

1 Monday, 2 October 2023

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.34 a.m.

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

6 Court Officer, can you please call the case.

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

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

10 Let us see for today who is present in court. I start with the
11 SPO.

12 Mr. Prosecutor, you have the floor.

13 MR. DE MINICIS: Good morning. For the SPO today,
14 Line Pedersen, Federica Genovesi, Gaia Pergolo and
15 Filippo De Minicis.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Victims' Counsel, you have the floor.

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

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Defence Counsel, you have the floor.

23 MR. GILISSEN: Thank you very much, Your Honour. So for the
24 Defence, I am Mr. Jean-Louis Gilissen. I'm here with
25 Mr. Pjeter Shala and the usual team, Mr. Aouini and

1 Ms. Leto Cariolou, our co-counsel; Ms. Dzeneta Petravica, our case
2 manager; Kailin Chen, Juliette Healy and Judit Kolbe. Thank you very
3 much.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 And, for the record, Mr. Shala, can you hear me fine?

6 THE ACCUSED: [via videolink] [Interpretation] Yes, I can hear
7 you loud and clear. Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: Very well.

9 Today we resume with the presentation of the evidence by the
10 Defence. We will hear the testimony of the witness, the Defence
11 witness, Mr. Bedri Dervishaj.

12 And before we proceed with the testimony of the witness, there
13 are some procedural matters which I would like to address. The first
14 is an oral order regarding Defence request to use during the
15 questioning of DW4-02 a newly disclosed item. I will read out the
16 number, which is DPS01566-DPS01568. It contains three Google map
17 screenshots of Kukes. We received the request via e-mail on 25
18 September of this year at 1523. The item was disclosed on the same
19 day, that is, disclosure package 163, and it was already added to the
20 presentation queue for this witness. We did not receive any comments
21 of the SPO and of Victims' Counsel with regard to this request. And
22 we will authorise the Defence to use this item during the examination
23 of the witness. It was disclosed well ahead of today's hearing.
24 There are no objections by the SPO and Victims' Counsel. Everybody
25 has had sufficient time to study it. And it will use the testimony

1 of the witness testimony.

2 This concludes the Panel's oral order.

3 We will also put on record a ruling which was issued via e-mail
4 on Monday, 25 September - so last week - at 16.55, and it was the
5 request -- our ruling on the Defence request for an extension of time
6 for the submission of applications for the admission of non-oral
7 evidence. This is filing F00666 of 22 September 2023.

8 More specifically, having found that the request was submitted
9 sufficiently in advance to enable the Panel to rule on it before the
10 expiry of the time limit, as required by Rule 76 of the Rules of
11 Procedure and Evidence; and having found that the Defence had shown
12 good cause as required by Rule 9(5) (a) of the rules, considering that
13 the Defence has explained that it recently had to meet a number of
14 competing deadlines, it was currently preparing for the upcoming
15 trial hearings and it was also completing its investigative
16 activities, and it will submit a large number of documents for
17 admission into evidence; and we have found there was no prejudice
18 caused to the SPO and Victims' Counsel by disposing of the request
19 without giving them the opportunity to be heard, we have granted the
20 request pursuant to Rule 9(5) (a) and (6). And we have directed the
21 Defence to file its applications for the admission of non-oral
22 evidence, as suggested in paragraph 3 of the request, in a staggered
23 manner. And the Defence is expected to file two separate
24 applications. The first one by 13 October, on Friday, and the second
25 one by 27 October 2023.

1 And this concludes our oral ruling.

2 Thirdly, we will put on record a set of directions sent to the
3 parties and Victims' Counsel also on 25 September at 12.34 concerning
4 the use of material during the questioning of witnesses. The
5 following directions were conveyed by the Panel supplementing its
6 previous directions on matter which are contained in our conduct of
7 proceedings, which is filing 44, paragraph 44 till 51.

8 And we said in those directions that we will receive objections
9 to the use of any material via e-mail, as specified in paragraphs 47
10 and 49 of the Decision on the Conduct of Proceedings. However,
11 responses and replies to any objections will however not be received
12 prior to the questioning of the witnesses, and the Panel will not
13 rule on any objections at this point. Rather, with a view to an
14 efficient conduct of proceedings, responses and replies will be
15 received orally in court if and when the item is called up and the
16 party or participant in question seeks to use it with the witness,
17 and the Panel will rule on any objections before the item is used.

18 And, finally, yes, we direct the parties and Victims' Counsel
19 for the upcoming witnesses to number the items included in the list
20 to be used for the questioning of each witness and in their
21 presentation queue to follow the order you have indicated in the list
22 of the items you want to use. That facilitates the Panel when
23 studying and analysing the documents provided to us.

24 And then before we continue with the testimony of the witness, I
25 would like to address two practical issues. The first one is the

1 availability of the parties and Victims' Counsel for additional
2 hearings, and the second one pertains to the dates for the expected
3 testimonies of two Defence witnesses.

4 The first issue. The Panel would like to know the availability
5 for extra hearings during 26 October, from 9.00 till 10.30 and from
6 11.00 till 12.00. That's a Thursday. We will be sitting that week
7 already at the beginning of that week, but this is the Thursday. And
8 then 27 October in the afternoon, from half past 1.00 -- no, half
9 past 2.00, half past 2.00 -- no, 13.30 till half past 2.00, and then
10 another hour at quarter to 3.00 till 4.00.

11 If by lunch-time we could have a reply on that, that would --
12 unless you already know it now.

13 I will ask the SPO. Can you already indicate if you are
14 available?

15 MR. DE MINICIS: Judge, yes, we will be available in principle,
16 but 12.00 p.m. would be better to confirm for us.

17 PRESIDING JUDGE VELDT-FOGLIA: Very well.

18 Victims' Counsel, what about you?

19 MR. LAWS: Your Honour, we can available at those times.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 And then let me see, Defence.

22 MR. GILISSEN: Yes, I think there is absolutely no problem. I
23 have to check to be sure. But I think there is no problem. Thank
24 you.

25 PRESIDING JUDGE VELDT-FOGLIA: That would be good. Thank you.

1 Thank you.

2 So we will come back to that point.

3 And with regard to our request if you already know the exact
4 dates for Witness 3887 and DW4-03. We are talking about the ninth
5 evidentiary block, so 20 till 24 of November. And if you could
6 already provide us now, if you have it at hand; and if not, as soon
7 as possible.

8 MR. AOUINI: Good morning, Your Honours. So for Witness 3887,
9 he has confirmed that he will be available on that week of 20th of
10 November, so we can start that block with him.

11 PRESIDING JUDGE VELDT-FOGLIA: Start, very well.

12 MR. AOUINI: We can start. But we understand that there is some
13 other procedures that might interject in there. So if he starts the
14 second day of that week or the third day, it should not be a problem.
15 But he is making himself available for that week, so he would travel
16 before that. If he starts on a Monday or on a Tuesday, there
17 is summons, that should not be a problem. But we are expecting to
18 have his testimony on that first week of 20 November.

19 Regarding expert Witness 3, he confirmed to us late last week
20 that the 27th of November is the preferred date for him, so we can
21 start with him on beginning of the following week of the same block,
22 so 27 November.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. It is good to hear that
24 there is with regard to the first witness some flexibility because I
25 think that will assist the scheduling. Good. Thank you for that.

1 Yes, then we can now proceed with the testimony of the witness.

2 I see Mr. Prosecutor standing. You have the floor.

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

4 I would like, if possible, to request some clarification that we
5 need concerning the summary of the evidence for this witness provided
6 by the Defence. I would need to go into private session, though, to
7 provide additional information.

8 PRESIDING JUDGE VELDT-FOGLIA: Very well.

9 MR. DE MINICIS: Thank you.

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

12 [Private session]

13 [Private Session text removed]

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1 [Private Session text removed]

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7 [Open session]

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

9 PRESIDING JUDGE VELDT-FOGLIA: Very well. This witness will
10 provide his testimony without in-court protective measures. However,
11 if there is a need to go into private session because we need to
12 protect the identities of other witnesses and victims at risk for
13 their cooperation with the Specialist Chambers, please ask the Panel
14 to do so.

15 We will sit for three regular sessions of one and a half hour
16 with the regular breaks, and I think we can start now.

17 Madam Court Clerk, could you please usher the witness into the
18 courtroom.

19 [The witness entered court]

20 PRESIDING JUDGE VELDT-FOGLIA: Please have a seat.

21 Mr. Dervishaj, good morning.

22 THE WITNESS: [Interpretation] Good morning.

23 PRESIDING JUDGE VELDT-FOGLIA: Welcome to the
24 Specialist Chambers.

25 THE WITNESS: [Interpretation] Thank you.

1 PRESIDING JUDGE VELDT-FOGLIA: Can you hear the translation
2 well?

3 THE WITNESS: [Interpretation] Yes, I can hear well.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well.

5 Mr. Shala, can you hear the witness?

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

8 PRESIDING JUDGE VELDT-FOGLIA: Very well.

9 Mr. Dervishaj, how are you?

10 THE WITNESS: [Interpretation] I'm fine.

11 PRESIDING JUDGE VELDT-FOGLIA: Good. We will start with your
12 testimony today, and before we begin, I have several remarks for you.

13 You are called to testify before the Specialist Chambers in the
14 case of The Specialist Prosecutor versus Mr. Shala to assist the
15 Panel to reach a verdict. We will first ask you to give your solemn
16 declaration to give the truth, and after that, you will be asked
17 questions, first by the Defence Counsel of Mr. Shala; then by the
18 lawyers for the Specialist Prosecutor's Office, who are sitting
19 there; and then by the lawyers representing the victims participating
20 in this procedure, next to you, on that side; and at the end, by us,
21 the Judges of the Panel, and sometimes also throughout the
22 questioning.

23 Before you take your solemn declaration, I will provide you with
24 some guidance and with some practical advice for answering your
25 questions.

1 Mr. Dervishaj, please listen carefully to each question. If you
2 do not understand, feel free the question to be repeated. We want
3 you to tell the truth, and we want you to tell us what you saw, what
4 you experienced, what you heard, what you sensed. And if you did not
5 hear or see it yourself, please explain us how you came to know about
6 it.

7 You may not remember the details of all the events, and that
8 doesn't matter. You can just tell us that you don't remember.

9 Do not guess and do not make things up. There's nothing wrong
10 in saying "I don't know." And please answer the questions that are
11 put to you. If we need more clarification, follow-up questions will
12 be asked. So stick to answering the question.

13 And, finally, I also remind you that you have to object to
14 provide your testimony on issues that might tend to incriminate you
15 pursuant to Rule 151(1) of the rules.

16 Mr. Dervishaj, have you understood all this?

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well. I have also some
19 practical advice for you, and please note the following. Everything
20 that we say here, as you have noted, is translated and recorded. So
21 it is very important to speak into your microphone, to speak clearly,
22 and to speak at a slow pace.

23 What is also very important is that you only start speaking five
24 seconds after the question that has been posed to you has finalised,
25 and this gives the interpreters the possibility to finalise the

1 translation and to have everything recorded.

2 If I raise my hand, please stop talking. Because if you are
3 talking and I start talking and telling you that you have to stop
4 talking, we have overlapping speakers. And we don't want that
5 because for the interpreters it is impossible to interpret. Okay?

6 If you need a break or need assistance, you can raise your hand
7 and I will give you the floor. And it can happen also that we ask
8 you to leave the courtroom if we have to discuss something with
9 regard to one of the questions put to you.

10 Have you understood all this?

11 THE WITNESS: [Interpretation] I have.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well. And one point I just
13 recalled, it may be the case that you will be asked to make a sign on
14 a document that will be put to you. You will be -- in that case, if
15 you are asked to do that, you will be given by Madam Court Usher a
16 pencil and then you can make a sign on the device and that will be
17 projected on our screens. Yes?

18 THE WITNESS: [Interpretation] Okay.

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

20 As we must do with every witness, I will now ask you to make
21 your solemn declaration to tell the truth, and I remind you,
22 Mr. Dervishaj, that it is an offence within the jurisdiction of the
23 Specialist Chambers to give a false testimony. Have you understood
24 that?

