

Additional redactions applied pursuant to F579.

1 Tuesday, 2 May 2023

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning. Welcome.

6 Court Officer, can you please call the case.

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I kindly ask parties and Victims' Counsel to
11 indicate who is present today in court.

12 You have the floor, Specialist Prosecutor's Office.

13 MS. WYLER: Good morning, Your Honours. This morning for the
14 SPO we have Alex Whiting, Acting Specialist Prosecutor. We have
15 Giulia Bianchi, legal expert; Line Pedersen, our case manager;
16 Gaia Pergolo, Filippo De Minicis and myself, Eva Wyler,
17 Associate Prosecutors.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Victims' Counsel, you have the floor.

20 MR. LAWS: Thank you, Your Honours, and good morning. I'm
21 Simon Laws appearing for the victims in this case, together with my
22 co-counsel, Maria Radziejowska.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Defence Counsel, you have the floor.

25 MR. GILISSEN: Thank you very much, Your Honour. We are here

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1 with Mr. Shala from the detention centre - I hail him - by videolink.
2 I'm here with my co-counsel, Ms. Cariolou, Leto Cariolou;
3 Mr. Hedi Aouini; my case manager, Ms. Petravica, Dzeneta Petravica;
4 an evidence review assistant -- two evidence review assistants, I
5 think so, Judit Kolbe, Xhulia Tepshi; and Mathias Lenglet, who is an
6 intern. This is the same team than yesterday.

7 Thank you very much.

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

9 Mr. Shala, can you confirm that you hear me?

10 THE ACCUSED: [via videolink][Interpretation] Yes, I do hear you,
11 Your Honour.

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

13 We will continue today with the cross-examination by the Defence
14 of Witness 10. We will sit again in three regular sessions of one
15 and a half hour, twice, a break of 30 minutes, and a regular lunch
16 break of one and a half hour.

17 Before we start with the testimony, I would like to ask
18 Mr. Court Officer to bring us into private session so that the Panel
19 can hear the SPO response to the two points raised by the Defence
20 yesterday about being put on notice regarding the allegations in the
21 confirmed indictment, and those were addressed also in private
22 session. And for the record, it's page 105, lines 18 and 19 of the
23 provisional transcript of 1 May 2023.

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

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1 of Trial Witness 4-01. So we do not think there is the need to
2 provide any extra clarity on that matter.

3 Defence made other submissions concerning evidence which is yet
4 to be heard in this trial, concerning results of their own
5 investigations. It is premature. We will not address these
6 submissions. They will be able to cross-examine our witnesses, put
7 on their Defence case, if they so wish. So at this time we have no
8 further submissions in response.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.
10 Counsel, do you wish to reply?

11 MR. AOUNI: Good morning, Your Honour.

12 Our request remains the same. We believe these are material
13 facts. If the Prosecutor knows the specific name of the named member
14 of the JCE, we need to know it specifically. It's not the results of
15 our investigations. It is the impact of the way we conduct our
16 investigations that is at stake with that point.

17 And the other question about the protected witness is, we need
18 clarity whether the case of the Prosecutor is that Mr. Shala brought
19 him or not. I don't think the references given by my learned
20 colleague answer that with sufficient specificity, and we believe
21 this is a very important material fact. If the Prosecutor knows, and
22 it seems he does, what his case is about this, then he should
23 specifically say it before we hear the evidence of witnesses so we
24 know the specific allegation we need to respond to. Otherwise we
25 will be in the fog regarding what is the purpose. That's why we

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1 intervened yesterday asking whether -- the purpose of the prior
2 statements. We need to know what is the case of the Prosecutor so we
3 know what position we take in response to -- in relation to these
4 specific points.

5 And specifically on the first point about the named person. The
6 matter is there are many names and we only have a first name. So if
7 the Prosecutor knows who they allege is part of that enterprise by
8 first name and last name, it will benefit the debate in general and
9 it will alert the Defence, when they contact people with that first
10 name, for example, to know what they need and have to do legally to
11 tell these witnesses. And when considering to call some persons or
12 put questions or prepare evidence, we need that specificity to be
13 able to conduct efficiently our investigation and the presentation of
14 our case.

15 So our request remains the same, Your Honour. We believe these
16 are material facts and the Prosecutor should specify them.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you, Defence Counsel.
18 All the points of view are exchanged.

19 MR. DE MINICIS: Yes, Your Honour, I believe so.

20 PRESIDING JUDGE VELDT-FOGLIA: Okay.

21 Yes. The Panel has taken notes of your concerns, and we have
22 heard the SPO, and we will deliberate on it. But for now, I would
23 say I see no impediment to do the cross-examination of Witness 10.
24 And if it is necessary, we will come back on this specific point to
25 deal with your concerns.

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1 Very well. Mr. Court Officer, can you bring us into public
2 session again.

3 ~~{Open session}~~

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

5 PRESIDING JUDGE VELDT-FOGLIA: Very well.

6 Before we begin with the cross-examination by the Defence of
7 Wednesday 10, we will make an oral order, a short one, regarding the
8 request made by the Defence in an e-mail dating of 1 May, yesterday,
9 at 7.47, which included the request to add a document to the list of
10 items the Defence intends to uses with the Witness 10.

11 And we grant this request, seeing that it's a translation, an
12 Albanian translation of a document which was already disclosed by the
13 SPO on 21 September last year, with ERN 063313 till 063314 RED2, and
14 this is disclosure package 85; that the Defence has notified all
15 participants of its intention to use both the original and the
16 Albanian translation, which was yet to be finalised; and the Defence
17 has disclosed it promptly at the earliest opportunity after receiving
18 it.

19 This concludes the Panel's oral order.

20 Then there is another point we would like to clarify and that --
21 to clarify the following to the Defence, yes. It is not necessary
22 for the accused to provide a waiver or a consent form if and when the
23 accused wishes to be present via videolink. It is sufficient that
24 the Defence informs the Panel, the Registry, and the participants
25 through an e-mail, at the latest, the day before the hearing if the

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1 accused will be participating via videolink or will be present in the
2 courtroom. And the sooner we know it the better it is because
3 that -- for organisational reasons that is useful.

4 And I recall the oral order we gave on 29 March of this year,
5 and to be specific for the reference, that is page 833, line 7, to
6 page 834 to line 8, and there we give some more details. But we hope
7 that will facilitate the procedure in this respect.

8 Very well. Then there is a third point I would like to deal
9 with and that is a question of confirmation for the SPO.

10 We received your filing 497 on the notification for the order of
11 appearances for the third evidentiary block, and do we understand
12 rightly from this filing that you do not intend to call for the month
13 of May, 19 May, a witness?

14 MS. WYLER: Yes, that's correct.

15 PRESIDING JUDGE VELDT-FOGLIA: That's correct. So in that case,
16 I foresee that we will not have a hearing on that day, but I propose
17 that we do not cancel it yet in our agendas because you never know
18 what comes up. It's good to have always a day, a spare day. But as
19 soon as it is sure that we will not be using it, I will be informing
20 everybody that we can cancel it from our agenda. Yes?

21 Very well. Then we have dealt with all the points we had before
22 going into the testimony of the witness.

23 As we did yesterday, the witness will be appearing via
24 video-conference.

25 Court Officer at the location where the witness is, could you

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1 please invite the witness to the courtroom and please introduce
2 everyone who is in the room present alongside the witness. Thank
3 you.

4 THE COURT OFFICER: [via videolink] Yes, Your Honour, just one
5 moment.

6 [The witness takes the stand via videolink]

7 THE COURT OFFICER: [via videolink] Your Honours, I can confirm
8 now the witness is present in the remote location room,
9 Witness TW4-10, together with his assigned Duty Counsel,
10 Mr. Thomas Gillis, and myself, Senior Court Officer.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
12 Welcome, Mr. Witness. Good morning. Can you hear me?

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

15 PRESIDING JUDGE VELDT-FOGLIA: Very well.

16 And, Mr. Shala, can you hear the witness?

17 Can you hear the witness, Mr. Shala?

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

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you. The first time I
21 didn't hear it. Thank you.

22 Mr. Witness, how are you today?

23 THE WITNESS: [via videolink][Interpretation] Well. Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. We will
25 continue today with the cross-examination by the Defence team for

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1 Mr. Shala.

2 I remind you that you are still under oath to tell the truth.

3 Court Officer, can you briefly bring us into private session,
4 please.

5 [Private session]

6 [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 very much.

18 Defence Counsel, as you know, you will have the same time as
19 was -- as has been given to the SPO and that's a little bit more than
20 three hours. So you have the floor.

21 MS. CARILOU: Thank you, Your Honour. Good morning to
22 everyone.

23 WITNESS: TW4-10 [Resumed]

24 [Witness testified via videolink]

25 [Witness testified through interpreter]

1 Cross-examination by Ms. Cariolou:

2 Q. Good morning, Mr. Witness. I am Leto Cariolou, and I will be
3 asking you some questions -- can you hear me, Mr. Witness?

4 A. Yes.

5 Q. Thank you.

6 A. Yes.

7 Q. I'm going to be asking you some questions on behalf of
8 Mr. Pjeter Shala who is a defendant in this case. This is going to
9 be brief. I only have very few questions for you.

10 Now, if we can please go right to the beginning of the evidence
11 you gave us yesterday, you said that you were a guard at the
12 Kukes metal factory; is that correct?

13 A. Yes.

14 Q. And you showed us on the sketch you drew and in photographs you
15 were shown the booth where you kept shifts; is that correct? Do you
16 remember that?

17 A. Yes.

18 Q. Thank you. And you also showed us the warehouse at the metal
19 factory; correct?

20 A. Yes.

21 Q. You told us that at the warehouse you were keeping the uniforms;
22 right?

23 A. Yes.

24 Q. So I just wanted to know who was in charge of the warehouse?

25 A. Naser Koqina was the person in charge.

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1 Q. Thank you very much, Mr. Witness.

2 PRESIDING JUDGE VELDT-FOGLIA: Madam --

3 MS. CARIOLOU: I'm just going to now move --

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

5 MS. CARIOLOU: Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: Will you be giving us the
7 references to the references of -- the reference from the transcript
8 of yesterday.

