure that this  
19 paragraph relates to [REDACTED]

20 [REDACTED]. It's a bit broader than what the document  
21 records.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you  
23 consider to ask Mr. Witness [REDACTED]

24 [REDACTED]. Because -- and then we don't even need

25 for now this document. I mean, the general question about a possible

Redactions applied pursuant to F631.

1 role of your client in this transport has not even been put to him,  
2 and you are bringing up this document. And then we can always -- if  
3 he would give you a blunt no, then you could always go back to this  
4 document.

5 But I see the point that -- and that is maybe not exactly the  
6 point the SPO is making but that's what I'm saying now, that you  
7 could first start with a question about a possible role of Mr. Shala  
8 in the transport.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 So why should we -- we asked him whether he spoke about  
14 Pjeter Shala, whether he spoke on that date about the transport. We  
15 have gone to it in different manners. I think the easiest, simplest,  
16 more efficient, is to put this phrase to him and ask him to explain  
17 or confirm or deny. And if he says no, [REDACTED]  
18 [REDACTED], then he will say it. If he says it's -- anything  
19 he can say, then we will be clear on what he means.

20 The transcript of his testimony is very clear and we confirmed  
21 it at the start of this section.

22 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] I see  
23 your point, Defence Counsel. So what you will be doing is --

24 MR. AOUMINI: Read paragraph 2.

25 PRESIDING JUDGE VELDT-FOGLIA: -- read paragraph 2 and you will



Cross-examination by Mr. Aouini

Redactions applied pursuant to F631.

1 ask him -- I would not say that it is an inconsistency. I would ask  
2 him to clarify. I would ask him to clarify what he meant with this  
3 specific remark. Yes? Good.

4 MR. AOUINI: Absolutely, Your Honour.

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

6 Madam Court Officer, could you ask Madam Court Usher to bring  
7 the witness back in.

8 [The witness takes the stand]

9 MR. AOUINI:

10 Q. Welcome back, Mr. Witness.

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, thank you for your  
12 patience for going away and coming back, but it is really important  
13 for us that you are not here when we discuss the content of the  
14 questions that will posed to you because we want to hear from you  
15 what you thought without catching maybe some part of the discussion.  
16 Yes? Thank you.

17 Defence Counsel, you have the floor.

18 MR. AOUINI: Thank you, Your Honour.

19 Q. And thank you, Mr. Witness, for bearing with us. So I will read  
20 to you one sentence and ask you to clarify what you mean with it.

21 Okay?

22 So the paragraph number 2 is:

23 [REDACTED]

24 [REDACTED]

25 Could you, Mr. Witness, clarify what you meant, if you in fact

Cross-examination by Mr. Aouini

Redactions applied pursuant to F631.

1 did say this, what you meant with it?

2 A. These are not my words. I have never said these words.

3 Q. That's very clear. Thank you very much.

4 MR. AOUINI: Your Honours, I can -- I'm ready to move on to  
5 another topic unless there is further exploration.

6 PRESIDING JUDGE VELDT-FOGLIA: It's your cross-examination,  
7 Defence Counsel.

8 MR. AOUINI: Thank you.

9 Q. Mr. Witness, now we're moving to -- further down in the  
10 chronology to inside the metal factory. Okay?

11 Yesterday -- it's not yesterday but the previous testimony day,  
12 at transcript page 1413, line 24, to page 1414, line 6, you told us  
13 that you stayed in the warehouse for two or three days before you  
14 were arrested.

15 MR. AOUINI: And I can read the passage for Your Honours if you  
16 wish.

17 PRESIDING JUDGE VELDT-FOGLIA: It's not for the Judges that you  
18 read it. It's for the witness, to be clear to him what he said  
19 before. [Microphone not activated].

20 MR. AOUINI: I will read it, Your Honour. It's clear for  
21 everyone. It is not very long.

22 Q. So:

23 "And on that day, on the second day, were you able to move  
24 freely within the location of the headquarters? Could you move from  
25 the warehouse to the courtyard, for instance?"