25 THE WITNESS: [Interpretation] Shall I --

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1 PRESIDING JUDGE VELDT-FOGLIA: No, have --

2 THE WITNESS: [Interpretation] -- read it loud?

3 PRESIDING JUDGE VELDT-FOGLIA: You may read it loud. But I
4 first want to hear an answer to my question. Do you understand that
5 it is an offence to give a false declaration?

6 THE WITNESS: [Interpretation] I do.

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

8 Please read the text provided to you.

9 THE WITNESS: [Interpretation] Solemn declaration. Conscious of
10 the significance of my testimony and my legal responsibility, I
11 solemnly declare that I will tell the truth, the whole truth, and
12 nothing but the truth, and that I shall not withhold anything which
13 has come to my knowledge.

14 WITNESS: BEDRI DERVISHAJ

15 [Witness answered through interpreter]

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. You are
17 now under oath to tell the truth. And we can now begin with the
18 questioning, and we start with the questioning by the Defence
19 Counsel, and I will give them now the floor.

20 Please. Defence Counsel, you have three hours for your
21 questioning. If there are any changes in this regard, please inform
22 us.

23 MR. AOUNI: Thank you, Your Honour. We will do.

24 Examination by Mr. Aouini:

25 Q. Good morning, Mr. Dervishaj.

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1 A. Good morning.

2 Q. How are you? So I am, as you know, one of the counsels
3 defending Mr. Shala in these proceedings and I will be asking you a
4 few questions during the course of this morning. Okay?

5 A. Understood.

6 Q. So to start, Mr. Witness, could you please state for us your
7 name and your surname.

8 A. Bedri Dervishaj.

9 Q. Thank you. Mr. Dervishaj, do you have any nickname or have you
10 ever had any nickname in the course of your life?

11 A. No.

12 Q. Can you tell us your date and place of birth.

13 A. Born on 26 May 1971 in Prizren.

14 Q. For clarity, can you tell us what is your citizenship or
15 nationality?

16 A. Albanian. Kosovo Albanian.

17 Q. Thank you, Mr. Witness. You are a Kosovo Albanian. At the time
18 of the war of the liberation of Kosovo, we are going to ask you a
19 number of questions about this time. Is that clear for you?

20 A. Clear.

21 Q. Thank you. So, Mr. Dervishaj, where were you living before the
22 war of liberation of Kosovo broke out in 1998? Where were you
23 living? In which country?

24 A. In Prizren. In 1998, I went to Germany.

25 Q. Did you join the war effort when the general mobilisation in

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1 Kosovo was announced -- for Kosovo war was announced?

2 A. Yes.

3 THE INTERPRETER: Could the witness be asked to speak closer to
4 the mic, please.

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, yes, talk into the
6 microphone in order for the interpreters to hear you well. Yeah?
7 And it is important that you speak out so that you formulate clearly
8 what you're saying, and it's not enough to nod.

9 THE WITNESS: Okay.

10 PRESIDING JUDGE VELDT-FOGLIA: Because they will not understand
11 the nodding. It has to be put into words.

12 Please.

13 MR. AOUINI:

14 Q. So, Mr. Witness, you told us that you lived in Germany, you
15 moved to Germany, and that you also joined the war effort.

16 So just to clarify, you -- when you decided to join the war
17 effort and to mobilise, like most of the population, the Albanian
18 population of Kosovo, did you do that from Germany or you decided
19 when you were in Prizren? Just for the clarity.

20 A. [Interpretation] From Germany. We came organised from Germany.

21 Q. Thank you. So can you tell us where you were went. How did you
22 travel from Germany to join the war effort?

23 A. In Ulm, Germany.

24 Q. The question is this, Mr. Dervishaj. You decided to join the
25 war from Germany, okay? What was your trajectory or how did you

1 travel, where did you go to join the war effort? That is the
2 question. Did you go to Kosovo? Did you go to Albania? To some
3 other country? Can you tell us that to start with.

4 A. To Albania. From Albania -- from Germany, we went to Italy, and
5 from Italy to Albania. It was in Albania that we were mobilised.

6 Q. You told us that you went organised. Can you tell us by which
7 means did you travel from Germany to Italy? And where did you leave
8 in Italy to Albania? And where did you arrive in Albania?

9 A. We came by car up to Bari, Italy, and there we took the ferry.
10 We arrived in Durres.

11 Q. So you arrived in Durres. How long did you stay in Durres?

12 A. Less than two hours. And then we travelled to Kukes.

13 Q. What did you do in Durres, if you could tell us?

14 A. They divided us, some to go to Koshare, some to Kukes.

15 Q. So you told us that you mobilised when you went to Albania.
16 This mobilisation process, did it happen in Durres or did it happen
17 when you were told to go to Kukes?

18 A. In Kukes. When we arrived Kukes.

19 Q. Okay. Let's take a step back. In Durres, during those two
20 hours, can you tell us what was -- who decided that you had -- we
21 understand that you came in a group. Who decided who goes to Koshare
22 and who goes to Kukes?

23 A. I didn't know the people who told us to go to the respective
24 places. I don't know their names.

25 Q. Okay. So you told us you travelled to Kukes. Can you tell us

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1 briefly by which means did you travel to Kukes?

2 A. By bus.

3 Q. You were not alone? Were you alone or were you with a group?

4 A. I was with a group, some 20 people.

5 Q. Very well. Mr. Dervishaj, I want you to briefly tell us, once
6 you arrived to Durres, the cities you travelled to briefly and then
7 we will go step by step. The cities you travelled to up until the
8 war ended, if you can and if you remember.

9 A. From Kukes, I was mobilised in unit number 1. Then we travelled
10 to Burrel. There we were trained, got prepared. And then went to
11 Kalimash. From Kalimash to the front line.

12 Q. Very well. Thank you very much. We will take it one step at a
13 time to explore each sequence of your travel.

14 You told us you went to Kukes by bus with a group. Do you
15 remember where specifically in the city of Kukes you ended up
16 arriving?

17 A. In the centre. Shote Galica it's called. Then they divided us
18 in groups. Some were sent to group or unit 1 and 2. I went to unit
19 1.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, may I ask you
21 one question. I would like to have a time-frame because now it's --
22 yeah, it's not clear. I heard one year, but -- thank you.

23 MR. AOUNI: Thank you, Your Honour.

24 Q. Mr. Dervishaj, do you remember which time, if you have a
25 specific date or approximate date, that you arrived to Durres? Which

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1 year, which month, if you can remember.

2 A. It was February 1999. I don't recall the date.

3 Q. And so we understand that in February 1999, that was when you
4 arrived to Kukes as well. Can you speak -- can you please speak so
5 we can transcribe your response.

6 A. Yes, yes, on the same date.

7 Q. Okay. Now you arrived to Kukes and you told us that you went to
8 unit number 1. But, first, do you remember --

9 A. Yes.

10 Q. Do you remember how long did you stay in Kukes at that time
11 until you left to Burrel, as you told us? Do you know approximately
12 how much time you spent in that town of Kukes?

13 A. About a month.

14 Q. Mr. Dervishaj, did you join a particular group? You just told
15 us that you mobilised in unit number 1. Can you explain what that
16 means?

17 A. It was a unit, a military unit. What could I say? One was 1,
18 one was 2, number 2. Pavilion, maybe.

19 Q. So, Mr. Witness, you are referring to a place that is the
20 pavilion number 1 and number 2, not the unit that is called unit
21 number 1?

22 A. Yes, the place. No, it was a place, it was called like that.

23 Q. Thank you very much.

24 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would like to
25 have a little bit more specification about where it was, this unit.

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1 I can proceed myself, but I can also leave it to you.

2 MR. AOUINI: We were expecting to gather a number of details and
3 then show the map to establish the position --

4 PRESIDING JUDGE VELDT-FOGLIA: Okay.

5 MR. AOUINI: -- of those places.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. But I would like to have a
7 focused examination. Please proceed. If you're going to get there,
8 okay.

9 MR. AOUINI:

10 Q. So, Mr. Witness, you told us that you joined the place that you
11 called Pavilion 1. We will show you a little bit a map of Kukes to
12 help us mark where it could be on the map of the town. Is that okay?

13 For now, Mr. Witness, we will just ask you brief questions about
14 your role. When you arrived to this pavilion number 1, did you have
15 a role? What was your role there?

16 A. No. I was an ordinary soldier, from beginning to the end. And
17 I only implemented the orders. I didn't have any nickname or any
18 position.

19 Q. Do you remember how many people were there in pavilion number 1
20 when you arrived?

21 A. I don't remember, but I would say about 20.

22 Q. Now, this pavilion number 1, can you describe this building or
23 premise? Was it an apartment, a hotel, a factory? Could you give us
24 an indication of what it was?

25 A. It was a house with four rooms. To this day, it's still a

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1 house.

2 Q. And you briefly mentioned the pavilion number 2 or unit 2.

3 Could you also describe briefly the same way what it was as a sort or
4 nature of building?

5 A. I have been there only two times. I know that it was a
6 storehouse for the munitions.

7 Q. Was it a house or was it bigger than a house? From your
8 recollection.

9 A. No, it was bigger.

10 MR. AOUINI: With the leave of the Panel, we would proceed to
11 show a map of the area of Kukes that is of relevance to us. Try to
12 have the witness point at the specific locations and then we go with
13 some photos, if Your Honours allow us.

14 PRESIDING JUDGE VELDT-FOGLIA: Please proceed with giving the
15 number to Madam Court Clerk.

16 MR. AOUINI: So the first document is ERN DPS01566 to DPS01568.
17 It's a Google Maps of Kukes.

18 Q. Mr. Witness, can you identify some references that help you
19 locate yourself that this is a map of Kukes?

20 A. No, I cannot.

21 MR. AOUINI: Can we maybe please go to the next page to show the
22 zoom-in that we are going to operate and then straight to the
23 following page.

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

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1 MR. AOUINI:

2 Q. Mr. Dervishaj, we are going to zoom in to this area that is
3 encircled in red.

4 MR. AOUINI: And can we please move to the following page. If
5 we could zoom in a little bit to have the full picture.

6 Q. Mr. Witness, does this help you? We see a main road, the road
7 of Kume [phoen], an intersection. Does that help you locate yourself
8 as where could be Pavilion 1 and 2?

9 A. I am unable to find my bearings. I don't remember. And many
10 years have passed. 25 years have gone by, so I can't. Really, I
11 can't.

12 Q. This is not a problem, Mr. Witness. Don't worry about that.
13 So, Mr. Witness, you told us that you went briefly to ...

14 MR. AOUINI: We can take down the map. Thank you very much.

15 Q. You told us that were stationed in pavilion number 1 and that
16 you went a few times or a couple of times to the pavilion number 2;
17 is that correct?

18 A. Yes, it is.

19 Q. And do you remember in total how much time you spent stationed
20 in pavilion number 1? Again, just for the clarity. From
21 February 1999.

22 A. I don't know the dates, but about a month.

23 Q. So you went a few times to pavilion number 2. Could you tell
24 us --

25 MR. DE MINICIS: Judge, sorry. Twice. Went twice, yes.

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1 PRESIDING JUDGE VELDT-FOGLIA: I agree, twice.

2 MR. AOUINI: Thank you.

3 Q. Mr. Witness, you said you went twice to pavilion number 2. Can
4 you tell us for what purpose did you go there? What did you do
5 there?

6 A. Yes.

7 Q. Can you please tell us.

8 A. I went to have two injections because I suffer from my back pain
9 and from my kidney. So I had some injections made.

10 Q. Mr. Witness, we are going to show you what we believe is the
11 pavilion 2, and we want you to help us to indicate which place within
12 that premise you went to receive your injections.

13 MR. AOUINI: With your leave, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you
15 usher the witness out.

16 Mr. Witness, we are going to usher you out for a moment, and in
17 a few minutes we will ask you to come back.

18 THE WITNESS: [Interpretation] Thank you.

19 [The witness stands down]

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think I would
21 have had a preference that you would have started this question in a
22 different way, by asking him if he recognised this premises without
23 asking him -- without telling him beforehand what you thought that it
24 would be. That would have been the most open approach, I think. So
25 we cannot change it now anymore because you already said it, but I

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1 urge you for next time, first ask him, and then we can always see and
2 try to help them if they need some -- we refresh their mind. But now
3 there is no possibility to see if he could recollect if -- bring it
4 back from his own recollection.