9 MS. CARIOLOU: Certainly. I can do that straight away. So the
10 sketch was shown at page 23 of the provisional transcript of
11 yesterday - I believe we don't have an Albanian translation as yet -
12 and that was in lines 3 to 9, and page 25 -- page 23, apologies,
13 lines 25 as well. I mean, the sketch was shown -- we discussed the
14 sketch on several occasions --

15 PRESIDING JUDGE VELDT-FOGLIA: Of course --

16 MS. CARIOLOU: -- but I'm just giving one reference.

17 And the witness showed us the warehouse and that was at page 21
18 of the provisional transcript, lines 29 to 30.

19 Sorry, apologies. These are page numbers. Page 21, 29, and 30.

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

21 MS. CARIOLOU: Thank you, Your Honour.

22 Q. So now, Mr. Witness, I'd like to move to a different topic.

23 MS. CARIOLOU: And perhaps we can go to private session.

24 PRESIDING JUDGE VELDT-FOGLIA: You will explain us at the
25 beginning of the private session what it is about.

Witness: TW4-10 (Resumed) (Private Session)

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1 MS. CARILOU: Absolutely, yes.

2 PRESIDING JUDGE VELDT-FOGLIA: Okay. And allow me to remind you
3 to talk slowly just for our stenographer and the interpretation.

4 Thank you.

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

7 [Private session]

8 [Private session text removed]

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Witness: TW4-10 (Resumed) (Private Session)

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Witness: TW4-10 (Resumed) (Private Session)

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Witness: TW4-10 (Resumed) (Private Session)

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Witness: TW4-10 (Resumed) (Private Session)

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Witness: TW4-10 (Resumed) (Private Session)

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Additional redactions applied pursuant to F579.

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9 [Open session]

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

11 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have the
12 floor.

13 MS. CARILOU: Thank you, Your Honour.

14 Q. Mr. Witness, I wanted to ask you, do you know of a gentleman
15 called Pren Berisha?

16 A. Could you repeat the question, please. I didn't quite
17 understand it.

18 Q. I would like you to tell us if you know of a gentleman called
19 Pren Berisha.

20 A. Yes, I do know him.

21 Q. Thank you, Mr. Witness. How do you know him?

22 A. I know him because he was convicted in the Prizren prison, and
23 he would also go in and out, buying and purchasing foodstuffs for the
24 prisoners.

25 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, can we take off

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1 the evidence from the screen?

2 MS. CARILOU: Yes, of course.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Mr. Court Officer, thank
4 you for bringing down the document.

5 MS. CARILOU: And perhaps this is a good moment to go to a
6 private session for a follow-up question.

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

9 And then you will explain us why.

10 [Private session]

11 [Private session text removed]

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Witness: TW4-10 (Resumed) (Private Session)

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Witness: TW4-10 (Resumed) (Private Session)

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Witness: TW4-10 (Resumed) (Private Session)

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20 [Open session]

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

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 Madam Prosecutor, do you still have questions for the witness?

24 MS. WYLER: No further questions from our side. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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1 Victims' Counsel, are there questions from your side?

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

3 PRESIDING JUDGE VELDT-FOGLIA: Very well. And, now, yeah, that
4 is superfluous to ask on that side.

5 Mr. Witness, there are no further questions from the side of the
6 parties and Victims' Counsel. However, from the side of the Panel,
7 there are some more questions and I will be putting them to you.
8 They will help us to further clarify what you have been sharing with
9 us yesterday and today.

10 And I will kick off with some questions. Let me see.

11 Questioned by the Trial Panel:

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, yesterday you talked
13 about a sketch. And I will give the reference, that is page 1101,
14 line 17. You talked about a building 1 as a sort of prison.

15 Can you explain to the Panel how the persons that would arrive
16 at the headquarters of Kukes that were put in this building 1, how
17 did they arrive at the headquarters?

18 A. The senior commanders would actually bring them in.

19 PRESIDING JUDGE VELDT-FOGLIA: And how would they come in?

20 A. How they came to the logistics HQ? Is that what you mean,
21 Your Honour?

22 PRESIDING JUDGE VELDT-FOGLIA: Yes, in terms of transportation.

23 A. Well, the commanders would actually collect them, as it were,
24 from the various camps as suspects.

25 PRESIDING JUDGE VELDT-FOGLIA: And would they come walking or by

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1 car, or would it always be different?

2 A. Yes, by car. They would go to the camps, gather them. And some
3 would be brought in for mobilisation purposes, for the army, and then
4 they would be questioned.

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

6 And the persons that were brought in and were put in building 1,
7 how did you recognise that they were, as you called them yesterday,
8 suspects? How did you know that?

9 A. When they would question them, some would be let go, and others
10 would be mobilised in the army.

11 PRESIDING JUDGE VELDT-FOGLIA: When they would come in, could
12 you see that they were suspects?

13 A. Well, I was a guard, so it makes sense that being at the gate I
14 was keeping guard, and I would be asking, "Where are you going?" And
15 they would be saying that, "I've been suspected of cooperating with
16 Serbs." And I would say, "Okay, thank you. Bye-bye."

17 PRESIDING JUDGE VELDT-FOGLIA: And when they would come in, come
18 in to the premises of the headquarters, would you recognise them --
19 could you recognise them? Would you know that they were suspects?

20 A. No, no, no, no. They would be brought in for mobilisation
21 purposes, and then they would be asking them questions in building
22 number 1, in the rooms there, if they were suspected of that.

23 PRESIDING JUDGE VELDT-FOGLIA: That is clear to me. Thank you
24 for that answer.

25 But then I will become some more concrete. The persons who

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1 were, as you said, collected from the camps and were brought in by
2 car, by the senior commanders, would they have their hands tied?

3 A. No, I never saw them with their hands tied.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then I would like to
5 refresh your memory. And I will call them up as a matter of
6 procedure, but I will read out to you what you have said in that.

7 But for the record, I will give the reference. This is the SPO
8 statement from *[REDACTED] Pursuant to In-Court Redaction Order*
F500RED. 108836-TR-ET, page 13, line 2. And
9 the Albanian version would be page -- let me see. I will give the
10 Albanian reference afterwards.

11 In line 2, you said -- line 1 and 2 -- or maybe I will be more
12 complete. Page 12 and page 13. And then at page 12, it's line 19
13 and 20.

14 "How did you recognise them to be prisoners," you were asked.
15 And I understand here prisoners were the suspects you talked about
16 yesterday.

17 And then at page 13, line 1, you say:

18 "They thought that they were more dangerous. They had their
19 hands tied. But, of course, when they went in there they would take
20 away -- untie them."

21 So I ask you again: Did these people, when they would be
22 brought in, would they be -- would they have their hands tied?

23 A. Your Honour, it is quite possible that it might have been and
24 I've forgotten. Because when they were brought in, sometimes they
25 would be taken to the office by the commanders and sometimes they

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1 would take them to pavilion number 1. They would bring them in by
2 car and it is possible, as I said, that their hands were tied but
3 I've forgotten. But in pavilion number 1, the hands were not tied.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. But I -- you have said
5 this to the SPO, and you may now tell us that you have forgotten it.
6 But even when I read it out to you, do you recall it or is it still
7 blurred?

8 A. I'm saying again, I might have seen him. Because by car, they
9 would not bring them directly to pavilion 1 but to the offices, the
10 commanders. So I could have possibly seen them. And they possibly
11 had their hands tied, but they were in the cars and I did not see it.
12 And it is possible that I told this to the Prosecution. Let me be
13 fair.

14 PRESIDING JUDGE VELDT-FOGLIA: You did tell it to the
15 Prosecutor, there's no doubt about it, because it has been recorded
16 as such. It's for me just not clear. I want to be sure what you
17 remember from what you have said to the SPO.

18 I owed you -- or I owed the procedure a reference. So the
19 Albanian version is page 15, lines 1 and 2, with regard to the
20 question, and page 13, it's in the Albanian version, page 15, lines 5
21 to 8. And then -- yes.

22 Very well. I have one more question for now for you,
23 Mr. Witness.

24 Do you recall what ethnicity these so-called suspects would
25 have? So the persons that would be brought to building 1, to what

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1 you said was a prison, a kind of prison.

2 A. No. But there were people from various parts of Kosovo.

3 PRESIDING JUDGE VELDT-FOGLIA: I will recall what you said in an
4 SPO interview you gave, and that is 083537-TR-ET, Part 2, page 3,
5 lines 18 till 21. And in the Albanian version, it's page 5, lines 1
6 till 5. I will ask the Court Officer, for the record, to pull it up.

7 I will read it out to you, Mr. Witness. And you say:

8 "And when you say" -- it's a question from the Specialist
9 Prosecutor's Office.

10 "And when you say they questioned people who had worked for the
11 Serbs or had given information to Serb police, do you mean people of
12 Albanian ethnicity or other ethnicities?"

13 And then your --

14 A. Albanian. They were Albanian.

15 PRESIDING JUDGE VELDT-FOGLIA: They were Albanian.

16 And then your answer is:

17 "Albanian."

18 And then there is something in the translation which raised some
19 questions:

20 "Albanian in everybody else, like Romas and others."

21 And I will ask the interpretation booth if it's possible to look
22 at the English version, line 21, and then the corresponding line,

23 which is on page 5. I think it must be line 4 or 5. This word "in,"

24 "Albanian in everybody else."

25 My question to the interpretation booth would be if you could

Witness: TW4-10 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 clarify the word "in" in English, if that has been -- what is the
2 translation -- what would be the Albanian version. And it is -- and
3 indeed "in" is meant.

4 THE INTERPRETER: The Albanian version, line 4, says:

5 "No, no, for everybody, for Albanians, I mean, and for Roma and
6 everybody else."

7 So the corresponding line in English, the "in" should be "and."

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you for this
9 clarification on the spot.