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 Your answer:

2 "... initially I wasn't allowed to leave because they were  
3 carrying out their verifications."

4 And then another question is:

5 "Does this mean that could you not leave the warehouse or that  
6 you were restricted to the premises of the warehouse?"

7 And your answer was:

8 "I was in the warehouse and that is where I stayed."

9 Okay?

10 We understand from this that the first two, three days you were  
11 not allowed to leave the warehouse into the courtyard or other parts  
12 of the factory; correct?

13 A. When we arrived there, we did not know that they were carrying  
14 out verifications about us or investigating us. We stayed there  
15 under normal conditions. We were laughing and we had -- we were not  
16 informed what was about to happen to us. Up until the moment they  
17 tied our hands, we were not going outside -- we were not aware of  
18 anything.

19 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I just want to  
20 put a question, because we have been going around this now for  
21 several times, not you, but in general in the discussion.

22 Mr. Witness, for me to understand, you were in the warehouse  
23 playing cards. Yeah? And if you would then like to go out of the  
24 warehouse and take a walk, just a walk, to look at the sky and to say  
25 hi to somebody at the yard, were -- could you then just open the door

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

Page 1639

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 and go out and go for a walk?

2 THE WITNESS: [Interpretation] We didn't try to do this. We were  
3 not aware. We didn't try to go outside. We were there with the  
4 friends and people from the HQ, so we just didn't think of going out  
5 until the moment they tied our hands. It was at that very moment I  
6 understood what was this about.

7 PRESIDING JUDGE VELDT-FOGLIA: I think you have clarified for me  
8 now at least this point.

9 Defence Counsel, you have the floor.

[Private Session]

10 [Private session text removed]

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1640

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1641

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1642

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1643

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1644

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7 [Open session]

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 We will go for a break till 11.30, and then the witness will be  
11 called back to continue with the examination.

12 Very well. The hearing is adjourned.

13 --- Recess taken at 10.56 a.m.

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

15 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Yes, same  
16 composition. Same composition. And I see here - thank you - the  
17 same composition.

18 Then we can continue with the cross-examination by the Defence.

19 Madam Court Usher, could you usher the witness back. Thank you.

20 [The witness takes the stand]

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

22 THE WITNESS: [Interpretation] Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Can you hear me fine?

24 THE WITNESS: [Interpretation] Yes, yes.

25 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes.

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

Page 1645

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 Mr. Shala, could you hear the answer of the witness?

2 THE ACCUSED: [via videolink][Interpretation] Yes, yes.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 Very well. I now give the floor to Defence Counsel. Please  
5 proceed.

6 MR. AOUINI: Thank you, Madam President.

7 Q. Welcome back, Mr. Witness. We are moving now further in time to  
8 some unhappy events that you lived --

9 PRESIDING JUDGE VELDT-FOGLIA: We are in public.

10 MR. AOUINI: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Would you like us to go into  
12 private?

13 MR. AOUINI: Yes, I was just introducing, and -- yes. Yes,  
14 let's move to private session, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well.

16 Madam Court Officer, can you bring us into private session,  
17 please.

18 [Private session]

19 [Private session text removed]

20

21

22

23

24

25

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

Page 1646

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1647

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1648

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1649

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1650

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1651

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1652

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1653

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1654

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1655

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1656

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1657

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1658

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1662

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1663

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1664

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1665

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1666

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1667

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1668

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1669

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1674

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1675

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1676

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1677

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1678

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1679

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1680

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1681

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1682

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1683

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

[Open Session] *Reclassified Pursuant to F631*

24 MR. AOUINI:

25 Q. Mr. Witness, the case of Mr. Shala that I put to you is this:



Cross-examination by Mr. Aouini

Redactions applied pursuant to F631.

1 The reality is you [REDACTED] had one and only one encounter  
2 with Mr. Shala in the Kukes metal factory and this happened in the  
3 courtyard. Do you accept that?