5 MR. AOUINI: Apologies, Your Honours. We were little bit ahead
6 of ourselves because the picture we were attempting to show is an
7 aerial view, so it's not a recognition. And then we propose to go
8 with pictures of the building and ask him if he recognised, but your
9 point is taken, Your Honour.

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

11 Madam Court Officer, could you please ask Madam Court Usher to
12 bring the witness back.

13 [The witness entered court]

14 PRESIDING JUDGE VELDT-FOGLIA: Please have a seat. Welcome
15 back.

16 I give the floor again to Mr. Defence Counsel.

17 MR. AOUINI: Thank you, Your Honour.

18 Can we please show ERN SPOE00330362.

19 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please
20 proceed.

21 MR. AOUINI: Maybe if we can turn this photo 90 degrees, it will
22 have more ... yes, thank you. And zoom in a little bit.

23 Q. Mr. Witness, does this picture represent anything for you? Do
24 you recognise anything from this picture?

25 A. It seems to me like it's that place, that unit or pavilion.

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1 PRESIDING JUDGE VELDT-FOGLIA: Which one? Mr. Witness, which
2 pavilion, which unit?

3 THE WITNESS: [Interpretation] It seems to me it is number 2.
4 Because it's big.

5 MR. AOUINI:

6 Q. Mr. Witness, from this picture, are you able to mark where you
7 went within this premise to receive your injection?

8 A. I can't find the entrance. That's where I went.

9 Q. Okay. It's not a problem.

10 MR. AOUINI: We can proceed in a different manner, Your Honours.

11 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

12 MR. AOUINI: Can we please show ERN SPOE40010264-40010559.

13 PRESIDING JUDGE VELDT-FOGLIA: With the same purpose, Defence
14 Counsel?

15 MR. AOUINI: Yes, for possible recognition. If we could show
16 page 2.

17 PRESIDING JUDGE VELDT-FOGLIA: Yes, please proceed, Madam Court
18 Officer.

19 MR. AOUINI: Maybe we start with page 2.

20 PRESIDING JUDGE VELDT-FOGLIA: Page 24, line 4, just a
21 correction to the transcript, I said, "Yes, please proceed," not
22 "just please proceed."

23 MR. AOUINI:

24 Q. Do you recognise this picture, Mr. Witness?

25 A. That was the unit or the pavilion.

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1 Q. Can you please always mention when you mention "pavilion" the
2 number so there is no confusion in the transcript which one. Since
3 there are two, always mention is it 1 or 2 so it is clear.

4 A. Okay.

5 Q. So this one is number?

6 A. Number 2.

7 PRESIDING JUDGE VELDT-FOGLIA: And, Mr. Witness, can you tell us
8 how you recognise that it is pavilion 2?

9 THE WITNESS: [Interpretation] Because I went there. I visited
10 the place also after the war.

11 PRESIDING JUDGE VELDT-FOGLIA: But can you say something about
12 the buildings?

13 THE WITNESS: [Interpretation] I can't say anything about the
14 buildings because I didn't stay there during the war. So I don't
15 know what to say.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I leave it to
17 you, but, for now, the recognition is not really anchored other than
18 that he sees -- he recognises what he sees.

19 MR. AOUINI: I'm going to try with one more question,
20 Your Honour.

21 Q. Mr. Witness, what we want to understand is what makes you, from
22 looking at this picture, recognise that this is pavilion 2? Is there
23 any specifics that you saw that makes you recognise this picture as
24 pavilion number 2?

25 A. No. But the way I look at them now reminds me of then. They

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1 were like this. As I said, I went to visit them after the war. But
2 other than that, I can't say much.

3 MR. AOUINI: Can we maybe show page number 7.

4 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

5 MR. AOUINI:

6 Q. Mr. Witness, do you recognise this picture to represent
7 anything?

8 A. I remember seeing this building after the war, but I do not
9 remember anything particular as to the inner part or the building
10 itself.

11 MR. AOUINI: Can we show page number 15, please.

12 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
13 Officer.

14 MR. AOUINI:

15 Q. Same question, Mr. Witness. Do you recognise this place?

16 A. This is the entrance where I got the injections. I see the door
17 here and the entrance.

18 PRESIDING JUDGE VELDT-FOGLIA: Could we have the door indicated.

19 MR. AOUINI: Your Honour is ahead of me each time.

20 THE WITNESS: [Interpretation] By the entrance.

21 MR. AOUINI:

22 Q. We will help you, Mr. Witness, to take a pen and make a marking,
23 please, on the picture of what you mentioned is the entrance.

24 A. [Marks]

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Could we add a letter

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1 to it, or a number.

2 MR. AOUINI: Yes.

3 Q. Mr. Witness, can you put a number, like 1, number 1, for the
4 entrance.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, maybe you want
6 to direct the witness to be as precise as possible. I find it hard
7 to believe that they would enter specifically there.

8 MR. AOUINI: This is what I was going to explore with --

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

10 MR. AOUINI:

11 Q. So, Mr. Witness, you mentioned that this is the entrance of
12 where you went to receive the injection. Okay? Now we want you --

13 A. Correct.

14 Q. We want you to probably mark with precision or circle the place,
15 the specific place, if you see it in this picture, where you actually
16 received the injection.

17 A. This is the entrance. And this is the place where I got the
18 injections.

19 Q. Okay. Let's start again slowly. Please put number 1 on the
20 entrance that you mentioned and number 2 on the place that -- in
21 which you received the injection.

22 MR. AOUINI: Maybe we can wipe these first markings so --

23 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Thank
24 you. Let us save then this picture. Because if we wipe it, then
25 everything that has been said cannot be referred to, to the image.

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1 And we can do it again.

2 So, Madam Court Officer, could you please save this picture and
3 give it a number.

4 [Trial Panel and Court Officer confer]

5 THE COURT OFFICER: Your Honours, the markings made by the
6 witness DW4-02 will be assigned Registry ERN number REG00966.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
8 Could you please upload this picture, the original one, without the
9 markings so that Defence Counsel can proceed with the examination of
10 Witness 02. Thank you, Madam Court Usher.

11 MR. AOUINI: Thank you.

12 Q. So, Mr. Witness, again, with precision, if you could put number
13 1 on the entrance and number 2 for the place where you received the
14 injection.

15 A. [Marks]

16 Q. Thank you very much.

17 MR. AOUINI: Your Honour, we will proceed with more questions
18 now, so we don't need the photos. Maybe this is the time to save the
19 marking and to proceed further.

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

21 Please could you save it, Madam Court Officer, and also assign a
22 number to this marked picture by Defence Witness 02.

23 [Trial Panel and Court Officer confer]

24 THE COURT OFFICER: Your Honours, the markings made by the
25 witness DW4-02 will be assigned Registry ERN number REG00967.

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1 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
2 Defence Counsel, please proceed.

3 MR. AOUINI: Thank you, Your Honour.

4 Q. So, Mr. Dervishaj, you just marked the place where you received
5 the injection. Can you please describe in your own words the inside
6 of that place. What is it, how big is it, what -- what kind of
7 premise it was.

8 A. It was a small office, 2 by 1 metres or 2 by 2. Not bigger than
9 that. That is where I got the injections and then I left. I did not
10 stay for more than ten minutes.

11 Q. From your couple of brief visits, could you --

12 PRESIDING JUDGE VELDT-FOGLIA: Two.

13 MR. AOUINI: Couple is --

14 PRESIDING JUDGE VELDT-FOGLIA: Okay. Just to be sure that ...

15 MR. AOUINI: We're not going to overstate. I said "couple,"
16 which we believe means two.

17 Q. So from your two brief visits to that place, Mr. Witness, do you
18 remember -- can you tell us about anything you have -- you remember
19 from the equipment you saw there or the furniture? What kind of
20 furniture was there or equipment?

21 A. There were two chairs, one wooden-made chair and nothing else.
22 There was a bag with medication, and that's it.

23 Q. Were there any medical personnel there, doctors or nurses or
24 medical assistants, personnel of that sort?

25 A. There was a doctor there only who administered me an injection,

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1 a painkiller. His name was Ilir Rakaj. And that's it.

2 Q. This doctor, do you remember if he was wearing -- what was he
3 wearing when you visited him on those two visits?

4 A. He was wearing military clothes.

5 Q. Thank you, Mr. Witness. So, Mr. Witness, you told us that you
6 joined and you were stationed in pavilion number 1 earlier today.

7 Were you part of a group --

8 A. Correct.

9 Q. Thank you. What was the name of the group you joined, if there
10 was any group that you joined, a group or a unit?

11 A. Listen, how shall I put this? It was a small unit. We stayed
12 for a month there to train and prepare ourselves, and then we went to
13 Burrel.

14 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would like to
15 ask one question just to understand better.

16 Mr. Witness, we have been talking about these two occasions that
17 you went to Pavilion 2 to receive an injection. When was it that you
18 went to that pavilion to have these injections? In which month, if
19 you remember?

20 THE WITNESS: [Interpretation] I can't recall the month or the
21 date. I could not memorise or remember this.

22 PRESIDING JUDGE VELDT-FOGLIA: We were talking about the period
23 that you were in Kukes from February 1999 -- wait, wait. Please
24 don't interrupt me. You're eager to tell me, but I want to finalise
25 my question to be clear.

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1 You said you stayed there for a month till you went to Burrel.

2 And now my question is: Did you go to Pavilion 2 in that month?

3 THE WITNESS: [Interpretation] Yes, in February.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay.

5 THE WITNESS: [Interpretation] Because after that, I did not go
6 back to Kukes. I did not stay in Kukes.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 Defence Counsel, you have the floor.

9 MR. AOUNI: Thank you very much.

10 Q. Just before moving on to a different part, just for the clarity.
11 You mentioned that there was a doctor, and his name was Ilir Rakaj.
12 How do you know about his name, this doctor?

13 A. Rakaj. We are the same age and we were at school together.

14 Q. And also for clarity, you didn't meet in the two times you
15 visited any other medical staff?

16 A. I didn't. I only went to see him because I knew him. He gave
17 me that injection to alleviate the pain, and then I left.

18 Q. Now, coming back to your stationing in Pavilion 1, the group of
19 people that you mentioned earlier to which you part of, did it have
20 any reference or name or initials to refer to it, or was it not
21 something that is identifiable as such as a unit?

22 A. No. How shall I say this? It was a unit where we were doing
23 these preparations. There was no name. It did not have a name. We
24 stayed there in the course of the preparations.

25 Q. Very well. Mr. Witness, I'm going now to ask you about a number

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1 of people. I'll ask you a few questions in a public session, and
2 then we will go to a private session to protect the identity of
3 individuals.

4 My first question would be, so during the war, so your whole --
5 from the time that you travelled from Germany until the war ended,
6 did you know or meet someone by the name Pjeter Shala?

7 A. No.

8 Q. In the group you participated, or groups, if there are many that
9 you participated in during the war, was somebody, to your knowledge,
10 to your memory, named Pjeter Shala with you or part of your groups or
11 formations?

12 A. No. I did not hear of any Pjeter Shala in our group or in our
13 Brigade 128. There was no Pjeter Shala there.

14 Q. Mr. Witness, you just mentioned Brigade 128.

15 A. Yes.

16 Q. And I asked you briefly just earlier, in February 1999, when you
17 went to pavilion 1, whether your group or formation was identified by
18 any name. Can you clarify whether at that time --

19 A. No. When we went to the front line, it was baptised, given a
20 name. After Kalimash.

21 Q. So I'll put the question briefly. Please wait until the end.
22 At the time you were in Pavilion 1 in February 1999, the group
23 belonged to wasn't identified as Brigade 128 at that time. Is that
24 what we understand from you -- your testimony?

25 A. No, it was not. It was not.

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1 Q. Okay. We're coming back to the topic of Pjeter Shala.

2 MR. AOUINI: And with your leave, Your Honour, we would like to
3 show a picture to the witness. He didn't recognise the name. We
4 want to show him a photo.

5 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
6 Officer.