10 So, Mr. Witness, you say "Albanians," the suspects were
11 Albanians, but also other?

12 A. Yes, there were Romas as well.

13 PRESIDING JUDGE VELDT-FOGLIA: And could you recall -- can you
14 recall others?

15 A. Yes, I do remember. There were Romas as well.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes. And do you know of other
17 ethnicities? Or other countries.

18 A. No. No.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you for this clarification,
20 Mr. Witness.

21 I will now give the floor to one of my colleagues for further
22 questions. And I might come back to you.

23 I will give the floor to the Judge at my left-hand side.

24 You have the floor.

25 JUDGE BITTI: Thank you, Madam Presiding Judge.

Witness: TW4-10 (Resumed) (Open Session)

Page 1167

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 Good morning, Mr. Witness. I'm Judge Gilbert Bitti. I have a
2 few questions for you. The first one is in relation to
3 Xhemshit Krasniqi. Do you remember if he was wearing civilian
4 clothing?

5 A. Yes.

6 JUDGE BITTI: Thank you. With regard -- I go now to other
7 questions on another topic.

8 With regard to the people who were apparently detained at the
9 Kukes metal factory, did you interact with those detainees in
10 building 1?

11 A. No.

12 JUDGE BITTI: In your statement to the SPO in *[REDACTED] Pursuant*
13 *to In-Court Redaction Order F500RED.* and
14 that's 108836-TR-ET, Part 1, page 15, lines 3 to 5, and I'm, for the
15 moment, giving only the English version. You said, and that's a very
16 specific event, you said:

17 "I was giving some bread to one of the people who was detained
18 there."

19 Do you remember that? And could you explain to us why you were
20 giving some bread to one of the persons who was detained there.

21 A. Yes, the question is correct. But I did not go there to open
22 the door myself. I went there with the big commanders.

23 JUDGE BITTI: Okay. I understand that. But were you giving
24 bread with the commanders, but were you yourself giving bread to one
25 of the people who was detained there?

26 A. That is not correct. The interpretation was incorrect.

Witness: TW4-10 (Resumed) (Open Session)

Page 1168

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 JUDGE BITTI: So, again, the interpretation was incorrect.

2 So you never gave anything to a person detained in building 1?

3 A. That's correct.

4 JUDGE BITTI: In that same statement, page 15, lines 3 to 5, you
5 said:

6 "The condition, the overall condition, in that building was very
7 bad."

8 Could you explain to us how bad was it, and what did you mean by
9 "the condition was very bad"?

10 A. First of all, in terms of food, we didn't have much. There was
11 not enough food. Sometimes they would bring food, sometimes they
12 wouldn't. The conditions were very bad.

13 JUDGE BITTI: Thank you, Mr. Witness. I'm not speaking about
14 your conditions as soldiers. I'm speaking about the conditions of
15 the people who were apparently detained.

16 So my -- what you said seemed, actually, to be -- to concern
17 those who were detained, and you say "the overall condition was very
18 bad of that building."

19 By "building," you meant - that's how I understood it - building
20 1.

21 So I'm again asking the question: How bad was the condition of
22 the people detained in building 1? Could you explain that to me.

23 A. Building number 1, the conditions were the same, both for those
24 persons there and for us. And I meant the food. Because when we had
25 something to eat, they would have something to eat. Some days we

Witness: TW4-10 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 would have something to eat and some days we wouldn't.

2 JUDGE BITTI: Okay. So from that, I have two questions.

3 If the conditions were the same, were the people detained
4 apparently in building 1 eating together with you, the soldiers, in
5 building 3?

6 A. No. The soldiers would bring it. I personally brought bread
7 once with a commander. The other soldiers who replaced me, they
8 would take the food to them. But as I said, there wasn't enough food
9 to eat on a -- every day.

10 JUDGE BITTI: Okay. So now you are saying that actually you
11 gave some bread to one of the people detained there?

12 A. Yes.

13 JUDGE BITTI: Okay. But in those lines, lines 3 to 5, when you
14 said "the overall condition was very bad of that building," so what I
15 understood is that the condition in building 1 was particularly bad.
16 Otherwise you would not have said "the overall condition was very bad
17 of that building."

18 So was the condition in that building particularly bad, or could
19 you explain to me why did you say that to the SPO at that time?

20 A. Their conditions were worse because they were locked in the
21 building, and we were free to move. So the conditions were more or
22 less the same for them and for us, but the difference was they were
23 kept locked in there. They could not go out for a walk. So that's
24 why the conditions were worse for those persons.

25 JUDGE BITTI: Okay, thank you. Thank you very much for that.

Witness: TW4-10 (Resumed) (Private Session)

Page 1170

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 I have now another question with regard to some protected
2 witnesses.

3 So I think, Mr. Court Officer, we will have to go back to -- to
4 go, sorry, to private session.

5 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
to F579

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

7 JUDGE BITTI: Mr. Witness, did you see people being detained in
8 building 1 being also mistreated?

9 A. No.

10 JUDGE BITTI: Okay. Did you know that they were mistreated?

11 A. No. But I did hear from the soldiers that they had been
12 mistreated. But personally I didn't see them being mistreated.

13 JUDGE BITTI: So you mean that the people -- you heard from your
14 colleagues or comrade soldiers in Kukes that the people detained in
15 building 1 were mistreated. That's what you're telling me.

16 A. Yes.

17 JUDGE BITTI: Thank you.

[Private Session]

18 [Private session text removed]

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Witness: TW4-10 (Resumed) (Private Session)

Page 1171

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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24 [Open session]

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

Additional redactions applied pursuant to F579.

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

2 Mr. Witness, we've reached the end of your test -- I see the SPO
3 standing.

4 Madam Prosecutor, you have the floor.

5 MS. WYLER: Yes, excuse me for interrupting, Presiding Judge.

6 We have a request for clarification of the transcript, and maybe
7 the witness could take off his headphones.

8 PRESIDING JUDGE VELDT-FOGLIA: I prefer to do it -- otherwise I
9 prefer to escort the witness out.

10 Madam Court Officer, could you escort the witness out?

11 THE COURT OFFICER: [via videolink] Yes, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you will be escorted
13 out.

14 [The witness stands down via videolink]

15 THE COURT OFFICER: [via videolink] Your Honours, the witness and
16 his counsel have left the room.

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

18 Madam Prosecutor, you have the floor.

19 MS. WYLER: Just to be sure with regard to a terminology. On
20 page 27 of the provisional transcript of today, line 25, it seems as
21 if the witness has referred to "pavilion number 1." He used this
22 word "pavilion" before in other relations, and we would request
23 whether we could clarify whether he means pavilion number 1 or
24 building number 1.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. I see the point you are

Witness: TW4-10 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 making.

2 I see the Defence standing.

3 Defence Counsel, you have the floor.

4 MR. AOUMINI: We support the request for clarification because
5 this is an issue that will come with different persons, witnesses.
6 So pavilion as opposed to building gives everyone clarity. Thank
7 you.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes. So it was page 27, and then
9 could you assist me with the line.

10 MS. WYLER: Of course. Page 27, line 25. It's the fifth word.

11 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes, yes. Yes, very well.

12 Madam Court Officer, could you please --

13 THE COURT OFFICER: [via videolink] Yes, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Could you please bring the
15 witness back in.

16 THE COURT OFFICER: [via videolink] Yes.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 [The witness takes the stand via videolink]

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

20 Can you hear me fine?

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

22 PRESIDING JUDGE VELDT-FOGLIA: Very well. There is still one
23 question for clarification with regard to what you said earlier when
24 you were responding to a question of mine.

25 We were discussing if -- I asked you if the people, the

Witness: TW4-10 (Resumed) (Open Session)

Page 1174

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 suspects, had their hands tied, and then you told us:

2 "... it is quite possible that it might have been and I have
3 forgotten."

4 That's what you said. And then you continued:

5 "Because when they were brought in, sometimes they would be
6 taken to the office by the commanders and sometimes they would take
7 them to pavilion number 1."

8 Could you clarify what you mean with "pavilion number 1"? Where
9 was it situated?

10 A. Pavilion 1 was near to pavilion 4, about 15 or 20 metres apart.

11 PRESIDING JUDGE VELDT-FOGLIA: If you would come in from the
12 gate, on which side would it be situated? On the left or on the
13 right side or in front of you?

14 A. Right.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay.

16 A. On the right side.

17 PRESIDING JUDGE VELDT-FOGLIA: Do I understand well, when you
18 say "pavilion 1," you mean the building with the bars on the window?

19 A. Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: So the building -- you also refer
21 to it as building 1, not pavilion 1 but building 1. Is that correct?

22 A. That's correct.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay.

24 Has it been clarified sufficiently?

25 MS. WYLER: Yes, Your Honours. Thanks.

Witness: TW4-10 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 Thank you, Mr. Witness.

3 We have reached the end of your testimony, Mr. Witness. And I
4 would like to thank you for the efforts you have put into giving this
5 testimony, which I believe that will be -- that will be helpful to
6 the Panel to reach -- to find the truth.

7 So thank you very much.

8 THE WITNESS: [via videolink][Interpretation] Respect.

9 PRESIDING JUDGE VELDT-FOGLIA: I remind you that you shall not
10 discuss your testimony as given here in court with anybody. Do you
11 understand that?

12 THE WITNESS: [via videolink][Interpretation] Yes, that's all
13 right.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. I thank you again,
15 and I will now ask Madam Court Officer to escort you out and that
16 will be it for you. Thank you.

17 THE WITNESS: [via videolink][Interpretation] Thank you.

18 [The witness withdrew via videolink]

19 [Trial Panel and Court Officer confer]

20 THE COURT OFFICER: [via videolink] Your Honours, the witness and
21 his Duty Counsel have left the remote location.

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

23 Very well. We have ended this -- the examination of this
24 witness, Witness 10. We can proceed with Witness 11. That's also
25 our intention. And I discussed with CMU, and we will be able to

Additional redactions applied pursuant to F579.

1 start at 12.00. I see the SPO nodding.

2 [REDACTED] Pursuant to In-Court Redaction Order F500RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F500RED.

4 [Trial Panel and Court Officer confer]

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your question, but,
6 yes, that is taken care of. Yes?