4 A. I never said I met or encountered Pjeter Shala in the courtyard.  
5 I encountered, met with him in the warehouse. I never mentioned the  
6 courtyard and I never walked with him in the courtyard. We were in  
7 the warehouse. At that time, I wasn't aware of what was going on.  
8 In my mind, I was free. I thought that I had no problems.  
9 Pjeter Shala spent two nights in the warehouse and we played cards,  
10 and he knows that very well. I did not encounter him in the  
11 courtyard. In the courtyard I only came across a person that I knew,  
12 [REDACTED], but that person I did not see later on.

13 As soon as he saw me, he just left. Perhaps somebody told him  
14 to do so or maybe he left out of his own free will. And then at the  
15 guard post, by the arm barrier, there was a person from Drenica whom  
16 I knew. But with Pjeter Shala, I did not encounter him in the  
17 courtyard. We were in the warehouse and he also spent two nights at  
18 the warehouse.

19 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I have a problem  
20 with this question. We already have an answer. But I urge you, for  
21 the next question, to put it differently with a reference and --

22 MR. AOUINI: Let me clarify, Your Honour.

23 PRESIDING JUDGE VELDT-FOGLIA: I don't know what have you to  
24 clarify. But I hope I am now clear to you, because I don't think  
25 that you can put the witness: "The reality is" that. We're not

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 going to question the witness in that way.

2 MR. AOUNI: Yes. And I think also the witness didn't  
3 understand. What we are doing now, Your Honour, is not something  
4 that the witness said. We agree with him that this is not things  
5 that we put to him that he said. We are putting the case of  
6 Mr. Shala, according to the Rule 143, to the witness, to invite him  
7 to accept or not the case of Mr. Shala.

8 PRESIDING JUDGE VELDT-FOGLIA: We will not proceed in that way.  
9 And I see that it's almost time for the break, so we will stop here,  
10 and this point we will discuss further after the break at 2.30.

11 We will go into public session now.

12 ~~{Open session}~~

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

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 Mr. Witness, we are going to take a break for one and a half  
16 hour. We see you back at 2.30. Try to take some rest, and see you  
17 later. And thank you.

18 Madam Court Usher, could you please accompany the witness out.

19 THE WITNESS: [Interpretation] Thank you.

20 [The witness stands down]

21 MR. AOUNI: Your Honour, Rule 1 --

22 PRESIDING JUDGE VELDT-FOGLIA: Wait. Wait, wait, wait. Wait  
23 till I give you the floor and I don't want to hear the witness.

24 You may make your submissions now, and I will hear the  
25 Prosecutor and, if necessary, the Victims' Counsel.

*Redactions applied pursuant to F631.*

1 Please, Defence Counsel.

2 MR. AOUINI: Thank you, Your Honour.

3 PRESIDING JUDGE VELDT-FOGLIA: And bearing in mind that we are  
4 in public.

5 MR. AOUINI: Yes, I'm going to refer you to one of the rules.  
6 That's all I do. It is Rule 143(3). This is what we propose to do.  
7 If Your Honours think the circumstances and we have a ruling that we  
8 shouldn't do it, we can do without it. But this is what we are  
9 trying to do. It is in the rules, Rule 143(3).

10 PRESIDING JUDGE VELDT-FOGLIA: I will give the floor now to the  
11 Prosecutor.

12 MR. DE MINICIS: Your Honours, we don't have a problem to the  
13 Defence putting their case to the witness in these terms.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay.  
15 Victims' Counsel.

16 MR. LAWS: We agree with the SPO.

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

18 We will now have a break and then we will proceed.

19 The hearing is adjourned.

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

21 --- On resuming at 2.33 p.m.

22 PRESIDING JUDGE VELDT-FOGLIA: Let me see. I don't see a change  
23 of composition. No. Thank you.

24 MR. DE MINICIS: Your Honours, there is Giulia Bianchi for the  
25 Prosecution.

*Redactions applied pursuant to F631.*

1           PRESIDING JUDGE VELDT-FOGLIA: I was too quick. Thank you,  
2 Mr. Prosecutor. Hmm.

3           Welcome.

4           Very well. That is noted for the record. And welcome back to  
5 this afternoon's session which will continue until 4.00.