7 MR. AOUINI: Thank you.

8 ERN 059113-059144, page 13, please.

9 Q. Mr. Witness, do you recognise the picture in front of you?

10 A. No, I don't.

11 MR. AOUINI: We can take that picture down, Your Honour.

12 Q. Now my question is this, Mr. Witness --

13 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

14 MR. AOUINI:

15 Q. Now my question is this, Mr. Witness: Did you hear or know
16 about any person with the nickname Ujku?

17 A. No, I did not hear. I heard about nicknames after the war.
18 But, no, I did not hear.

19 Q. After the war, you heard about this nickname Ujku?

20 A. After the war, I heard about a number of nicknames, like Wolves
21 and Snakes and so on. I don't know who was who. I'm again referring
22 after the war.

23 Q. So after the war, can you tell us about anything you know about
24 anybody with the nickname Ujku?

25 A. I heard it on -- about Pjeter Shala on TV when I saw him for the

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1 first time. Then there was another guy who was with Ramush Haradinaj
2 called Commander Ujku. I don't know who that was. However, what I'm
3 saying is I have heard many nicknames as Wolves.

4 Q. Again, and sorry for re-asking this, just for clarity, you say
5 then there was another guy with Ramush Haradinaj.

6 A. [No interpretation].

7 Q. So do you mean another guy than what you heard Pjeter Shala
8 being also somebody who is nicknamed Ujku?

9 A. Yes, yes, apart from Pjeter Shala about whom I heard on TV at a
10 later stage, I had heard earlier on about another Ujku who was with
11 Ramush. With respect to Pjeter Shala, I heard about him on TV, as I
12 mentioned.

13 Q. Let me ask you this in public session and if we need to go to
14 private session, we can do that. But do you have information about
15 other individual that bears the same nickname? Do you have or don't
16 you?

17 A. No, I don't have any information. I just heard about this.
18 When they were discussing the operations, I heard about KLA
19 commanders after the war. But otherwise, I don't know the name or I
20 don't know the person.

21 Q. And just for clarity, if you remember, when did you hear -- you
22 told us this is after the war. When did you hear about this last
23 information?

24 A. When they were discussing and telling about their operations,
25 how they acted, what they did, telling these stories on TV shows

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1 after the war about pavilions and headquarters, and so on.

2 Q. If you remember -- we understand that you mention TV shows as
3 source. But when you heard -- was there any other specific source
4 you heard this nickname from?

5 A. No, no.

6 Q. Very well. Thank you, Mr. Witness.

7 MR. AOUINI: Your Honour, we are going to ask about a number of
8 names. We can do that within the time that is left in private
9 session, please.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well.

11 Madam Court Officer, could you bring us into private session,
12 please.

13 It's five minutes before the break.

14 [Private session]

15 [Private Session text removed]

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1 [Private Session text removed]

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1 [Private Session text removed]

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17 [Open session]

18 THE COURT OFFICER: Your Honours, we are now in public session.

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

20 Mr. Witness, we are now going to have a break for 30 minutes,

21 and I will ask Madam Court Usher to usher you out. And at 11.30, we

22 will see you back.

23 THE WITNESS: [Interpretation] Thank you.

24 [The witness stands down]

25 PRESIDING JUDGE VELDT-FOGLIA: If there's anything that parties

1 or Victims' Counsel want to raise with the Panel? No. Then we will
2 adjourn for 30 minutes.

3 --- Recess taken at 11.01 a.m.

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

5 PRESIDING JUDGE VELDT-FOGLIA: Before we proceed with the
6 testimony of Mr. Dervishaj, I see that the SPO is in the same
7 composition; the same goes for Victims' Counsel; and also for the
8 Defence, I see everybody nodding. Thank you for that. Good.

9 Mr. Shala, can you hear the translation fine?

10 THE ACCUSED: [via videolink] [Interpretation] Yes, I can.

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

12 Very well. Madam Court Usher, can you please usher the witness
13 back into the courtroom.

14 MR. DE MINICIS: Your Honour, in the meantime, we would like to
15 confirm our availability for the extra hearings posed by Your Honours
16 earlier at the previous session.

17 PRESIDING JUDGE VELDT-FOGLIA: Yes. Thank you. It's not
18 confirmed yet that we would be proceeding, but just to see where we
19 stand in terms of availability. Very well. Thank you.

20 And we set lunch, so I -- whenever you have an update. Thank
21 you for that.

22 [The witness takes the stand]

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

24 THE WITNESS: [Interpretation] Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: You can hear me well?

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1 THE WITNESS: [Interpretation] Yes, yes.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well.

3 Mr. Shala, can you hear the witness?

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

6 PRESIDING JUDGE VELDT-FOGLIA: Good, thank you.

7 Defence Counsel, you have the floor to continue with the
8 questioning of Mr. Witness. Please.

9 MR. AOUINI: Thank you, Your Honour.

10 Q. Welcome back, Mr. Witness.

11 A. Thank you.

12 Q. So you told us this morning that from Kukes you went to Burrel.
13 We are going to speak a little bit about Burrel now. Okay?

14 Can you tell us by which means did you travel from Kukes to
15 Burrel?

16 A. By bus. Private bus.

17 Q. Do you remember approximately in which month of 1999 this was?

18 A. I don't remember the dates.

19 Q. Okay. We'll try to clarify the timelines a little bit through
20 questions. Can you tell us how long did you stay in Burrel?

21 A. About two weeks.

22 Q. Do you remember how many, your group that travelled in bus, or
23 if there were many, how many the total group, how many individuals
24 were there in that journey?

25 A. There were two buses from what I remember.

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1 Q. What did you do in Burrel?

2 A. We trained there. How to shoot, how to defend ourselves.

3 Q. Do you remember who trained you?

4 A. Yes.

5 Q. Can you tell us who trained you?

6 A. Yes. I was trained in a unit of about 20 people by Adem Shehu.

7 Q. Can you tell us who Adem Shehu is?

8 A. Adem Shehu was a superior from the Albanian army who came to
9 train us.

10 Q. Now, Mr. Witness, are you aware of any incident or was there any
11 incident that happened during the time that you were in Burrel?

12 A. Yes, we heard about that incident. We were training when that
13 incident occurred.

14 Q. To make sure we're speaking about the same things, can you
15 explain to us what incident happened?

16 A. We were training when somebody came and said a soldier was
17 killed. That's where we heard about it.

18 Q. Can you situate during -- you told us you stayed there in Burrel
19 for two weeks. Can you situate at which -- was it at the beginning
20 of two weeks, in the middle of the two weeks, at the end of two weeks
21 that you heard about this incident?

22 A. It was the beginning. At the end of two weeks, when it
23 occurred, we left because the Albanian officer was afraid of
24 something else happening. And so we withdrew from that place and we
25 went back to Kukes.

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1 Q. Just for the clarity of the transcript. We have two
2 contradictory sentences. You say it was in the beginning, at the end
3 of the two weeks. So the incident, according to your knowledge,
4 which you remember, happened at the beginning or at the end of the
5 two weeks?

6 A. Not at the beginning. At the end of two weeks. And after the
7 incident, we left, we withdrew.

8 Q. Thank you for clarifying this. So you told us a soldier was
9 killed. Do you have any information who the soldier is?

10 A. He's someone we know, a friend of ours.

11 Q. Do you know his name by any chance?

12 A. Yes, Halil Gashi.

13 Q. Mr. Witness, do you know where in Burrel -- we understand from
14 your testimony that you were training and then you heard about this
15 incident. So it seems that it is not where -- at the same place you
16 were training. Do you know where this happened?

17 A. It was in the -- within the unit premises. We were, in the
18 meantime, training.

19 Q. Mr. Witness, trying to work out the timelines, we have public
20 information that the gentleman named Halil Gashi died on 2 May of
21 1999. Does that correspond to your memory?

22 A. Yes, it coincides.

23 PRESIDING JUDGE VELDT-FOGLIA: And how does that coincide?

24 THE WITNESS: [Interpretation] Because we were training when he
25 was killed. It was at that time.

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1 PRESIDING JUDGE VELDT-FOGLIA: Yes. So what you -- if I
2 understand well, what you remember is that this person died at the
3 moment that you were training. But do you also remember the date or
4 the month?

5 THE WITNESS: [Interpretation] No, I don't remember that.

6 PRESIDING JUDGE VELDT-FOGLIA: So that's slightly different.

7 MR. AOUINI:

8 Q. And just to clarify the timeline differently.

9 From Kukes, you went straight to Burrel for two weeks and then
10 this incident happened. That's the sequence that you are sure of?

11 A. Yes. This is the time period I remember. The date I don't
12 recall. But we are talking about this time.

13 Q. Thank you, Mr. Witness. At page 40 of the provisional
14 transcript, at lines 14 and 15, you said that after the incident you
15 left, you withdrew. Correct?

16 A. Yes.

17 Q. So can you please explain the reaction from the moment you heard
18 about this incident until you took action and withdrew.

19 PRESIDING JUDGE VELDT-FOGLIA: The reaction from whom? Defence
20 Counsel, the reaction from whom?

21 MR. AOUINI: The witness referred to "we left, we withdrew," so
22 we will try to clarify.

23 Q. So, Mr. Witness, when you referred at page 40, lines 14 and 15,
24 that, "we left, we withdrew," you were referring to the group that
25 was training or the group that -- or a bigger group or a smaller

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1 group that travelled to Kukes, or any other group? Can you please
2 clarify who left and withdrew?

3 A. The group that I was training with.

4 Q. When you left, where did you go as a group?

5 A. To Kukes.

6 Q. Can you tell us how much time you spent on the journey back from
7 Burrel to Kukes, as you mentioned, after the incident?

8 A. The roads were in a poor condition then, so the journey lasted
9 about five hours.

10 Q. Sorry to go back, but when you travelled from Kukes to Burrel on
11 the bus, how much time did it take? Was it similar or different?

12 A. It was the same time.

13 Q. Can you remember how much time between the incident and your
14 return to Kukes from Burrel has lapsed? How much time was it between
15 the incident and you, as a unit or a group, went back to Kukes?

16 A. From the time we went until we returned, we stayed there about
17 12 days.

18 Q. Just to clarify, from the time your group went to Burrel until
19 the time your group returned or left Burrel was approximately 12
20 days?

21 A. Yes, correct, about 12 days.

22 Q. Okay. Can you tell us by what means did you return from Burrel
23 to Kukes?

24 A. By bus, Albanian buses.

25 Q. And can you tell us where did you go in Kukes when you left

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1 Burrel?

2 A. We went to families. Because most of us had their families in
3 Kukes.

4 Q. So when you returned from Burrel, you went to Kukes, but you
5 went to your family. Is that what we understand?

6 A. Yes, yes.

7 Q. How much time did you spend on this second occasion in Kukes
8 with your family?

9 A. Approximately six or seven days. Then they summoned us. We
10 were mobilised in Kalimash.

11 Q. Okay. Before we go to Kalimash, I have two questions. Do you
12 remember where in the town of Kukes it was that you stayed with your
13 family?

14 A. I don't remember the name of the street. I know that we stayed
15 in a building at the centre of Kukes.

16 Q. You just told us at page 43, lines 18 and following:

17 "Then they summoned us. We were mobilised in Kalimash."

18 Can you explain to us the process. What happened for you to go
19 from Kukes, from your family, to find yourself in Kalimash?

20 A. Yes. We were called upon to mobilise and to go to the front
21 line.

22 Q. Do you remember who passed that message or information that you
23 and your group had to mobilise in Kalimash?

24 A. We were constantly in communication. We knew that we would soon
25 be mobilised. It was Commander Ruzhdi.

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1 Q. Thank you. How many were you in the group that went from Kukes
2 to Kalimash?

3 A. Approximately 20 persons. The same group that was trained
4 earlier.

5 Q. Do you remember the means that you used to travel from Kukes to
6 Kalimash?

7 A. Yes. There were buses, private buses.

8 Q. Mr. Witness, how long did you spend in Kalimash?

9 A. Zur [phoen] travel agency it was called.

10 We stayed there some -- maybe a bit more than two weeks and then
11 we set out for the front line.

12 Q. Can you tell us, if you remember, what your group did in
13 Kalimash during those two weeks?

14 A. Yes, we did trainings. How to use the weapon, how to defend
15 yourself. General military, I mean, exercises.

16 Q. Thank you very much. And you told us that from Kalimash, then
17 you set off for the front line. And my question is: Can you
18 remember approximately which month you went to the front line in
19 1999?