7 So we take now a one-hour break, and then we continue from 11.00
8 till 12.00, and then we have our one-and-a-half-hour break, and we do
9 one and a half hour till 4.00.

10 If there are -- if there are any points to raise with the Panel?
11 Victims' Counsel.

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

13 PRESIDING JUDGE VELDT-FOGLIA: Okay.

14 Defence Counsel.

15 MR. AOUBINI: From 12.00 to 13.00 is next session.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes.

17 MR. AOUBINI: Right.

18 PRESIDING JUDGE VELDT-FOGLIA: And if I said something
19 different, it was not my intention.

20 MR. AOUBINI: Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well.

22 The hearing is adjourned.

23 --- Recess taken at 10.57 a.m.

24 --- On resuming at 11.59 a.m.

25 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

Additional redactions applied pursuant to F579.

1 We will proceed with the hearing of the testimony of Witness 11.

2 I would like to first check who is present, if there have been
3 any changes.

4 MR. DE MINICIS: Same composition but for Mr. Whiting.

5 PRESIDING JUDGE VELDT-FOGLIA: I see, thank you.

6 I see that the Victims' Counsel is in the same composition.

7 And here I see a change of seats, of sitting, and --

8 MR. GILISSEN: We [indiscernible] of seat and date, but not only
9 of seat, I think so.

10 PRESIDING JUDGE VELDT-FOGLIA: No, no, no. I see it.

11 MR. GILISSEN: I just have to say that we are here with
12 Ms. Francisca De Castro, an evidence reviewer. Excepting her, it's
13 the same composition of the team.

14 Thank you.

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

16 Court Officer in the location where the witness is, can you
17 please bring in the witness.

18 In the meantime, Mr. Shala, can you hear me fine? I don't hear
19 you, Mr. Shala.

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

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 [The witness entered court via videolink]

24 THE COURT OFFICER: [via videolink] Your Honours, at the remote
25 location, I can now confirm in the room is myself, Senior Court

Additional redactions applied pursuant to F579.

1 Officer, together with Witness TW4-11.

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

3 Mr. Witness, good afternoon. It is just after 12.00.

4 THE WITNESS: [via videolink][Interpretation] Good afternoon.

5 PRESIDING JUDGE VELDT-FOGLIA: Welcome to the
6 Specialist Chambers. I note that you can hear me. Can you confirm
7 that?

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

9 PRESIDING JUDGE VELDT-FOGLIA: Very well.

10 Mr. Shala, can you hear the witness too?

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

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Shala.

14 Mr. Witness, how are you?

15 THE WITNESS: [via videolink][Interpretation] I am well. Thank
16 you.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Today we will start
18 with your testimony. Mr. Witness, let me briefly explain the
19 protective measures that you have been granted for your testimony.

20 You have been assigned a pseudonym, and it means that we will
21 never mention your name but we will always address you as
22 "Mr. Witness," or "Witness." In that way, the public does not know
23 your name.

24 We will have face and voice distortion for you, which means that
25 no one outside the courtroom watching the broadcast can see your face

Additional redactions applied pursuant to F579.

1 or hear your real voice during the testimony.

2 When you answer a question that will not reveal your identity,
3 we will do so in open session, which means that the public can hear
4 what is said in the courtroom. When you are asked to describe
5 anything that relates specifically to you or to mention facts that
6 might reveal your identity, we will do so in a so-called private
7 session. And that means that there is no broadcast and that one
8 outside the courtroom can hear what is said in the courtroom.

9 If anything is said during an open session that may reveal your
10 identity or will identify you, we will make sure that this
11 information is protected. Your testimony will be broadcast with a
12 delay, and we can remove any such information from the broadcast that
13 will be seen and heard by the public, and also it will be taken out
14 from the public transcript of the proceedings.

15 Are the protective measures I just explained to you clear to
16 you, Mr. Witness?

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

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Mr. Witness, you are called to testify before the
20 Specialist Chambers in the case of The Specialist Prosecutor versus
21 Pjeter Shala to assist the Panel of Judges to reach a verdict.

22 After you have given your solemn declaration to tell the truth,
23 you will be asked questions by the lawyers of the Specialist
24 Prosecutor's Office. Those are the people with the togas in purple.
25 Yes, you see them. And then you will be asked questioned by the

Additional redactions applied pursuant to F579.

1 lawyers representing the victims participating in the proceedings,
2 and then the Defence Counsel of Mr. Shala, with the togas partly in
3 red, and also by the Judges of this Panel.

4 I would like to provide you with some guidance for answering the
5 questions that will be asked.

6 Mr. Witness, please, listen carefully to each question, and if
7 you don't understand, feel free to ask for a question to be repeated.
8 We want you to tell the truth and to tell us what you saw, what you
9 heard, what you experienced yourself. And if you did not see or hear
10 it yourself, please tell us and explain how you got to know it. And
11 you may not remember all the details, and this is perfectly fine. Do
12 not guess, do not make things up. If you don't remember, just inform
13 us and say "I don't know," "I don't remember."

14 Please answer the questions. If clarification is needed or more
15 information is needed, you will be asked to give more information.
16 So keep focused on the questions.

17 Did you understand, Mr. Witness, what I just told you?

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

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

20 I'm going to give you also some practical advice for your
21 testimony.

22 Everything we say here, Mr. Witness, is translated and recorded,
23 so it is important that you speak into the microphone, that you speak
24 clearly, and that you speak at a slow pace in order for us to
25 understand what you are saying, because it has to be interpreted by

Additional redactions applied pursuant to F579.

1 the interpreters.

2 You should only start speaking when the person asking you a
3 question has finished. So we should avoid that speakers are
4 overlapping because then it becomes impossible to interpret. When a
5 question is asked, please wait five seconds and then give your
6 answer. This pause of five seconds is really important because it
7 allows for the interpretation to be finished.

8 If I raise my hand like this, please stop talking. And
9 sometimes we may ask you to leave the room where you are together
10 with the Court Officer if we need to discuss something regarding the
11 content of your examination.

12 If you have any questions, if you need a break, or you want to
13 say something to the Panel, please raise your hand. Then I will know
14 that you want to speak and I will give you the floor.

15 Is that all clear for you?

16 THE WITNESS: [via videolink][Interpretation] Yes, it is.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

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

21 Is that clear to you?

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

23 PRESIDING JUDGE VELDT-FOGLIA: Very well.

24 Madam Court Officer, can you please assist the witness with his
25 solemn declaration to tell the truth.

Witness: TW4-11 (Open Session)

Page 1182

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 You can read now the text, Mr. Witness.

2 THE WITNESS: [via videolink][Interpretation] Conscious of the
3 significance of my testimony and my legal responsibility, I solemnly
4 declare that I will tell the truth, the whole truth, and nothing but
5 the truth, and that I shall not withhold anything which has come to
6 my knowledge.

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

9 We can now begin with the testimony of Witness 11, starting with
10 the questioning by the Specialist Prosecutor's Office.

11 Mr. Prosecutor, you have estimated two and a half hours for your
12 questioning of this witness. Please, if there are any changes let
13 the Panel know. You have the floor.

14 MR. DE MINICIS: Will do. Thank you, Your Honour.

15 WITNESS: TW4-11

16 [Witness testified via videolink]

17 [Witness testified through interpreter]

18 Examination by Mr. De Minicis:

19 Q. Good afternoon, Mr. Witness. As you have just been explained --

20 A. Good afternoon.

21 Q. -- by the Presiding Judge, you have been granted protective
22 measures, so whenever I need to ask you questions that the answer to
23 which might be identifying, I will ask to go into private session.
24 And that's what I'm about to do because I will ask you some of your
25 personal details.

Witness: TW4-11 (Private Session)

Page 1183

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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

3 PRESIDING JUDGE VELDT-FOGLIA: Very well.

4 Mr. Court Officer, could you bring us into private session,
5 please.

6 [Private session]

7 [Private session text removed]

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Witness: TW4-11 (Private Session)

Page 1184

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Private Session)

Page 1185

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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5 [Open session]

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

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

8 Mr. Prosecutor, please proceed.

9 MR. DE MINICIS:

10 Q. Mr. Witness, during the war, were you -- in fact, were you ever
11 a member of the Kosovo Liberation Army?

12 A. No.

13 Q. Were you in Kosovo at the time when NATO began their bombing
14 campaign in 1999?

15 A. Yes.

16 Q. Did you remain in Kosovo until the end of the war or did you at
17 any point leave Kosovo?

18 A. Yes, I was there until 27 April 1999, and that's when my family
19 and I went to Albania.

20 Q. Now, without providing any detail that could possibly reveal
21 your identity, but could you tell the Panel what prompted you and
22 your family to leave Kosovo for Albania in April 1999?

23 A. Yes. There was pressure from the Serb paramilitaries, and we
24 were forced to save ourselves and our families.

25 Q. Where in Albania did you and your family go in April 1999?

Witness: TW4-11 (Private Session)

Page 1186

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 A. We went to Kukes.

2 MR. DE MINICIS: Your Honours, I would like to move into private
3 session now for a few questions that go a bit more into the details
4 of where the witness was staying, so I think it would be safer to go
5 into private.

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

8 [Private session]

9 [Private session text removed]

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Witness: TW4-11 (Private Session)

Page 1187

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Private Session)

Page 1188

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Private Session)

Page 1189

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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9 [Open session]

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

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, please proceed.

12 MR. DE MINICIS: Your Honours, my computer has locked and I no
13 longer have the transcript in front of me. I just need to, I think,
14 re-type my password in.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay.

16 MR. DE MINICIS: It will be a second.

17 PRESIDING JUDGE VELDT-FOGLIA: Please proceed. I hope it will
18 not be recurrent issue. If not, we call IT.

19 MR. DE MINICIS:

20 Q. I'm sorry, Mr. Witness, I had a little technical problem which
21 now seems -- is resolved.

22 Mr. Witness, we're back in public session. We've been moving in
23 and out of it quite often, so this is when we are careful about what
24 we say.