6           Before I usher the witness in, there's one issue pending.

7           Defence Counsel, before the break you wished you indicated to  
8 put the case of Mr. Shala to the witness, to invite him to accept or  
9 not the case pursuant to Rule 143(3) of the rules. And, for the  
10 record, I say that it is page 78, lines 11 till 13, of the  
11 provisional transcript.

12           We would like to give you the following direction in this  
13 respect. You may put your questions to the witness, but please don't  
14 start with "the reality is." This could be confusing to the witness.

15           And another direction is try to avoid eliciting evidence which  
16 has already been given. And I understand that that cannot completely  
17 be done, but that is what we -- we direct you to do.

18           And we will give -- we will explain when the witness comes in  
19 what you are about to do because I think that before the break, that  
20 was not completely clear to him. And what I do want to avoid is that  
21 we have a repetition here of elicited evidence.

22           Then we can proceed. Madam Court Usher, could you bring --  
23 Madam Court Officer, can you bring Mr. Witness in. Thank you, Madam  
24 Court Usher, for bringing him in.

25                                           [The witness takes the stand]

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

Page 1688

Procedural Matters

*Redactions applied pursuant to F631.*

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

2           THE WITNESS: [Interpretation] Hello.

3           PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we will continue  
4 with the cross-examination by the Defence. I would like to give you  
5 some guidance with regard to the questioning of the Defence. The  
6 Defence will now -- instead of putting statements to you and asking  
7 you all types of questions, they will put to you what their view,  
8 their version, of the events is - and we, as a Panel, we have to  
9 decide on that later on - in order for you to react on that.

10           You may respond or you may also simply refer to what you already  
11 have said before, if that is the case. If it has been discussed  
12 before and you have given an answer in that respect, you also may  
13 refer to that. You don't have to repeat answers if that is not  
14 necessary.

15           Do you understand that?

16           THE WITNESS: [Interpretation] I do.

17           PRESIDING JUDGE VELDT-FOGLIA: Very well.

18           Then I will give the floor to the Defence.

19           And my next question will be -- do you want to remain in public  
20 session or should we move into private?

21           MR. AOUINI: I think we need to go to private session,  
22 Your Honour.

23           PRESIDING JUDGE VELDT-FOGLIA: Okay.

24           MR. AOUINI: I'm afraid of that.

25           PRESIDING JUDGE VELDT-FOGLIA: Yes. We will move into private

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 session.

2 Madam --

3 MR. DE MINICIS: Before we -- I'm sorry to interrupt.

4 PRESIDING JUDGE VELDT-FOGLIA: No, no. It is no -- no  
5 apologies. We have to take floor if we think it's necessary.

6 MR. DE MINICIS: Before we do so, could we make sure that  
7 Mr. Shala is able to follow the proceedings? I'm not sure we have  
8 done it at the beginning of this session.

9 PRESIDING JUDGE VELDT-FOGLIA: No, but I have seen a certain  
10 assertiveness, so -- but I can ask Mr. Shala if he can hear us.

11 Mr. Shala, can you hear us?

12 THE ACCUSED: [via videolink][Interpretation] Yes, I can hear you  
13 very clearly.

14 PRESIDING JUDGE VELDT-FOGLIA: Yes. And if there is a moment  
15 that you would not hear us, we have this agreement that you will  
16 raise your hand and I will give you the floor right away. Yes?

17 Very well. Good.

18 Madam Court Officer, we may now go into private session.

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

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

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

22 Defence Counsel, you have the floor.

23 MR. AOUNI: Thank you, Your Honour.

24 Q. Good afternoon, Mr. Witness.

25 So, Mr. Witness, as Madam President explained to you, what I am

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

Page 1690

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 going to ask you is not related to what you have given in terms of  
2 evidence. It is the case of Mr. Shala that I would put to you to  
3 allow you to accept it or not within the guidance of the Panel.  
4 Okay?

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, do you understand  
6 what the -- what Defence Counsel means with "the case of Mr. Shala"?