20 A. Frankly speaking, I don't remember accurately the month. We
21 were traumatised. I don't know what to say.

22 MR. DE MINICIS: Your Honour, if I may suggest, it seems to me
23 that at page 42, lines 22 to 23 -- 24, counsel posed the question
24 which I don't think the witness has answered, and the answer to the
25 question with what is said later, in terms of five days, two weeks,

1 might help clarify the timeline of the events.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes. I -- we might do that,
3 because he did not -- maybe -- I think it's better that the witness
4 goes out of the courtroom and then we can discuss it.

5 Mr. Witness, Madam Court Usher will usher you out and we will
6 ask you to come back in five minutes.

7 [The witness stands down]

8 PRESIDING JUDGE VELDT-FOGLIA: What I understood when the
9 witness answered was the 12 days between when he went to Burrel and
10 came back. But your question, yeah, was between the incident and the
11 moment you went to Kukes. Because he also has said that it was in
12 the second part, at the end of the period he was in Burrel, my
13 understanding was -- but I should not think too much for the learned
14 counsels. My understanding was that implicitly there was an answer
15 to that question because the witness cannot be so precise as to say
16 it's the seventh day or the 12th day.

17 But this is my interpretation and therefore I did not proceed on
18 the specific question. If there is something that could add to be
19 more specific, then maybe you can take the floor, Mr. Prosecutor, and
20 -- if you think that there is something extra to be asked in this
21 respect.

22 MR. DE MINICIS: No, Your Honour. And also perhaps we could
23 pursue that in our cross-examination. I thought because we were
24 trying to help the witness remember the dates. The witness said that
25 when he went back to Kukes, he then stayed five to six days. Then

1 they stayed a couple of weeks in Kalimash and then they went to the
2 front. So if we knew how long after this incident which counsel
3 situated specifically on a certain date the witness moved back to
4 Kukes, that would sort of provide us with a more complete timeline of
5 the events.

6 PRESIDING JUDGE VELDT-FOGLIA: Yes. What I propose is that I
7 leave it to the Defence Counsel if he wants to proceed on this
8 specific point, and on cross, you will have the possibility to
9 further explore.

10 MR. AOUINI: Thank you, Your Honour. And --

11 PRESIDING JUDGE VELDT-FOGLIA: But it is helpful - let us say
12 that - to be as specific as possible in this respect. So anything
13 can help. So the comment of the SPO could be taken on board, but I
14 leave it to you.

15 MR. AOUINI: Yes, Your Honour. And for clarity, this is our
16 understanding. Since he spent two weeks in Burrel, towards the end
17 of it, the incident happened. So we share the same interpretation.
18 Since he cannot confirm the specific date of 2 May, that is something
19 that we can provide. It is public records and knowledge of the
20 death. He approximately estimated two weeks in the first instance
21 and then the 12 days for the whole travel. And we understand that
22 towards the end this incident happens and then he comes back. So we
23 can take that it is a few days after the death that we can situate
24 with a date that he goes back to Kukes for, I think he said, six or
25 seven days.

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1 MR. DE MINICIS: It may also not be a few days. That's my
2 point.

3 PRESIDING JUDGE VELDT-FOGLIA: Yes. It can also be one day. So
4 from this -- because we are here at this specific moment with the
5 witness, I think that, for reasons of clarity, it's good that you now
6 ask the specific question if he can remember when he left for Kukes,
7 after the incident happened. And if he can remember if it was one
8 day, two days or three days. And maybe we try to talk in specific
9 amounts of days and not couple of days because that could lead to
10 some confusion.

11 Madam Court Officer, could you be so kind to bring the witness
12 back in through Madam Court Usher.

13 [The witness takes the stand]

14 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Mr. Witness --

15 THE WITNESS: [Interpretation] Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: -- can you hear me fine?

17 THE WITNESS: [Interpretation] Yes, yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well. And that goes for
19 Mr. Shala too?

20 THE ACCUSED: [via videolink] [Interpretation] Yes, yes, I do.

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

23 MR. AOUINI: Thank you, Your Honour.

24 Q. Mr. Dervishaj, we will step just a little bit back again to
25 Burrel, just to try to clarify the timeline matters because it is

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1 important for this Court.

2 Now, you told us that this soldier, Halil Gashi, was killed and
3 that after that you left. If you could focus a little bit with us,
4 if you remember how much time between the death, the -- the moment
5 that you learned that Halil Gashi was killed and the moment you left
6 Burrel for Kukes, was it a few hours? Was it one day? Two days?
7 Three days? If you can remember how much time was between the death
8 and your travel back.

9 A. After we heard that Halil Gashi was murdered, Adem Shehu, the
10 officer, ordered us to withdraw and we left within two hours. After
11 the situation calmed a little, we left together with Adem Shehu.

12 Q. Thank you. That is clear.

13 Now, we moved a little bit forward, you spent some time with
14 your family in Kukes. Then you had to mobilise again and go to
15 Kalimash. You just told us that you spent two weeks in Kalimash,
16 training again and getting prepared, and we arrived to the point
17 where you are in the front line.

18 Can you tell us, Mr. Dervishaj, how long did you stay on the
19 front line?

20 A. Approximately more than one month. Approximately. I don't
21 recall the dates because 25 years have passed, traumatised, and so I
22 don't remember the dates.

23 Q. Thank you. And we appreciate your effort, Mr. Witness.

24 Can you tell us if you stayed in the front line until the war
25 ended?

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1 A. Yes, yes. Until the last day.

2 Q. We'll get a little bit more specificity with that. But I have a
3 question about the time that you were in the front line. Do you
4 remember any soldiers that belonged to your group being injured
5 during the time you were on the front line?

6 A. Yes. Halil Saramati was injured in his ear.

7 Q. Do you remember if any -- you lost any soldiers in the battles
8 from the group during the time you spent on the front line?

9 A. Not in my group. There were only wounded in my group.

10 Q. Do you know what happened to this soldier you just mentioned,
11 Halil Saramati?

12 A. There was a grenade which exploded near where he was and he
13 sustained injuries in his ear.

14 Q. Do you have any information on how he was treated, if he was
15 treated medically?

16 A. I don't know. We withdrew him from the front line and then the
17 medical team dealt with him.

18 Q. Thank you, Mr. Witness. So you told us that you stayed in the
19 front line until the last day. Can you explain to us the timing, if
20 you can, and the process by which you ascertained that the war has
21 ended and you started moving away from the front line? Can you
22 explain to us how this unfolded?

23 A. The event was easy to identify because NATO started bombing the
24 Serbian forces, and we were then given the order to advance into
25 Kosovo territory. These orders came from the commander and not from

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1 me. I did not even have a radio communication device.

2 Q. Do you remember, when you advanced, where did you go? Was there
3 a city or an area that you went to when you advanced?

4 A. In the school building in Gorozhup. We stayed there
5 approximately a week. Six, seven, or eight days.

6 Q. Mr. Witness, did you say Gorozhup?

7 A. Gorozhup.

8 Q. Thank you. It's just for the transcript. Do you remember at
9 that time which month it was of the year?

10 A. It was the last month when the NATO bombing started. We were
11 the last to enter the Pashtrik operative zone, meaning.

12 Q. I'm sorry for asking you again, but how long did you stay in
13 Gorozhup?

14 A. Approximately eight days. In the school building in Gorozhup.

15 Q. Mr. Witness, was it the same group that you referred to or was
16 it a different group?

17 A. Everybody, all groups gathered in the school building in
18 Gorozhup.

19 Q. What did you do during those eight days, I think you mentioned,
20 in Gorozhup?

21 A. We stayed there. The NATO prevented us from moving further
22 because there was a fear of the mines. And a friend of us died as a
23 result of a mine explosion.

24 Q. Do you remember the name of this friend who died?

25 A. No, he did not die. He is still alive, but he lost his leg

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1 entirely and he sustained severe injuries in his face.

2 Q. Thank you. Because the transcript said he died, so it's good
3 that you clarified.

4 After Gorozhup, the eight days in Gorozhup, where did you go?

5 A. We set off to Nashec, to enter the town of Nashec, and we
6 stopped in Nashec.

7 Q. How long did you stay in Nashec, if you remember, as a group?

8 A. We stayed there for quite a long time, until the establishment
9 of the KPC, TMK.

10 Q. Now, Mr. Witness, now we find ourselves at a time after the
11 front line, Gorozhup and Nashec. And you told us earlier, at page
12 32, line 7 and following, that the Brigade 128 was formed after the
13 front line --

14 A. At the front line, yes.

15 Q. Can you explain to us this identification of a group, when
16 exactly this happened?

17 A. I don't know about that because I was not in the part of the
18 leadership of the brigade. I was just a simple soldier. I can't
19 know what they formed and when they formed it.

20 Q. Mr. Witness, my question is much more simpler than that. After
21 the front line, at which point did you understand that there is an
22 identification of a group, that is a name, Brigade 128? At which
23 time you as an individual, you understood that?

24 A. When we reached Gorozhup, when we gathered there all together, I
25 learned that the brigade's name was 128.

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1 Q. Thank you, Mr. Witness. Now going back to Nashec. And you
2 arrived there in Nashec for some time until the TMK is formalised.
3 Can you explain to us what did there in Nashec during that period.

4 A. We stood guard, watched over things. Nothing really important.
5 We were just guarding the premises.

6 Q. Do you remember approximately how much time you and your group
7 spent in Nashec?

8 A. I went home to see my family, if they were still alive, because
9 I reside 1 or 2 kilometres away from Nashec. Because I didn't know
10 if they were still alive, my family members.

11 Q. Thank you for your answer, but it doesn't necessarily answer my
12 specific question if you remember how much time the group you
13 belonged to, which became Brigade 128, was stationed there in Nashec
14 totally.

15 A. Until the TMK was formed, and then they were sent in Zym of
16 Has -- in Tropoje actually. So this was shortly before the TMK was
17 formed, they were sent there and somebody else came in to replace
18 them.

19 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I am understand
20 the impression that the witness is not getting the question, although
21 it's a clear question. May I try? But I will just repeat what you
22 have said.

23 Mr. Witness, how much time did you spend in Nashec?

24 THE WITNESS: [Interpretation] I don't --

25 PRESIDING JUDGE VELDT-FOGLIA: And I just want --

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1 THE WITNESS: [Interpretation] -- know.

2 PRESIDING JUDGE VELDT-FOGLIA: Sorry to interrupt you. I just
3 want an answer, if you remember, of course, in terms of days or
4 weeks.

5 THE WITNESS: [Interpretation] I don't know because I was -- I
6 went to -- looking for my family. I didn't know if they were alive.
7 Because I didn't know whether my wife and my son were alive. Because
8 they were -- they were at my in-laws' house when the biggest massacre
9 in Krushe e Vogel was committed.

10 PRESIDING JUDGE VELDT-FOGLIA: So if I understand you well, and
11 I will use my words, you were in such a complete distress that you
12 have no recollection of time anymore. You were just looking for
13 them.

14 THE WITNESS: [Interpretation] How can one stay calm when --

15 PRESIDING JUDGE VELDT-FOGLIA: No, no, it's clear.

16 THE WITNESS: [Interpretation] -- you don't know if your family
17 is alive or not?

18 PRESIDING JUDGE VELDT-FOGLIA: But we were trying to understand
19 why it was -- why you are not answering the question.

20 THE WITNESS: [Interpretation] I answered the question, which is
21 I cannot remember because we were traumatised and I did not know at
22 the time if my family was alive or not. I went looking for my
23 family.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Defence Counsel, you have the floor.

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1 MR. AOUINI: Thank you, Your Honour.

2 Q. And thank you, Mr. Witness. Were you able to find your family?

3 A. So my house had been burned down. I went at my in-laws. When I
4 went at my in-laws, I found them slaughtered, without necks or --
5 headless, and I lost it completely. My in-laws.