25 Now, you told us that after you got in the car with the person

Witness: TW4-11 (Open Session)

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Additional redactions applied pursuant to F579.

1 we've just discussed, you went to a type -- to a kind of a factory,
2 if I recall correctly.

3 MR. DE MINICIS: Now, I'd like to show to the witness a picture
4 that was shown to him during one of his SPO interviews, and I'd like
5 to have on the screen document with the ERN 059341 to 059350, and I
6 would like the second page of the document to be shown the witness.

7 PRESIDING JUDGE VELDT-FOGLIA: And that is with a view to
8 recognition.

9 MR. DE MINICIS: Yes, Your Honours. Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well.

11 Mr. Court Officer, please proceed.

12 MR. DE MINICIS: Could we zoom in to try to put the -- just the
13 picture shown in the upper right corner, essentially, the larger one,
14 like, central in this -- thank you very much. Yeah, that will do.

15 And just a tiny bit down so that the signature up top and the
16 date are -- yeah, yeah, that is perfect. Thank you very much.

17 Q. Mr. Witness, you told us you were brought to a place which
18 looked a bit like a factory. Do you recognise the location showed in
19 this picture now to you?

20 A. Yes. When I entered and when I left, I recognised it as this
21 place.

22 Q. So what -- so this is a picture that was showed to you on
[REDACTED] Pursuant to In-Court Redaction Order F500RED.

23 *[REDACTED] Pursuant to In-Court Redaction Order F500RED..* There is
something written above the gate in the

24 Albanian language. Can you read what it says?

25 A. Yes, entrance, the main entrance.

Witness: TW4-11 (Open Session)

Page 1193

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 Q. Okay. So do I understand you correctly that this is the
2 entrance of the place where you were brought after being -- after you
3 left [REDACTED] Pursuant to In-Court Redaction Order F500RED.

4 A. Yes.

5 Q. Thank you, Mr. Witness.

6 MR. DE MINICIS: Your Honour, I am done with this picture. We
7 can remove it from the screen.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Mr. Court Officer [Microphone not activated].

10 MR. DE MINICIS:

11 Q. Mr. Witness, now -- and I know these are not necessarily
12 pleasant memories, I also know time has passed, but I'm going to need
13 to ask you a bit of -- questions a bit more in detail about the time
14 you spent there.

15 So can you tell the Panel again what happened as soon as you
16 passed through that gate and you arrived at this location.

17 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, let me remind you
18 that we are in public session, so be careful with any names you might
19 be saying or any identifying information in your respect.

20 THE WITNESS: [via videolink][Interpretation] Yes. They brought
21 me directly to a room, and I was in that room the whole time.

22 MR. DE MINICIS:

23 Q. Before being put into that room, were you asked any questions,
24 before being put into that room?

25 A. No. Nobody asked me anything. No questions were asked.

Witness: TW4-11 (Open Session)

Page 1194

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 Q. Mr. Witness, a lot of time has passed and I would like to just
2 check with you something that you said in a previous statement
3 concerning your arrival there, just to make sure we get the events as
4 correctly as possible.

5 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

6 MR. DE MINICIS: Could I please have on the screen SITF00020018
7 to 20028 RED3.

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

9 MR. DE MINICIS: Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: For future references, please
11 don't refer to any dates. You did not do it, but I just want to be
12 sure that we're not doing it.

13 MR. DE MINICIS: Yes. No, no. Yeah. Thank you for the
14 reminder, Your Honour.

15 Q. Now, the document, Mr. Witness, that I'm putting on the screen
16 is -- concerns some evidence you gave in the past. We're not going
17 to say when or where.

18 MR. DE MINICIS: Just one second, Your Honour.

19 So the Albanian version of the document, Your Honour, which I
20 have failed to provide, the ERN is SITF00020058 to 00020064. And I'd
21 like to have page 32 in the English and pages 5 and 6 in the
22 Albanian. And, in fact, I would like page 31 in English. I'm sorry.

23 Q. So there is a -- in the past, Mr. Witness, you stated that upon
24 your arrival you were taken to this sort of HQ. You said:

25 "They put me in an office for about 30 minutes or so."

Witness: TW4-11 (Open Session)

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Additional redactions applied pursuant to F579.

1 And then, in the English, Your Honour, we go to page 32:

2 "Yes, first I was kept in the office and then I was moved
3 somewhere else," which, from this testimony, I understand "somewhere
4 else" being the place where you then remained and stayed.

5 Now, do you recall being taken to an office before being moved
6 to this place that you were -- briefly to an office before being
7 moved to this place that you were telling us about?

8 A. I apologise. This office was at the entrance near the gate
9 where my shoelaces were taken away. And from there, they took me to
10 the room where I stayed the whole time.

11 Q. Thanks, Mr. Witness. And again, I might occasionally, again,
12 ask you again to clarify things that might differ from what you said
13 in the past because a lot of time has passed, and so we're just
14 trying to get the information as accurately as possible.

15 Do you recall if, while in the room and your shoelaces were
16 removed, whether you were asked any questions at that time?

17 A. No, they didn't ask any question at that time.

18 Q. Now, you told us that after this brief passage in the room near
19 the entrance you were moved to another room.

20 Now, from the entrance that you have identified from the gate
21 that you have identified in that picture that I just showed you, to
22 get to the room where you were then kept, would you go to the right,
23 to the left, straight? Do you remember in which direction this room
24 was from -- as you entered the gate?

25 A. The location was on the left. The room was on the left from the

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 gate.

2 Q. Okay. Now --

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, can we take the
4 statements down?

5 MR. DE MINICIS: [Microphone not activated]

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

7 Mr. Court Officer, can you pull them down. Thank you.

8 Please proceed.

9 MR. DE MINICIS:

10 Q. Now, so you're stating that as you entered, the building was on
11 your left. So you entered the gate and which direction did you take?
12 Sorry, could you repeat?

13 A. It was straight but the room was on the left as you enter the
14 gate.

15 Q. Now --

16 MR. DE MINICIS: Your Honours, could I please ask the Court
17 Officer to have on the screen ...

18 Q. Sorry, Mr. Witness, one second.

19 [Trial Panel and Court Officer confer]

20 PRESIDING JUDGE VELDT-FOGLIA: Sorry for this, but -- yes, we
21 can continue.

22 MR. DE MINICIS: Could I please ask the Court Officer to put on
23 the screen the interview we had with the witness in [REDACTED]
Pursuant to In-Court Redaction Order F500RED.

24 That would be ERN 108858-TR-ET, Part 1 RED, at pages 4 and 5.

25 It's on -- sorry.

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 Q. So at the time, we were trying -- when we did this interview --

2 MR. DE MINICIS: Your Honours, sorry. I haven't -- in the
3 Albanian, it will be still at pages 4 and 5, Your Honour.

4 Q. So I put to you something that you had told us in 2019. And
5 your evidence in 2019 was:

6 "You go through the entrance, you walk a little bit, and then
7 you turn slightly to the right, and then you would go into the
8 building where the room was."

9 "So a little bit to the right after the gate; right?"

10 "So it was on the left. So if you go through the main gate, it
11 was on the left."

12 Now, at page 5, we managed to clarify the issue. And I told you
13 because at the time in 2019, you stated it was to the right of the
14 gate as you enter. And then you stated:

15 "So you turn right and then the building is on the left."

16 PRESIDING JUDGE VELDT-FOGLIA: We are at page 5 now?

17 MR. DE MINICIS: Yes, Your Honours, we're at page 5 and we are
18 on lines 7 to 11.

19 PRESIDING JUDGE VELDT-FOGLIA: Just for the Court Officer to
20 bring us there.

21 MR. DE MINICIS: Yes, I'm sorry. Yeah, yeah, yeah, absolutely.

22 Q. So you stated that -- we -- after trying to clarify the
23 location, you stated that as you enter, you turn and then the
24 building is on the left.

25 Does that make sense to you with respect to the location of this

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 building you were talking about?

2 A. To tell you the truth, from the entrance, there was a yard. We
3 walked a bit to the right and then opposite on the left was the room
4 where they brought me.

5 Q. Thank you, Mr. Witness. This is clear to me now.

6 PRESIDING JUDGE VELDT-FOGLIA: Can we pull the statements down?

7 MR. DE MINICIS: Yes, Your Honour, we can.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 MR. DE MINICIS:

10 Q. Do you remember whether this building had one or more storeys,
11 floors?

12 A. As far as I remember, from the moment I entered it, it was a
13 one-storey building.

14 Q. Now, who led you into this building? Was it the same people who
15 had asked you to follow them at the camp or was it somebody else?

16 PRESIDING JUDGE VELDT-FOGLIA: Please don't say names here.

17 THE WITNESS: [via videolink][Interpretation] No. It was a
18 civilian person who led me to this door.

19 MR. DE MINICIS:

20 Q. So you told us how you were led to a door. Now, could you
21 describe the interior of the building after you entered the door?

22 A. There was a small corridor and one room.

23 Q. Was this room to the left or straight or to the right of that
24 corridor? So once you entered, where was the room?

25 A. As you enter, the door to this room was on the left.

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 Q. And once you entered this room on the left, is that the place
2 where you stayed during your -- the time you spent at the factory?

3 A. Yes, the whole time.

4 Q. How long did you stay in that room, Mr. Witness?

5 A. Until Kosovo was freed and I was released. I don't remember.
6 It was about a month, a month and five days, something like that.

7 Q. Now, you described how there was this one-storey building that
8 you entered. There was a corridor. There was this room to the left.
9 That's the room where you stayed for about a month. Could you
10 describe to the Panel what you recall about this room, its layout,
11 how big it was, any detail that you remember about that room.

12 A. The room had a window. It was 4 by 4 metres or 4 by 3.5 metres
13 with concrete floor.

14 Q. The door that led to the room from the corridor, was it closed
15 after you entered the room? Was it a locked room once you were
16 inside?

17 A. Yes, the room was locked.

18 MR. DE MINICIS: Your Honours, I would like to show a picture to
19 the witness, a photograph. And in this regard, I would like to have
20 the document with ERN 108852 to 108857 RED shown to witness, please.