7 THE WITNESS: [Interpretation] Yes, I understand.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes? Okay. Because it is also a  
9 legal term.

10 MR. AOUINI: Thank you.

11 Q. Mr. Witness, the case of Mr. Shala is that he had one, and only  
12 one, encounter with you [REDACTED] inside the Kukes metal  
13 factory and that happened in the courtyard. Do you accept that or  
14 not?

15 A. No, I don't agree.

[Private Session]

16 [Private session text removed]

17

18

19

20

21

22

23

[Open Session] *Reclassified Pursuant to F631*

24 Q. Mr. Witness, the case of Mr. Shala is that after this incident,  
25 he left the metal factory right away and he never saw you [REDACTED]

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

Page 1691

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [REDACTED] again. Do you accept that?

2 A. No, I don't accept it. It's not true.

3 Q. Mr. Witness, the case of Mr. Shala is that he has absolutely no  
4 knowledge of what happened to you [REDACTED] after that moment.

5 Do you accept that?

6 A. No, I don't accept that. He knows everything that happened  
7 there. He knows most of what happened there.

8 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, every time you  
9 say "do you accept that," what you mean to say is: Is that true in  
10 your view or not? Yeah.

11 Because for me, these words "to accept or not," we are talking  
12 about did this happen in your view, is this your account of what  
13 happened or is this not your account of what happened. And this "do  
14 you accept it or not," you may use it.

15 But for the witness I say every time, Mr. Witness, you get the  
16 question, "do you accept this or not," that is, is this in your view  
17 true or not true. But I see that you are understanding very well  
18 what the Defence lawyer is saying.

19 You have the floor, Defence Counsel.

20 THE WITNESS: [Interpretation] I understood it completely.

[Private Session]

21 [Private session text removed]

22

23

24

25



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

Page 1692

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1693

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1694

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1695

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1696

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1697

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1698

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1699

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1700

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1701

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1702

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1703

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1704

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1705

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1706

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1708

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1709

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1710

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1711

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1712

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1713

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1714

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1715

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1716

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1717

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1718

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1719

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1720

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1721

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1722

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1723

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



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

Page 1724

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1725

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

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

Page 1726

Cross-examination by Mr. Aouini

*Redactions applied pursuant to F631.*

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 [Open session]

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

Page 1727

Procedural Matters

*Redactions applied pursuant to F631.*

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

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

3 For now, we have -- we will finish with the -- this part of the  
4 cross-examination of the witness. We will continue after the weekend  
5 on Monday.

6 Mr. Witness, it's almost the end of the day in court. We will  
7 wrap up and continue again on Monday. I remind you that, until  
8 Monday morning, you shall not discuss your testimony with anyone. I  
9 thank you very much for the testimony you have given in these days.  
10 It has been long days.

11 Madam Court Usher will usher you out, and the Registry staff  
12 will be with you in the coming days. Yes? Thank you very much.

13 THE WITNESS: [Interpretation] Thank you. And I do apologise if  
14 somebody was offended with what I said, but here, the heart does  
15 pain, and I have to express myself and to recount to you where it  
16 hurts.

17 Again, I apologise if I was misunderstood if -- and if I  
18 unintentionally offended anyone.

19 [The witness stands down]

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

21 Is there anything the parties would like to raise with the  
22 Panel?

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

24 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel.

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

*Redactions applied pursuant to F631.*

1           PRESIDING JUDGE VELDT-FOGLIA: Very well.

2           Defence Counsel.

3           MR. AOUINI: Nothing from our side. Thank you, Your Honour.

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

5           Then I will now thank the parties and Victims' Counsel for their  
6 attendance, and I want to thank the interpreters and our  
7 stenographer, the one today and our other colleague, and also  
8 security, and the audiovisual booths for the hard work and  
9 assistance.

10           The hearing is adjourned until 9.30 on Monday.

11                           --- Whereupon the hearing adjourned at 4.07 p.m.

12

13

14

15

16

17

18

19

20

21

22

23

24

25