6 Q. We are sorry for that, Mr. Witness. Can you perhaps tell us
7 where, in which city, if you can, you found your family and you found
8 your in-laws. If you can.

9 MR. DE MINICIS: Your Honour.

10 PRESIDING JUDGE VELDT-FOGLIA: No, I was going to interrupt.

11 Mr. Witness, would you prefer to have a break?

12 THE WITNESS: [Interpretation] No, no. No.

13 PRESIDING JUDGE VELDT-FOGLIA: Then, Defence Counsel, is there a
14 direct relevance of this question to -- that we have to go into this
15 now?

16 MR. AOUINI: We can leave it. We wanted to attempt one -- one
17 slight attempt to establish a point of time, to -- yeah, to tie it to
18 another reference so we get an end point in time so we can calculate
19 the timelines that are approximate.

20 PRESIDING JUDGE VELDT-FOGLIA: But I insist that we -- if you
21 want to have an end point in time, that we approach it in a different
22 way, but not insisting on this.

23 MR. AOUINI: Very well, Your Honour.

24 Q. Mr. Witness, we're almost done. Do you remember by any chance
25 the time in the year, and the month, if you can, where you were able

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1 to find and reunite with your family?

2 A. I don't know the month, but they were in Qera Kavaje, and I
3 reunited with them when they came back, because I did not know where
4 they were up until then. Kavaje is in Albania. Half of my in-laws'
5 family members had been killed and the other half made it alive.

6 MR. AOUINI: If you allow me a moment, Your Honour.

7 Q. I have one last question, Mr. Witness. Now, you told us about
8 your trajectory and the groups you belonged to, their numbers, their
9 composition, and I have this question again. Was a person named
10 Pjeter Shala a member of the groups that travelled with you, trained
11 with you, participated in any of the activities, including when the
12 group was named Brigade 128?

13 A. No. I have not heard of any person and there was no person by
14 the name of Pjeter Shala.

15 Q. *Faleminderit.*

16 A. [In English] Thank you. [Interpretation] Thank you.

17 MR. AOUINI: Thank you, Your Honours. Those are our questions.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel. Very
19 well. Before we proceed, Mr. Witness, I am sorry we had to touch
20 upon something so delicate for you in a public court session.

21 I'm now looking at the clock, and we are going to do some
22 planning to see how we proceed.

23 Mr. Prosecutor, it will be your turn. I leave it to you. We
24 still have three-quarters of an hour, so we could start with your
25 cross-examination right away. We can also take the regular break now

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1 and then we proceed afterwards. And I will liaise shortly with the
2 CMU, with Madam Court Clerk, in order to have the time we don't use
3 now, to have it in the afternoon. That would be the ideal -- but I
4 would first like to hear your preference.

5 MR. DE MINICIS: Your Honour, if we can take the break now, that
6 will allow me to take my precise transcript references for my cross.
7 So that would be --

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. Let us see what
9 Madam Court Officer, liaising with the interpreters, thinks with
10 regard to this planning.

11 [Trial Panel and Court Officer confer]

12 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Thank
13 you. Mr. Witness, we are going to have a break for one and a half
14 hour, so I wish you a good lunch. Madam Court Usher will usher you
15 out. Take some rest. And then in the afternoon we will continue
16 with the Specialist Prosecutor's Office questioning you. Okay? Very
17 well.

18 THE WITNESS: *Faleminderit.*

19 [The witness stands down]

20 PRESIDING JUDGE VELDT-FOGLIA: And in the meantime, are there
21 any questions from the side of the parties, Defence? Or points you
22 want to raise at this moment in time? No. No? Very well.

23 What we can do is we will now have our break, and I will liaise
24 further with the CMU and with the interpreters, and through our known
25 channels you will be informed how we proceed this afternoon exactly.

1 And it can be after our one-and-a-half-hour break or maybe there will
2 be an e-mail that is sent to you just that you know where we stand
3 for this afternoon. Okay?

4 Very well. The hearing is adjourned.

5 --- Luncheon recess taken at 12.21 p.m.

6 --- On resuming at 1.58 p.m.

7 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

8 Are we sitting in the same composition?

9 MR. DE MINICIS: Yes, Judge, we are.

10 PRESIDING JUDGE VELDT-FOGLIA: You are.

11 Victims' Counsel.

12 MR. LAWS: No, we're not. It's just me this afternoon.

13 PRESIDING JUDGE VELDT-FOGLIA: Good. Very well. Noted.

14 And same composition, thank you, Defence Counsel.

15 We were at the point that we would be proceeding with the
16 cross-examination by the Prosecutor, but it is my understanding that
17 there was a question from the side of the Defence. To whom can I
18 give the floor?

19 MR. AOUNI: Thank you. Thank you, Your Honour.

20 So we had the opportunity to have contact with Mr. Shala,
21 receive some instructions. We looked up some information during the
22 break on an issue that came up during the morning with the witness at
23 page 33, line 11 and following. That is the nickname Ujku and
24 persons with that nickname. And so, Your Honour, we seek your
25 permission, before the Prosecutor starts their cross-examination, to

1 be able to put one or two additional questions on this specific point
2 to the witness before our learned colleagues start their cross.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And is it also linked
4 to a newly disclosed item?

5 MR. AOUINI: Yes, Your Honour. What we did is, as soon as we
6 isolated this piece of information, we disclosed it as a matter of
7 notice. We don't expect to put this document to the witness.
8 However, the information is there to notify about the individual we
9 want to ask an additional question to the witness about. And since
10 we are -- so the intention is not to use the document or read it with
11 the witness but as a basis and ask a question. And we would ask to
12 do it in private session for the protection of information and to
13 allow for an open response. Thank you, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 Mr. Prosecutor, something you would like to comment on?

16 MR. DE MINICIS: Thank you, Your Honour. We don't object to
17 counsel asking a question or two if necessary. We just -- to the
18 extent that the document which was just disclosed is relayed or will
19 become relevant to the questions that are about to be posed, we just
20 received this document which is in Albanian, so we would reserve our
21 position once the questions are asked, if we need a little break to
22 further investigate the content of this document. Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 To respond on that, before I give Victims' Counsel the floor,
25 when we go into private session, I propose to ask the interpreters to

1 translate this document - it has been added to the presentation queue
2 so they also have access to it - before I call in the witness. And
3 then at least we know what's in the document and we take -- after
4 that, we take it down again. And then we will go into public, we
5 usher the witness in, and then we go into private again. So that's
6 the way I would like to proceed.

7 Victims' Counsel, is there something you would like add on this?

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

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

10 Madam Court Officer, can you bring us into private, please.

11 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
12 *to F744*

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

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

15 Madam Court Officer, could you bring up the document that has
16 just been added to the presentation queue.

17 And, Defence Counsel, what would be the part that you would use
18 as your basis to ask the question; and, more specifically, what is
19 relevant for the SPO, Victims' Counsel, and the Panel to be aware of?
20 And then I can ask the interpreters to translate it.

21 MR. AOUBINI: Thank you, Your Honour.

22 It is very simple. We have information that -- and you can see
23 the name in that post, that a certain commander, Bujar Ukimeri, had
24 the nickname Ujku. And this shows here the title with Ramush and we
25 want to explore with the witness whether he knows the name and if he
can tell us anything, whether maybe he can make the link between the

1 nickname and this person. Not only a part of the last name of this
2 person contains the nickname, that is Uki, but also that this -- from
3 information we have, this person held that nickname as well.

4 So we want to test, since the witness is here, whether he has
5 any information about that. And this is in reference to what he said
6 in the morning --

7 PRESIDING JUDGE VELDT-FOGLIA: No, that I understood. My
8 concrete question was what part of this Instagram -- I was informed
9 about it that it was Facebook, but apparently this Instagram post,
10 which part should be translated? Because I want to have it
11 translated, the part you say that is relevant.

12 MR. AOUINI: So, again, Your Honour, this is as a basis as a
13 reference --

14 PRESIDING JUDGE VELDT-FOGLIA: Yes.

15 MR. AOUINI: -- so the part that is a post from Ramush Haradinaj
16 KS that is next to the first picture is the one that could be
17 translated for context.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. So the -- I think it's
19 about ten lines. Okay. Very well.

20 My question to the interpreter would be could you translate for
21 us the text written after -- next to the picture, the ten lines, and
22 then it's ending with Kelmendi?

23 THE INTERPRETER: Yes, Your Honour.

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

25 THE INTERPRETER: Shall I start?

1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

2 THE INTERPRETER: "The 1st Assault Battalion of the Dukagjin
3 operational zone carried out with professionalism and bravery its
4 duty. As I had the honour to have beside me during the national
5 liberation war, today I joined them and the commander Bujar Ukimeraj.
6 We invoked memories, we honoured those that fell in the line of duty
7 so that Albanians have freedom. The heroes, Fadil Nimani, the leader
8 of the battalion, Jusuf Kelmendi and Ahmet Gjikolli."

9 That's what I can see.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you very much.
11 Defence Counsel, just -- maybe everybody's seeing it except --
12 with the exception of me, but where do you see the name Ujku?

13 MR. AOUINI: It is our information, Your Honour, we told you
14 that we had contacts with Mr. Shala himself --

15 PRESIDING JUDGE VELDT-FOGLIA: Yes.

16 MR. AOUINI: -- so we have a basis, an information that this
17 gentleman, Commander Bujar Ukimeri, was one of the persons -- and we
18 pleaded multiple times that many people had the nickname Ujku. That
19 this Commander Bujar Ukimeri had that nickname, and so we want to
20 explore that since the witness made a link to Ramush's -- Haradinaj's
21 people.

22 What I mentioned about the last name is a portion of the last
23 name is Uki, Ukimeri, Uki which stands also for Wolf, which is
24 another version of the nicknames that we heard, like Uki, Ujku or
25 even Vuk, so we heard multiple variations of what seems to be the

1 significance -- signification of Wolf.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you for this clarification.

3 Mr. Prosecutor.

4 MR. DE MINICIS: May I briefly respond, Your Honour. Just a
5 general observation.

6 We understand -- evidence in this case shows that Mr. Shala was
7 indeed in the Dukagjini zone but that was 1998. We have evidence,
8 documentary evidence as well as a statement from the witness to that
9 extent. We have evidence that this witness in 1998 was in Germany,
10 not Kosovo.

11 So first, we don't see -- the relevance of this line of
12 questioning, Your Honour, is to us not immediately apparent. But
13 before proceeding with these questions, I think that a foundation
14 should be established with this witness, if he knew anybody from the
15 Dukagjin zone at that time. Because he heard about a Commander Wolf
16 with Haradinaj when my understanding -- my understanding is when he
17 was hearing war stories after the war, who was with whom and -- so a
18 little foundation to be established before we explore his knowledge
19 with regard to this matter so that we don't risk entering the realm
20 of speculation or guesswork.

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

22 Defence Counsel.

23 MR. AOUINI: Thank you, Your Honour. And it is absolutely not
24 our intention to speculate or invite anybody for speculation.

25 However, the foundation would be, and this is what we propose to ask,

1 whether this individual, the witness, knows the name, which is very
2 simple. That is the first matter.

3 The second matter, yes, he heard it, and he heard it from
4 certain sources, including TV shows. However, many of the nicknames
5 that we dealt with came from people who heard it and rumours. And
6 since there is a question here that can be clarified, that there is
7 another Ujku he heard about, we ask him the question and it is simple
8 and we take it for what it is.

9 It is also for us to avoid that there is submissions that --
10 well, he said another person but maybe not another person. If this
11 gentleman can identify another person specifically with his name,
12 then we have it. If he can't, we leave it there. We're not going to
13 explore it further. Thank you, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I will leave it
15 for you in cross to further explore if something comes up you think
16 that needs to be further explored.

17 Very well. Before we proceed, Madam Court Officer, you kindly
18 pulled up the document. The ERN number of this document, could you
19 say that out loud.

20 THE COURT OFFICER: Your Honour, ERN is DPS01569 to DPS01570.

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

22 Victims' Counsel, is there anything you would like to add to
23 this discussion?

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

25 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then we are now in

1 private session. What we will do is go back into public session and
2 we will have the witness ushered in.