21 PRESIDING JUDGE VELDT-FOGLIA: For which purposes?

22 MR. DE MINICIS: I'd show him a picture to ask him questions
23 about the picture, the photograph, that was shown to him during the
24 previous interview.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well. And we can do that in

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 public?

2 MR. DE MINICIS: Yes, correct, Your Honour.

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

4 MR. DE MINICIS: And I would like to have page 5 of that
5 document.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer -- thank you
7 for bringing it up.

8 Mr. Prosecutor, we are a few minutes before 1.00, just to call
9 your attention. Thank you.

10 MR. DE MINICIS: [Microphone not activated]

11 THE INTERPRETER: Microphone for the Prosecutor.

12 MR. DE MINICIS: I understand this picture is not broadcast to
13 the public. Correct, Your Honour?

14 PRESIDING JUDGE VELDT-FOGLIA: No, it should not be. As
15 following our indications in this respect and your request.

16 MR. DE MINICIS:

17 Q. Mr. Witness, this picture is a bit dark.

18 MR. DE MINICIS: Mr. Court Officer, could we please zoom it just
19 a couple of notches up. No, I mean like just enlarge it a little
20 bit. Yeah, thank you very much.

21 Q. Now, this one-storey building in this photograph, Mr. Witness,
22 does it look familiar to you? Are you able to tell the Panel whether
23 you've seen this building before?

24 THE COURT OFFICER: [via videolink] Your Honours, this is the
25 Court Officer. I'm not sure if you can hear us and see us. We had

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 an interruption in the audio and video so we could not hear or see
2 you.

3 PRESIDING JUDGE VELDT-FOGLIA: Do you recall from -- the image
4 is still blurred.

5 THE COURT OFFICER: [via videolink] We hear you now clear but --
6 and we see the image on the evidence monitor displayed.

7 PRESIDING JUDGE VELDT-FOGLIA: Now we see you again without
8 blur. From where -- that could be a difficult question, but from
9 where -- what was the last thing you recall that or you can see that
10 we said, we discussed?

11 THE COURT OFFICER: [via videolink] I think the Prosecutor was
12 just starting to ask about the picture.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay.

14 Mr. Prosecutor, can you please ask --

15 MR. DE MINICIS: Your Honour, I was wondering, and this -- I
16 ask -- it would be an exception perhaps and perhaps we could do it
17 after the break. We are in fact in possession of a better picture
18 which was in the presentation queue with the previous witness, and I
19 -- my bad, I did not include that picture. It's the same picture,
20 the same building, it's just in colour and be less dark. Whether we
21 could be allowed to show that picture to the witness perhaps after
22 the break, if of course -- asking also whether the Defence would have
23 any objection to that.

24 PRESIDING JUDGE VELDT-FOGLIA: I will give the floor to the
25 Defence if there's any objection to using a clearer picture than this

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 one, and it's the picture that has been used in the presentation
2 queue for --

3 MR. GILISSEN: No objection. Absolutely no objection.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 And we grant the request and we can do that after --

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

7 PRESIDING JUDGE VELDT-FOGLIA: Then your proposal would be to --
8 you stop your examination now, and then we do an update of the queue
9 of presentation of evidence -- or documents to be used with this
10 witness, and then we can proceed after 2.00 with this.

11 MR. DE MINICIS: That would be great. Thank you, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay.

13 Mr. Witness, we will now take a break till half past 2.00,
14 one-and-a-half-hour break, and then we will continue -- the SPO will
15 continue with its examination.

16 I will now ask Madam Court Officer to usher you out of the room,
17 and I wish you a good lunch, and we see each other back after lunch.

18 [The witness stands down via videolink]

19 THE COURT OFFICER: [via videolink] Your Honours, the witness is
20 now outside of the remote room.

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

22 Is there anything before lunch the SPO would like to raise with
23 the Panel?

24 MR. DE MINICIS: No, Your Honour.

25 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel.

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

3 Defence Counsel.

4 MR. GILISSEN: No, thank you, Your Honour.

5 PRESIDING JUDGE VELDT-FOGLIA: Very well.

6 Then we will see each other again at 2.30.

7 The hearing is adjourned.

8 --- Luncheon recess taken at 1.02 p.m.

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

10 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Let me see if
11 there's a change of the composition of the teams. For the SPO, I see
12 a no. Not for Victims' Counsel. And not for the Defence Counsel.

13 Very well. And Mr. Shala is present too via videolink.

14 Can you hear me, Mr. Shala?

15 THE ACCUSED: [via videolink][Interpretation] Yes, Your Honour, I
16 can hear you very well.

17 PRESIDING JUDGE VELDT-FOGLIA: Very well. That is good.

18 Yes, we can continue with the cross-examination -- with the
19 examination-in-chief by the Specialist Prosecutor's Office. I will
20 ask the Court Officer if she can bring in the witness into the room,
21 please.

22 [The witness takes the stand via videolink]

23 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness. Can
24 you hear me fine?

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

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 well. Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well.

3 And, Mr. Shala, could you hear the voice of the witness?

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good. Then we may proceed.

6 And for your information, Mr. Witness, we are now in public
7 session, so please be careful not to share any identifying
8 information with regard to yourself. I will give now the floor to
9 the Specialist Prosecutor's Office, to Mr. Prosecutor.

10 You have the floor.

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

12 Q. Good afternoon, Mr. Witness. So before we broke off for lunch,
13 I was going to show you a picture, and I wanted to ask you a few
14 questions about the picture.

15 MR. DE MINICIS: We now have another version of the same picture
16 which I would like, with the Court's permission, to have on the
17 screen. And the ERN of this picture is 074390 to 074391.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 MR. DE MINICIS: And I'd like the first page to be showed to the
20 witness, please, of this document.

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

23 MR. DE MINICIS: Could you maybe zoom it one -- one notch up.
24 Thank you. Thank you.

25 Q. Mr. Witness, can you see the picture, the picture of a building

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 on your screen at this moment?

2 A. Yes.

3 Q. Does this building look familiar to you? Do you recognise it?

4 A. Yes, I recognise it.

5 Q. What is this building?

6 A. This building is the one with the first room I was in. I was in
7 the first room.

8 Q. So if I understand you correctly, is this the building where you
9 were brought after you were taken to the metal factory?

10 A. No. It was inside. It was inside there.

11 Q. So you were kept in a room inside this building?

12 A. Yes, I think -- I think so. I think so.

13 Q. Thank you. Now, I don't know if you will be able to,
14 considering that there is a certain angle of this picture and not all
15 of it is visible, but from what -- from the part of this building
16 that is visible in this picture, do you think that -- can you see the
17 entrance or at least the side on which the entrance to this building
18 was located? And, if so, perhaps I would ask the Court Officer to
19 provide you with a pen or a marker and you could -- if you see the
20 entrance, you could circle it with the pen.

21 THE COURT OFFICER: [via videolink] Your Honours, a clear
22 unmarked printout of the same picture has provided to the witness
23 together with a blue pen.

24 PRESIDING JUDGE VELDT-FOGLIA: So I see you -- Madam Court
25 Officer, you have a hard copy of the picture.

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 THE COURT OFFICER: [via videolink] Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: And you have provided that to the
3 witness, together with a pencil, a blue pencil.

4 THE COURT OFFICER: [via videolink] Indeed.

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

6 THE COURT OFFICER: [via videolink] The witness should circle?

7 MR. DE MINICIS: Your Honour, I see that the witness has made a
8 marking on the picture.

9 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] the
10 witness has made a marking on the building on, I would say, the
11 right-hand side, after -- after the second window at the right-hand
12 side. This is the description I can give in wording, and it will
13 be --

14 MR. DE MINICIS: We intend to tender this into evidence,
15 Your Honour.

16 PRESIDING JUDGE VELDT-FOGLIA: And it will be uploaded into
17 Legal Workflow later on, yes.

18 Please proceed.

19 MR. DE MINICIS:

20 Q. And just to clarify, Mr. Witness. So earlier you told us that
21 there was a door, the entrance of this building, and then there was a
22 corridor, and the room where you were held was on the left-hand side
23 of that corridor. So what you have marked now is the door after
24 which there was that corridor. Is that correct?

25 A. Yes.

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 Q. Now, do you know, was there a guard posted outside the entrance
2 door while you were being detained?

3 A. Yes.

4 Q. And it may seem an obvious question to you, but how do you know
5 that there was a guard posted outside that door?

6 A. That's because when we needed water, he would open the door for
7 us to actually get the water.

8 Q. Were you free to come and go from the room inside that building,
9 Mr. Witness, or did you have to ask the guard?

10 A. No, no. We had to ask the guard and the guard would unlock the
11 door.

12 Q. Now, we're still in public session, and we have now -- you've
13 now described for us the place where you were held. We've showed you
14 a picture of it. And I'm now going to move on to asking you about
15 other people who may have been with you in that room. I want to ask
16 you a couple of questions in public session, so please do not reveal
17 the identity of any of them. We'll then move into private session
18 for further details.

19 So now my question is: When you arrived there, when you were
20 brought into that building, were there other people in the room where
21 you were held?

22 A. Yes.

23 Q. Do you recall approximately how many?

24 A. Approximately seven to eight persons. I can't remember exactly,
25 but approximately, that is.

Witness: TW4-11 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F579* Page 1208

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 MR. DE MINICIS: And, Your Honours, I am afraid this is probably
2 as far as I can go in public session. Now I'm going to have to ask
3 the Court to go into private session.

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

5 MR. DE MINICIS: And we can also take down the picture from the
6 screen.

7 PRESIDING JUDGE VELDT-FOGLIA: Noted.

8 Mr. Court Officer, you can bring down the picture. And could
9 you also bring us into private session for continuation of the
10 examination.

11 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
to F579

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

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

14 Please proceed, Mr. Prosecutor.

15 MR. DE MINICIS:

16 Q. Mr. Witness, we are now in -- in private session, so now
17 identities, details can be shared. [REDACTED]

18 [REDACTED]

19 [REDACTED] I will do my best not to waste time and to be as brief as
20 possible, but I really thank you for your patience and availability
21 to do so.