3 MR. DE MINICIS: Sorry, Your Honour, if I may add, I wonder if
4 we need to do that part, then, in private session with the
5 witness because -- exactly, no. Because the post that we saw showed
6 there seems to be from a -- the Defence accessed it, it's probably a
7 public post on Instagram.

8 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, would you
9 further clarify why we need to do this in private session?

10 MR. AOUNI: Very candidly, Your Honour. It is not about the
11 document. The document is public. But the question is delicate.
12 The names, the associations are a bit delicate. We want to afford
13 the best opportunity possible for this witness to speak freely. That
14 is why we want to tell him -- ask him this question in private
15 session. This is the reason, Your Honour.

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

17 MR. DE MINICIS: [Microphone not activated] ... objection.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. In principle, this should
19 be done in public. It is not about protective measures. So what we
20 can do is we start in public, but if we see that there's hesitation
21 from his part, then we see how to proceed. But normally with --
22 yeah, if we have protective measures, we go into public, but here I
23 don't see it for now.

24 MR. DE MINICIS: I'm sorry, I see the transcript has recorded my
25 intervention as "objection," but I said "no objection."

1 PRESIDING JUDGE VELDT-FOGLIA: No objection.

2 MR. DE MINICIS: Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay.

4 [Trial Panel confers]

5 PRESIDING JUDGE VELDT-FOGLIA: I prefer to start in public
6 because there is not a real reason not to have this said in public.
7 But as I said, if I see that it causes any problems for the witness,
8 in our further examination we can also decide to proceed otherwise.
9 Very well.

10 [Trial Panel confers]

11 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
12 kindly bring us into public session, please.

13 ~~{Open session}~~

14 THE COURT OFFICER: Your Honours, we are now in public session.

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

16 Very well. We will now proceed with the examination, the
17 further examination by the Defence of the witness.

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

19 [The witness takes the stand]

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

21 THE WITNESS: [Interpretation] Thank you.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, could you hear the
23 voice of the witness or the translation?

24 THE ACCUSED: [via videolink] [Interpretation] Yes, I can hear
25 very well.

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1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 Mr. Witness, we will continue now with the examination, and
3 before we go to the cross-examination by the Specialist Prosecutor's
4 Office, there is still one or two questions from the side of the
5 Defence Counsel. So I will give them the floor to give -- to pose
6 further questions to you.

7 Defence Counsel, you have the floor.

8 MR. AOUINI: Thank you, Your Honour.

9 Q. Good afternoon, Mr. Dervishaj. I have one question for you
10 about a certain individual, and I will ask you the question and then
11 -- please focus on my question and respond with "yes" or "no" because
12 I will then ask you other questions, depending on your response.
13 Okay?

14 Mr. Witness, do you know somebody by the name Bujar Ukimeri?

15 A. Yes, from Prizren.

16 Q. Mr. Witness, I will ask you a couple of questions. If you feel
17 uncomfortable, please tell us, to go into details. But we will take
18 it one step at a time. Okay?

19 Do you know if this was a soldier during the war?

20 A. Yes, I know that he was a soldier but not more than that.

21 Q. Do you know in which area he served maybe?

22 A. No. No, I don't know.

23 Q. Do you know if he had any nicknames?

24 A. I didn't hear that. I don't know it.

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

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1 MR. AOUINI: Those are our questions, Your Honour.

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

3 Mr. Witness, we will now proceed with the cross-examination by
4 the Specialist Prosecutor's Office.

5 But before we do so, we will issue an oral order regarding the
6 SPO request to use during the questioning of this witness four newly
7 disclosed items, which consist of three Facebook posts and one other
8 document.

9 The request was made via e-mail on Friday, 29 September 2023 at
10 14.07. The items were disclosed on the same day, which is disclosure
11 package 165, and were added to the presentation queue for this
12 witness. We did not receive any submissions opposing this request by
13 Victims' Counsel and the Defence.

14 Yes, I see you nodding, Defence Counsel.

15 The Panel authorises the SPO to use these items during their
16 examination of the witness as they're limited in number and length.
17 We all, including Defence and Victims' Counsel, have had sufficient
18 time to study them. The Victims' Counsel and the Defence have not
19 raised any objections. And their use will facilitate the witness
20 testimony.

21 I now give the floor to the SPO for his questioning.

22 Mr. Prosecutor, you have the floor.

23 And I noted that the Defence has used one hour and 45 minutes,
24 less or more, for its examination.

25 Cross-examination by Mr. De Minicis:

1 Q. Good afternoon, Mr. Dervishaj. My name is Filippo De Minicis,
2 and I represent the Prosecution office here in this trial.

3 You have explained today to the Trial Panel here how once you
4 arrived Kukes you were mobilised into Pavilion 1. This is to be
5 found at pages 17 to 18 of the provisional transcript. Is that
6 correct?

7 A. Yes.

8 Q. And you also stated that you went to Pavilion 2 on two occasions
9 to get pain injections for your back; correct?

10 A. Correct.

11 Q. Could you tell what was the distance, what distance was between
12 Pavilion 1 and Pavilion 2?

13 A. As the crow flies, it is not far; but if you take the road, it
14 is a little bit far. One is on the left; one is on the right.

15 Q. And if you had to walk the distance, how long would that walk
16 take?

17 A. Half an hour.

18 Q. Today, and I believe it was -- this is to be found at page 33
19 the provisional transcript. You stated that you only heard about
20 Pjeter Shala on TV. Did I understand you correctly?

21 A. Yes.

22 Q. Do you recall when it is that you heard about Mr. Shala on TV?

23 A. During the trial. I don't know the date, but during the trial.

24 Q. And my understanding is that that is the first time that you
25 heard about him; correct?

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1 A. Correct.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness - sorry,
3 Mr. Prosecutor - you mean this trial. Did I understand that rightly?

4 THE WITNESS: [Interpretation] Yes. Yes, I saw it on television,
5 through this trial.

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

7 MR. DE MINICIS:

8 Q. Today you also told Defence Counsel and everybody else in this
9 courtroom that you knew a person named Naser Kocinaj, and that Naser
10 Kocinaj worked at the warehouse because he was in charge of providing
11 clothes and food supplies. This is to be found at pages 36 and 37 of
12 the provisional transcript.

13 Is that correct?

14 A. Correct, yes.

15 Q. When did you first meet Naser Kocinaj, the first time that you
16 met him?

17 A. I didn't meet him during the war, but I heard about him, that he
18 was a quartermaster providing clothes and foodstuffs. But I
19 personally did not meet him. It was not part of my duty.

20 Q. Was Mr. Kocinaj a member himself of the Kosovo Liberation Army?

21 A. I don't know. I only know that he worked at the warehouse. I
22 don't know more than that.

23 Q. Have you ever met Mr. Kocinaj in person?

24 A. After -- before the war, after the war, because we -- our
25 village -- villages are close by. But I showed you how I met him

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1 during the war.

2 Q. But when is the first time, the first time that you met
3 Mr. Kocinaj in your life? Did you know him before the war?

4 A. When I was 12 years old.

5 Q. Did you ever see him during the war?

6 A. No, we didn't meet then.

7 Q. Have you -- and you told us how you have known Mr. Kocinaj since
8 you were 12. Have you and Mr. Kocinaj remained in contact after the
9 war?

10 A. We are connect -- I mean, linked as families because my sister
11 is married to his family.

12 Q. Is Mr. Kocinaj a friend of yours?

13 A. Yeah, he is an in-law, a friend.

14 Q. When is the last time you saw Mr. Kocinaj?

15 A. A week ago. Six or seven days ago.

16 Q. What matters -- so did you tell him at the time that you were
17 coming here to provide evidence in this trial?

18 A. Yes.

19 Q. What did Mr. Kocinaj comment to that information, if anything?

20 A. No, he didn't say anything. Just wished me good luck, and
21 nothing.

22 Q. Did you discuss in any way the possible questions that might be
23 asked to you coming here?

24 A. No, no, no. We know what we know. We didn't discuss anything.

25 MR. DE MINICIS: [Microphone not activated]

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1 MR. DE MINICIS: Your Honours, if I could call up a document on
2 the screen. This would be Facebook post -- this concerns directly
3 the matter that I'm discussing now.

4 PRESIDING JUDGE VELDT-FOGLIA: Yes. But I will ask the Defence
5 and Victims' Counsel what their view is. But you can give the number
6 because then they know exactly --

7 MR. DE MINICIS: Can I give the number? Okay. The Facebook
8 post is SPOE00341624-00341628. And the English translation is
9 SPOE00341624 to SPOE00341624-ET.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. How we will proceed is
11 that Madam Court Usher will go to the witness, if she would be so
12 kind, and she turns off the screen of the witness so we know which
13 document it is. I'm sure you know it, but it is good that we all see
14 the same document and that there is no misunderstanding with regard
15 to which document it is.

16 Madam Court Usher, you can confirm that the screen is turned
17 off. Very well.

18 Are there from the side of the Defence any objections to the use
19 of this document? And if you think I need to usher the witness out,
20 I will do that.

21 MR. AOUINI: Your Honour, I can respond in coded language, but
22 if we need to go into more detail, maybe we need to usher the witness
23 out. But we don't have an objection in principle. However, from
24 what transpired so far, the source of the information or the
25 knowledge is not -- is not the witness. So we have to be careful how

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1 far we can take it but --

2 PRESIDING JUDGE VELDT-FOGLIA: No, no, but that -- everybody is
3 aware of that. At least at this side of the table we are.

4 Victims' Counsel, do you have any objections?

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

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 Please proceed. Madam Court Usher, could you switch on, please,
8 the screen.

9 So you have permission, Mr. Prosecutor, to have the document
10 called up.

11 So, Madam Court Officer, we can pull up the document for
12 everybody.

13 MR. DE MINICIS: If we could -- perhaps we can have just the
14 original one on the screen so it can be made bigger for the witness,
15 because there is an English translation generated by Facebook
16 underneath the Albanian caption in the post, so we don't necessarily
17 need both.

18 PRESIDING JUDGE VELDT-FOGLIA: I have been looking at the
19 English translation, but if you say that there is a translation also
20 beneath it, then --

21 MR. DE MINICIS: No, maybe -- as long as the witness can
22 recognise the name of the picture of the individual I mentioned
23 before to confirm --

24 Q. Mr. Witness, can you at this time read the name of the author of
25 the Facebook post?

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1 A. Yes.

2 Q. And what's the name?

3 A. Faruk Hoxha.

4 Q. And is that a friend of yours?

5 A. We were together in the war.

6 Q. So you did not inform him, though, that you were coming here to
7 testify in The Hague?

8 A. Could you please indicate me which date was this? I think this
9 is the day before I came here, I travelled here. So it's the day
10 before, on 27th.

11 Q. Yes. Yes, that's the 27th, correct.

12 A. It's on the 27th everybody learned about this. They all came to
13 know.

14 Q. Very well. Now, we read here in what is stated that his:

15 "Comrade Bedri Dervishaj travels to the Special Court in
16 The Hague today. We have a confident hope in your innocence Bedri.
17 May you return stronger and triumphant. The KLA war is the
18 foundation of freedom and Kosovo's future. Respect comrade,
19 invincible as always."

20 My only question is that, do you feel that coming here as a
21 witness to testify, that there is any expectation for you to perform
22 in a certain way?

23 A. You can see that he didn't even understand why, in what capacity
24 I was coming here, that of the accused or the witness. So obviously
25 this is a clear indication that he doesn't know the reason why I came

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1 here.

2 PRESIDING JUDGE VELDT-FOGLIA: The question was a different one,
3 Mr. Witness. Do you feel that there are any expectations put on you?

4 THE WITNESS: [Interpretation] I can't prevent people from
5 writing things. It's their right.

6 MR. DE MINICIS:

7 Q. Absolutely. Do you feel that your community you coming here to
8 testify as a witness, there is a certain expectation for you to
9 behave in a certain way as opposed to another?

10 MR. AOUINI: Objection, Your Honour.

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

12 THE WITNESS: [Interpretation] No ...

13 MR. DE MINICIS: Your Honour, I -- with Your Honours' leave, I
14 will just -- this post can be taken down. And I would just want to
15 show another similar one to the witness and then I will be done with
16 this line.