22 You told us that there were about seven to eight people once you
23 were brought into that room. Do you recall the identity of any of
24 them?

25 A. Yes, I knew three people.

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 Q. And who were these three people that you knew?

2 A. They were Roma, musicians. And based on our own wedding
3 traditions, they used to go around with their music, and that's how I
4 knew them.

5 Q. Do you know where they came from? Were they from Kosovo?

6 [REDACTED]

7 MR. DE MINICIS: Your Honours, I would like to show a picture to
8 the witness, a photograph, depicting certain individuals, and ask him
9 questions about it. With the Court's leave, I would like the Court
10 Officer to put on the screen 059341 to 059350. I would like --

11 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Court
12 Officer.

13 MR. DE MINICIS: And I would like the document to be on page 8,
14 please.

15 Q. Mr. Witness, do you recognise the person who is depicted in this
16 photograph?

17 A. Yes.

18 Q. Can you tell the Court who this person is?

19 A. He is one of the two brothers. He is the younger one.

20 Q. Is it one of the people that you just told the Court were
21 musicians?

22 A. Yes.

23 MR. DE MINICIS: Your Honours, I'm done with the picture. I
24 think we can take it off the screen.

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

Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

[Private Session]

1 [Private session text removed]

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Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Private Session)

Page 1213

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Private Session)

Page 1214

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Private Session)

Page 1215

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F579*

10 Q. So we've now ascertained that the people who were detained with
11 you, you recognise three Roma musicians, [REDACTED]

12 [REDACTED]

13 MR. DE MINICIS: And the picture, by the way, Your Honours, can
14 be taken away.

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

16 MR. DE MINICIS:

17 Q. To the best of your recollection - again, with 25 years in
18 between - did you recognise anybody else among the people who were
19 held with you? Perhaps if not by name, any detail of any other
20 people held with you in that place?

21 A. No, I didn't.

22 Q. With the Court's permission, I'm going to try to help you out
23 here and see if we can refresh your memory with one additional detail
24 that [REDACTED] you recalled.

25 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 MR. DE MINICIS: Your Honours, could I please have the statement
2 given by the witness [REDACTED], ERN number SITF00013047 to
3 SITF00013060 RED5, at page 10.

4 The Albanian version of this document, which is also located at
5 page 10, is SITF00013075 to SITF00013088 RED5. At page 10. That's
6 fine.

7 Q. So, Mr. Witness, at the time [REDACTED]
8 [REDACTED]- he told you:

9 "You had described the three Roma and [REDACTED]
10 [REDACTED]. Can you describe anybody else in this cell?"

11 And you stated:

12 "There were others. One guy, [REDACTED]
13 [REDACTED]. He stayed briefly and then he was
14 released."

15 [REDACTED]

16 [REDACTED]

17 A. Yes, I do recall more or less. They would talk amongst each
18 other and in one of those conversations, they mentioned that there
19 was [REDACTED]

20 Q. During the time that you were detained in that room with the
21 people you've discussed, did you come to notice or know if there were
22 any other rooms in that building where other people were held?

23 A. I didn't notice. I don't know. I didn't see any other rooms.

24 Q. Thank you.

25 MR. DE MINICIS: Your Honours, at this time I would like to go

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 back into public session, please. I think it's safe to do so.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And we can take the
3 documents down?

4 MR. DE MINICIS: We can. And I will try to do better in asking
5 to.

6 PRESIDING JUDGE VELDT-FOGLIA: Yes.

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

8 ~~{Open session}~~

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

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

11 Mr. Witness, we are back in public session, yes? For your
12 information. So be careful with what you say.

13 Mr. Prosecutor, you have the floor again.

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

15 Q. And so, Mr. Witness, hopefully you will be pleased to hear that
16 I'm -- we're doing well and I'm past half of my questions. I am --
17 are you tired, Mr. Witness, or are you okay to continue?

18 A. I would like to continue.

19 Q. Thank you. We appreciate that. But perhaps if at any time you
20 feel the need for a break, you may flag that to the Court.

21 PRESIDING JUDGE VELDT-FOGLIA: Yes. Mr. Witness, if you need a
22 break or you would prefer to continue at a later stage, that is to
23 say, tomorrow, we can also do that.

24 THE WITNESS: [via videolink][Interpretation] We can continue
25 today.

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then we will do so.

2 Mr. Prosecutor.

3 MR. DE MINICIS:

4 Q. Now, now that we have discussed the place that you were detained
5 in and the people that you were detained with, I'd like to discuss
6 the conditions of your detention and that of the people who were
7 detained with you.

8 My first question is: Where did you and the other detainees in
9 that room sleep?

10 A. On the floor. We slept on the floor.

11 Q. Which material was the floor made of?

12 A. Concrete. And we had thin mattresses.

13 Q. Can you be more precise of -- can you describe how these
14 mattresses were?

15 A. These were thin mattresses made of sponge and we also had
16 blankets.

17 Q. Now, you told us earlier that to go out of that room you had
18 to -- for example, to get water, you had to ask the guard. Could
19 you, for instance, go out to exercise a bit or stretch your legs or
20 take some fresh air during the month that you were kept in that room?

21 A. No. We would just go out to get some water and then return to
22 the room.

23 Q. Now, do you recall if among the people detained with you, were
24 there people who were made to go out of the room for any other reason
25 apart from -- apart from the toilet or refilling your water canteens?

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 A. No. Apart from the occasions when they would take them for
2 interrogation.

3 Q. Thank you. And I'm going to ask you questions about these
4 interrogations shortly. Before I do so, do you recall if anybody was
5 let out of the room to do work?

6 A. Yes. The Roma brothers would go out to do work.

7 Q. Did they ever say anything, make any comment, share any detail
8 about the work they were made to do?

9 A. No. They would clean the courtyard and then would come back to
10 the room.

11 Q. How do you know they would be cleaning the courtyard? How did
12 you learn that?

13 A. Well, they would tell us this upon their return to the building.

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, in line 81,
15 paragraph 11, you made mention of the toilet. A quick search from my
16 part didn't --

17 MR. DE MINICIS: Apologies, Your Honour, my mistake.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. Maybe you could ask that
19 anyway.

20 MR. DE MINICIS:

21 Q. Mr. Witness, could you leave the room where you were detained if
22 you had to go to the toilet?

23 A. Yes. Whenever we needed to go to the toilet, we did.

24 Q. And did you have to ask permission to the guard to do so?

25 A. Yes.

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 Q. Mr. Witness, did you witness any type of mistreatments in the
2 room where you were detained?

3 A. Yes.

4 Q. Could you describe for the Court the type of mistreatments that
5 you personally witnessed.

6 A. The Roma brothers were beaten the most with rubber batons.
7 Personally I was beaten only once.

8 Q. Who carried out these beatings; do you recall?

9 A. We could not see. We were facing the wall and were unable to
10 see who was beating us.

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I would like to
12 go for maybe a short moment, or maybe longer, into private session to
13 discuss something.

14 Mr. Court Officer, can you bring us into private session,
15 please.

16 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
to F579

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

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

19 We are mentioning that they are brothers, and in the -- your
20 pre-trial brief, the fact that they are brothers is not -- is
21 redacted. So we were just wondering, just to be sure, if it's
22 information we want to share.

23 MR. DE MINICIS: Yeah, Your Honours, like maybe that was an
24 oversight on our side and we will look into the public redacted
25 version of the pre-trial brief that we have filed to see if we

Witness: TW4-11 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F579* Page 1221

Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 need -- if we have left any redactions that should not be left there.

2 These people are not -- just a second, Your Honour. They're not
3 witnesses in this case, nor do they benefit from any protective
4 measures, so we don't see a reason to redact that information at this
5 stage.

6 PRESIDING JUDGE VELDT-FOGLIA: That clarifies, but then at least
7 we have made it sure. Good.

8 Any comments from the other party and participants? No.

9 Good. Mr. Court Officer, can you bring us into public session
10 again. Thank you.

11 ~~{Open session}~~

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

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 Mr. Prosecutor, please proceed.

15 MR. DE MINICIS:

16 Q. Now, you said that the -- told the Court that the Roma brothers
17 were beaten. Earlier you also told that when they came back from
18 their work, "they would tell us" what they did. Did they ever
19 mention any -- do you know if they were ever mistreated, if they were
20 mistreated while they were outside the room as well?

21 A. No, I didn't notice anything myself.

22 Q. Now, you told us that you were beaten once and I will want to
23 ask you some questions about that.

24 Before we get to the mistreatments that you suffered, I'd like
25 to ask you: Was anyone else among the people who were detained with

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 you beaten?

2 A. All of us who were there in the room were beaten, one by one,
3 without any discrimination.

4 Q. And are you talking about beatings that took place inside the
5 detention room?

6 A. Yes.

7 Q. Now, earlier you mentioned interrogations, and I'd like you to
8 -- to ask you a few questions about that. So were people --

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

10 MR. DE MINICIS: Reference.

11 PRESIDING JUDGE VELDT-FOGLIA: Yes. Yes. Thank you.

12 MR. DE MINICIS: I don't have it handy. I will provide it as
13 soon as practical, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes.

15 MR. DE MINICIS:

16 Q. So, to your knowledge, where did these interrogations take
17 place? Inside the room or outside the room?

18 A. Outside the room. I don't know where.

19 Q. Do you -- were you taken outside the room for interrogation?

20 A. Yes, only once.

21 Q. Who else among the people that we have discussed today was taken
22 out for interrogation?

23 A. Yes, they would take us from the room and bring us to somewhere
24 else.

25 Q. Now, do you remember -- we've discussed -- you have provided us

Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 with the details on the identity of some of the people who were
2 detained with you. Do you recall if any of the people we have
3 discussed today were taken out for interrogation?