17 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, yes, you may
18 proceed anyway. I want to say that I did not have my microphone on
19 and I said "overruled" when there was an objection made by Defence.

20 So now there seems that there is no answer, but there is an
21 answer. That's just for the record.

22 MR. DE MINICIS: Thank you.

23 So if I may have on the screen the following photograph, which I
24 believe is dated 28 September or 27th. And it's number 12 on my
25 exhibit list, not on the presentation queue. We'll make sure to

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1 match that next time. The ERN is SPOE00341629 to 00341632.

2 PRESIDING JUDGE VELDT-FOGLIA: We will have to proceed with the
3 same procedure before showing it to Mr. Witness, I first want to hear
4 if there are any objections from the side of the Defence and the
5 Victims' Counsel. So if I may ...

6 [Trial Panel and Court Officer confer]

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please
8 proceed with broadcasting it. And can you please have Madam Court
9 Usher turn off the screen of the witness.

10 [Specialist Prosecutor confers]

11 MR. DE MINICIS:

12 Q. Mr. Witness, can you read the name of the author of the post?

13 PRESIDING JUDGE VELDT-FOGLIA: No, no. We are first going to
14 see if there any objections. This is a new way of working to avoid
15 so much litigation on beforehand and in court.

16 Defence Counsel.

17 MR. AOUINI: Yes, Your Honour. We first said no objection in
18 principle but depending on the use, but then we couldn't make an
19 objection when we had something very specific to say. And now we
20 object to the use of this document because we understand that our
21 colleagues are using some support messages from close entourage to
22 ask for expectations from community which we strongly object to.
23 There is no link. There is no mention of, as the witness said, the
24 capacity or a clear understanding. So we are jumping from entourage
25 or close entourage or community expectations. We don't see how this

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1 is permissible, Your Honour.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, is there anything
3 you want to reply to that?

4 MR. DE MINICIS: My question was simply expectations within his
5 close community, can also be a family, close friends.

6 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I don't see how
7 this is not a legitimate question with regard to the testimony he is
8 giving here, and I don't think that we are -- that the Prosecution is
9 pressing the witness very hard on this.

10 So please proceed.

11 MR. DE MINICIS:

12 Q. Thank you, Mr. Witness. And we are almost done. Hamit, pardon
13 me pronunciation, I believe, Bytyqi, is he an acquaintance of yours
14 or a relative?

15 A. He is just an acquaintance, nothing else.

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, if we now proceed
17 with the document and -- I have to first ask Victims' Counsel if is
18 he okay -- what his possible objections could be -- if he had any
19 objections.

20 MR. LAWS: No, none. Thank you, Your Honour.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Apologies for not
22 giving you the floor.

23 Madam Court Usher, could you switch on the screen.

24 Mr. Prosecutor, I think that now you can proceed. We have the
25 two documents in front of us.

1 MR. DE MINICIS:

2 Q. Mr. Dervishaj, can you read the Albanian original of the post
3 which I believe should be showed to the right-hand side of your
4 screen. We can actually make it bigger if you would like.

5 A. Yes, I could read it.

6 Q. This is the reason why I asked you if there were expectations,
7 because we -- on a quick search of Facebook the day that you were
8 travelling here, we found two people expressing a similar type of
9 support. They said -- Mr. Hamit Bytyqi said:

10 "May you be triumphant liberator, like you were in the war and
11 in freedom. May you return with your head held high from The Hague,
12 Bedri Dervishaj."

13 Now, I'll ask you just one last time. Is there any expectation
14 within your family or close circle of friends or acquaintances for
15 you to behave in a certain way as a witness?

16 A. There were no expectations. Now, I don't know, I can't prevent
17 people from writing things. I don't see this to be reasonable. No
18 one knew on the 27th. People learned that I was travelling here.
19 I -- from that date onwards, people started writing things. I can't
20 stop people from writing. I don't have myself a Facebook page.

21 Now, I can't go and prevent people from writing things on their
22 Facebook pages or ...

23 Q. We were not claiming that you should do that.

24 MR. DE MINICIS: Your Honours, we have no further questions for
25 this witness.

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1 Q. Mr. Dervishaj, we wish you a safe journey home.

2 A. Thank you.

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

4 Victims' Counsel, do you have questions for this witness?

5 MR. LAWS: Your Honour, I don't. Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: We are now at the re-direct.

7 Defence Counsel, have you questions for Mr. Witness?

8 MR. AOUNI: If you allow me a moment.

9 PRESIDING JUDGE VELDT-FOGLIA: Of course, of course.

10 [Specialist Counsel confer]

11 MR. AOUNI: No further questions, Your Honour. Thank you.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 [Trial Panel confers]

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you have been --
15 questions have been put to you by the Defence and by the Specialist
16 Prosecutor's Office. Bear with us a little bit more. One of the
17 Judges, Judge Bitti, on my left-hand side, has some questions for
18 you, and that will be the last part of the examination. Yes?

19 You have the floor.

20 Questioned by the Trial Panel:

21 JUDGE BITTI: Thank you, Madam Presiding Judge.

22 Mr. Witness, this morning you spoke about Ilir Rakaj to whom you
23 saw at Pavilion 2 and who did an injection to you. It was at page
24 29, line 14. When you went there to Pavilion 2, did you know that he
25 was there already?

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1 A. No, I did not know that he was there. I just asked for a
2 medical assistance. I saw him there and I recognised him because we
3 were of the same group age.

4 JUDGE BITTI: Did he tell you that somebody else was working
5 with him? I'm speaking about another doctor or nurses were working
6 with him.

7 A. I don't know. When he saw me, he came to me, gave me this
8 injection to ease my pain, because he knew my health issue. And then
9 I -- as I said, I went twice to see him, and then I would take an
10 injection every month from him.

11 JUDGE BITTI: And the two times you were there, it was only him?

12 A. So on the first time, I met him -- with him accidentally. Then
13 on the second occasion, I asked for him.

14 JUDGE BITTI: Okay. And he was the only one present doing the
15 injection? There was no one with him?

16 A. No, he came there on his own, alone. I don't know if he had
17 other staff. It was just an injection to ease my pain. I didn't
18 have any wounds or injuries.

19 JUDGE BITTI: This morning, also at page 29, line 17, you said
20 that he was in military clothes. Do you remember if he was wearing a
21 beret?

22 A. I don't remember. I might be mistaken. I don't remember.

23 JUDGE BITTI: Okay. Thank you.

24 And my last question would be a clarification, because there is
25 something from what you said this morning which I didn't fully

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1 understand.

2 Just before the break, on page 36, line 18, you were asked
3 whether you recall somebody called Halil Gashi. And you said: "I
4 can't recall." And just after the break, on page 40, line 21, you
5 said: "Halil Gashi died," apparently when you were in Burrel.

6 So I have difficulties to put those statements together, that
7 you can't recall Halil Gashi but then you said that he died.

8 Could you explain?

9 A. Yes, it is true that I said so because the question was do you
10 know him. My response was I don't know him. But then when they
11 mentioned Burrel, I said that Halil Gashi was the one who was killed
12 there. He is a friend, a family friend, and we were family related
13 and I know him.

14 It is indeed true that I initially said that I don't know Halil,
15 but then when I was asked the question was Halil killed, I confirmed.
16 I said yes, he was.

17 JUDGE BITTI: So you know him, you knew him, but you remembered
18 him only because of the mentioning of Burrel.

19 A. I remembered him when the incident in Burrel was made reference
20 to, and then I remembered the name of Halil Gashi.

21 JUDGE BITTI: Okay. Thank you very much, Mr. Witness.

22 I don't have further questions. Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Judge Bitti.

24 Mr. Witness, we have reached the end of your testimony, so no
25 further questions from the parties and Victims' Counsel and the

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1 Panel. And I would like to thank you for the efforts you have put
2 into giving your testimony, which I believe that will assist us in
3 finding the truth. So thank you very much.

4 THE WITNESS: [Interpretation] Thank you to you too.

5 PRESIDING JUDGE VELDT-FOGLIA: And I remind you that should --
6 shall not discuss your testimony with -- you have given to this Panel
7 at this Specialist Chambers with anybody.

8 THE WITNESS: [Interpretation] I have not given any information,
9 I did not inform anyone, but then when I travelled here people
10 learned. And as the gentleman was referring to these Facebook posts,
11 they were posted starting from the 27th, not before that date,
12 because nobody knew before that date.

13 And my son had published a post recently from Slovenia.

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, thank you for
15 clarifying that. My remark was with regard to the testimony you have
16 given today in court, that you should not discuss that further.

17 I will now ask Madam Court Usher to usher you out, and I wish
18 you a good afternoon.

19 THE WITNESS: [Interpretation] Thank you. Thank you.

20 [The witness withdrew]

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

22 So for today, we have finalised the testimony to be given by
23 this witness. We will proceed tomorrow with Defence Witness 5,
24 indeed, at 9.30.

25 With regard to any material that has been proposed for

1 examination and cross-examination, normally we have to give in
2 writing our objections. I just wanted today some further
3 clarification on the posts that were given. But in principle, I will
4 allow for using the documents for the examination if no objections
5 have been received on beforehand.

6 Very well. With regard to the 26th and 27th of October, Defence
7 Counsel, I understood that there was availability, but there was also
8 some request for clarification. If needed, we can go into private to
9 discuss that further. But if you say "we are available," then we
10 leave it there.

11 MR. GILISSEN: We are available, Your Honour, and no need to go
12 further. Thank you very much.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 Are there any questions from the side of the Specialist
15 Prosecutor's Office?

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

17 PRESIDING JUDGE VELDT-FOGLIA: Points to raise? No.
18 Victims' Counsel?

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

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel?

21 MR. AOUBINI: Thank you, Your Honour. If we are allowed a couple
22 of minutes for housekeeping matters --

23 PRESIDING JUDGE VELDT-FOGLIA: Yes, good.

24 MR. AOUBINI: -- to inform the Panel about certain information
25 regarding appearances. We were asked to -- with regard to experts,

1 economists, to coordinate with the victims, we had discussions in the
2 past week and also today. We can come with a proposal to
3 Your Honours about specific dates of availability of the experts.
4 Upon discussion with our colleagues from victims, we can suggest the
5 24th of November as a date for the victims' expert to come. And then
6 on the side of our expert, we can suggest anywhere between 30
7 November or 1 December or any day in the following block of January,
8 which will permit some lapse of time for our expert to be given the
9 victims' information, the extra information or testimony and so
10 that this expert would respond.

11 Our expert is generally available. We just need to notify this
12 expert beforehand. However, this expert would only appear by
13 videolink for considerations of child care. But the expert has
14 flexibility, so we can put anywhere towards the end of the second
15 week of that block, the last block of the year, or any day in the
16 first block of the following year, for planning purposes.

17 We have also a definite and concrete specific availability
18 response from our Expert Witness 3, which confirmed to us that he
19 will be available on 27 November, so we can start the second week of
20 testimony with him, that is, 27 November.

21 This is what we have as we stand, Your Honour. We expect, of
22 course, to perform disclosures on the following expert. We will move
23 to add or modify the witness list. And we have been, in the
24 meantime, in discussions with the Registry to prepare any logistics.
25 This has been taken care of despite the fact that this economist

1 expert is not already or yet in the witness list, so we're preparing
2 a little bit ahead.

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

4 This is a witness, Defence Counsel, we are not yet put on notice
5 of?

6 MR. AOUINI: Your Honour, what we did is we sent you, upon your
7 request, the CV of the witness --

8 PRESIDING JUDGE VELDT-FOGLIA: Yes.

9 MR. AOUINI: -- so we know the individual.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay.

11 MR. AOUINI: We are expected to have a report soon, so we'll
12 disclose it --

13 PRESIDING JUDGE VELDT-FOGLIA: Ah, okay, okay.

14 MR. AOUINI: -- as soon as we receive it. But just to say that
15 we are preparing with the Registry the possible dates and all the
16 information have been put already, even though this witness has not
17 formally on the witness list.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. Now I -- thank you for
19 this clarification. Now I understand you well.

20 Good. Now, I think if that is it from your side, then we will
21 adjourn the hearing till tomorrow, 9.30.

22 The hearing is adjourned.

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

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