4 A. Yes.

5 Q. Do you remember who?

6 A. Several persons, three or four, that was taken in for

7 *[REDACTED] Pursuant to In-Court Redaction Order F500RED.*

8 *[REDACTED] Pursuant to In-Court Redaction Order F500RED.*

9 *[REDACTED] Pursuant to In-Court Redaction Order F500RED.*

10 *[REDACTED] Pursuant to In-Court Redaction Order F500RED.*

11 MR. DE MINICIS: Yes. Your Honours, could we please move into
12 private session.

13 THE WITNESS: [via videolink][Interpretation] Brother?

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

16 [Private session]

17 [Private session text removed]

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Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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8 [Open session]

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

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

11 Welcome back, Mr. Witness, and thank you for your patience. We
12 have had a small interruption.

13 I will give the floor now back to Mr. Prosecutor. And I will
14 leave it to him if we have to go back into private session, because
15 we were there when we interrupted the hearing, or that you want to
16 remain in public session.

17 MR. DE MINICIS: Your Honours, it is always a bit of a difficult
18 choice to go -- between publicity and -- but I think the safety of
19 the witness should come first. So I will ask at least a couple of
20 follow-up questions in -- still in private session.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then we will go back
22 into private session.

23 And, Mr. Court Officer, could you bring us back into private
24 session.

25 And we will have ten minutes more, until ten minutes past 4.00.

Witness: TW4-11 (Private Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 MR. DE MINICIS:

2 Q. Mr. Witness, we're still in --

3 PRESIDING JUDGE VELDT-FOGLIA: No, no, we're still in --

4 [Private session]

5 [Private session text removed]

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

[Open Session] *Reclassified Pursuant to F579*

1 Q. Mr. Witness, you have described people being beaten in the room,
2 people being taken away, brought back, shaking, having signs of
3 beatings. How did you feel as a consequence of all this violence you
4 were witnessing against the people who were detained with you?

5 A. Well, obviously I felt frightened. I felt frightened. I mean,
6 what was going to happen to me? I just didn't know what had happened
7 to them or what would happen to me. So I was frightened,
8 sufficiently.

9 Q. Maybe now this is the time to talk about what happened to you,
10 Mr. Witness.

11 Tell us about the time when you yourself were mistreated, as you
12 mentioned earlier on during your testimony.

13 MR. DE MINICIS: And, Your Honours, I think we might -- I might
14 do this in public session.

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

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

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 Please proceed, Mr. Prosecutor.

21 MR. DE MINICIS:

22 Q. Mr. Witness, I will repeat the question now. We're in public
23 session, but I don't think that what you're telling the Court, the
24 mistreatments that you received, would be identifying.

25 So as I was saying, can you tell the Court about the time that

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 you were mistreated. First of all, where did this happen?

2 A. It happened twice during the day-time. Once by a rubber baton,
3 and I didn't see who it was. And one actually hit me in the right
4 eye, and that really hurt, it hurt big time, and I really -- it ached
5 a lot. So it was in the room that I was mistreated.

6 Q. Did this happen on the same occasion, the rubber baton and being
7 hit in the eye, or did it happen on different days of your detention?

8 A. In different days. It was in different days. Within three to
9 four days, that is.

10 Q. So I'm now going to ask you about the first time that it
11 happened.

12 Do you recall if the first time was the time you were struck in
13 the eye or the time you were struck with the baton?

14 A. It was the one with the rubber baton. That was the first time.
15 And the second time was being punched in the eye.

16 Q. So where -- in which part of your body were you stricken with
17 the rubber baton?

18 A. On the right shoulder.

19 Q. Was it a hard blow?

20 A. It was just one blow.

21 Q. Did you feel it?

22 A. Yes, I felt it. It felt like a dream.

23 Q. Did it have any consequence -- apart from the moment when you
24 were stricken, did it keep hurting? Did it have any other
25 consequences on your physical integrity?

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 A. Yes. I felt pain for about two to three days.

2 Q. Now, do you -- were you able to identify the person who struck
3 you with the rubber baton?

4 A. No, because we were facing the wall. So I was facing the wall.

5 Q. Let's now talk about the other incident where you were
6 mistreated, which you told the Court happened three to four days
7 apart from the previous one, when you were struck in your eye.

8 Can you tell the Court what you remember of that incident.

9 A. It was morning time. I don't know whether it was around 9.00 or
10 10.00. Three people came in in civilian clothing, and we lowered our
11 heads so that we wouldn't be able to see who they were. And I don't
12 really know because my head was lowered, but then all of a sudden
13 there was a punch, a strong punching in my eye. It was a hard blow.
14 And then I don't know anything else. I didn't see anything else.

15 Q. Before or after you were hit, do you recall if these people said
16 anything, asked any questions?

17 A. No, we only heard their voices and them saying "spies" and
18 "traitors."

19 Q. Who were they saying "spies" and "traitors" to?

20 A. I'm sure to all of us. All of us who were present.

21 Q. Do you recall if other people were beaten that day in addition
22 to you?

23 A. Everybody was beaten. But, in truth, I couldn't actually put my
24 head up to see.

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, do you feel that you

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 can still continue with this examination?

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

3 PRESIDING JUDGE VELDT-FOGLIA: Okay.

4 Proceed.

5 MR. DE MINICIS:

6 Q. Did this punch on your eye, did it cause any bruising, any
7 physical damage, aside from you not being able to see, as you just
8 told the Panel?

9 A. Yes. My eye was bruised and it was sore, and there was some
10 bleeding from my eye as well.

11 Q. Now, did that punch cause any consequences that went beyond, in
12 time, beyond the pain in the moment? Did you have any longer-lasting
13 damage as a consequence of that blow that you suffered?

14 A. Both now and then, I -- I tear up and tears come out of that
15 eye. So there are repercussions even to this day.

16 THE INTERPRETER: But, again, the connection broke off,
17 Your Honour. Interpreter's note.

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I propose that
19 you take the same procedure as you did before, to read out what has
20 been translated.

21 MR. DE MINICIS: I will do that.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 MR. DE MINICIS:

24 Q. Mr. Witness, sorry, apparently there was a technical glitch. So
25 I will reread your answer and tell us if anything is missing.

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 What we heard is that:

2 "Both now and then, I tear up and tears come out of that eye.

3 So there are repercussions even to this day."

4 Is your answer complete that we read to you or did you say

5 anything else that we didn't catch?

6 A. No, that was it. That was it, what you've heard already.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well.

8 MR. DE MINICIS:

9 Q. Now, do you recall any other instance of -- for example, did
10 anybody ever order the detainees -- was any other type of violence,
11 in addition to that that you've described to us, ever perpetrated
12 against you and the other detainees in that room?

13 A. Yes, there was another mistreatment in the room, one who was
14 beaten up. And other than that, there weren't any problems.

15 Q. Did anybody come into the room ever and order you to do things
16 to each other?

17 A. Yes.

18 Q. Could you tell us what you were made to do.

19 A. We were forced to slap each other as much as possible, as hard
20 as possible.

21 Q. Who forced you to do so; do you recall that, Mr. Witness?

22 A. Two people came in in civilian clothing, and they ordered us to
23 slap each other.

24 MR. DE MINICIS: Your Honours, I understand that we have until
25 10 minutes past 4.00.

Witness: TW4-11 (Open Session)

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Examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: You have, if you want to -- yes,
2 you have.

3 MR. DE MINICIS: Yes. I also understand that perhaps I have
4 about 15 minutes left of my time, I don't know, give or take. I
5 wanted to tell the Court that I might need maybe ten minutes longer
6 than that to finish my examination.

7 PRESIDING JUDGE VELDT-FOGLIA: We are not a grocery shop, so it
8 doesn't go by the ounce, of course. And the same goes, of course,
9 for --

10 MR. DE MINICIS: But at the same time, if this is agreeable,
11 because I'm -- I would get into a new area of examination which I
12 would not want to break off, if we could perhaps finish here, and I
13 will not take advantage of the extra ten minutes. And I would
14 continue tomorrow and I will be able to finish within 20, 25 minutes
15 from when I start.

16 PRESIDING JUDGE VELDT-FOGLIA: We can proceed in that way. And
17 also for other considerations that it has been a long day of
18 examination. So I think it's good to stop here and then to continue
19 tomorrow.

20 Mr. Witness, we are going to adjourn the hearing for today and
21 then we will continue with the questioning by the Specialist
22 Prosecutor's Office tomorrow, starting at 9.30.

23 I would like to thank you for your time, Mr. Witness, today. It
24 has been a challenging day. I hope you can get some rest this
25 afternoon and this evening, and then we will see you back tomorrow

Additional redactions applied pursuant to F579.

1 morning. And I remind you that you should not discuss your statement
2 you have been giving in this courtroom with anybody. Yes?

3 Thank you very much. And Madam Court Officer will accompany
4 you.

5 Thank you.

6 [The witness stands down via videolink]

7 PRESIDING JUDGE VELDT-FOGLIA: I will make the round and come to
8 you.

9 Mr. Prosecutor, is there something the SPO would like to raise
10 with the Panel?

11 MR. DE MINICIS: No. Thank you, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well.

13 Victims' Counsel, would you like to raise anything with us?

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

15 PRESIDING JUDGE VELDT-FOGLIA: Defence, I saw you standing.
16 Defence Counsel, please, you have the floor.

17 MR. AOUNI: Thank you. Just to correct something on the
18 transcript if we have the opportunity. At page 92 of today's
19 transcript, line 35, it was mentioned "Mr. Shala" instead of
20 "Mr. Witness." It is slight discrepancy but worth mentioning.

21 PRESIDING JUDGE VELDT-FOGLIA: Let me see. So we go to 92.
22 Could you repeat the line for me? Sorry.

23 MR. AOUNI: 5.

24 PRESIDING JUDGE VELDT-FOGLIA: Line 5. In the transcript indeed
25 it is written "Mr. Shala," and it was directed to the witness.

Additional redactions applied pursuant to F579.

1 That's on record now. Very well.

2 Anything else you would like to raise with the Panel?

3 MR. GILISSEN: No. Thank you very much, Your Honour. Thank
4 you.

5 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then I thank again
6 our stenographer and interpreters and the security. And we will
7 adjourn.

8 We see each other tomorrow at 9.30. Thank you.

9 --- Whereupon the hearing adjourned at 4.02 p.m.

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