

1 Thursday, 23 November 2023

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.31 a.m.

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

6 Court Officer, can you please call the case.

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

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

10 I see that we are not completely in the same composition, at
11 least two of the teams, so I will give the floor to tell us who is
12 present.

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

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you. I see that
17 Victims' Counsel is like yesterday.

18 MR. LAWS: Your Honour, yes, Simon Laws for the victims in this
19 case.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 Defence counsel.

22 MR. GILISSEN: Thank you very much. Good morning, Your Honour.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 MR. GILISSEN: I am Mr. Gilissen. We are here with
25 Mr. Pjeter Shala, with Mr. Aouini, Ms. Melissa McKay,

1 Ms. Dzeneta Petravica, Juliette Healy, and Judit Kolbe. Thank you
2 very much.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 Mr. Shala, could you confirm that you hear me well? And good
5 morning.

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

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Today we will continue with the questioning by the Defence
10 Witness of Ms. Safete Hadergjonaaj.

11 But before we do that, Defence counsel, is there still an
12 intervention we can expect from your client?

13 MR. GILISSEN: I don't think so.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay.

15 MR. GILISSEN: I don't think so.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay.

17 MR. GILISSEN: But you have to ask him to be sure, but last
18 information I had was no intervention.

19 PRESIDING JUDGE VELDT-FOGLIA: Okay.

20 MR. GILISSEN: Thank you very much.

21 PRESIDING JUDGE VELDT-FOGLIA: Then we leave it there. Very
22 well.

23 If there are not any submissions -- yes. The Specialist
24 Prosecutor's Office.

25 MR. DE MINICIS: Your Honours, very briefly. I must apologise

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1 to the Court because I submitted an e-mail this morning as I thought
2 I had listed a wrong ERN. But with the assistance of my case
3 manager, I realised that, in fact, there is no issue with the
4 documents we listed in the list, so that e-mail is no longer --

5 PRESIDING JUDGE VELDT-FOGLIA: Valid, yes.

6 MR. DE MINICIS: -- a standing request.

7 PRESIDING JUDGE VELDT-FOGLIA: Okay. I was going to mention it
8 in the next session, but it has been withdrawn. Very well.

9 Any other submissions for the Panel for now? No? Good.

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

11 [The witness takes the stand]

12 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Madam Witness. Can
13 you hear me well?

14 WITNESS: W04441 [Resumed]

15 [Witness answered through interpreter]

16 THE WITNESS: [Interpretation] Yes. Thank you for having me
17 here.

18 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

19 THE WITNESS: [Interpretation] Good morning.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, can you hear the
21 witness?

22 THE ACCUSED: [via videolink] [Interpretation] Yes, I can hear
23 her very well.

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

25 Madam Witness, how are you today?

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1 THE WITNESS: [Interpretation] So-so.

2 PRESIDING JUDGE VELDT-FOGLIA: Good. We are going to continue
3 today with your examination. I remind you that you are still under
4 oath to tell the truth. Do you understand that?

5 THE WITNESS: [Interpretation] Certainly. I understand.

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

7 There are two observations I would like to make, Madam Witness.
8 Yesterday you repeatedly raised the issue that you did not understand
9 why you are called to testify before this Panel of Judges. And for
10 reasons of clarity, I repeat it to you - I said it very briefly
11 yesterday - that it is on the request of the Defence for Mr. Shala,
12 the accused in this case, to have you summonsed here to come to
13 testify when the Defence did not manage to call you as a witness by
14 itself.

15 It was the Defence's assessment that you were of importance to
16 the case of Mr. Shala. And the Panel has granted the Defence request
17 because there is a likelihood that you may have information about
18 either a crime or alleged perpetrators or important circumstances
19 relevant to the criminal proceedings in the case against Mr. Shala.
20 And that likelihood is up to the Panel to assess and not to you.

21 So it's your duty to come, as you did, and to answer the
22 questions. And I hope that this is clear for you.

23 THE WITNESS: [Interpretation] Your Honour, thank you very much
24 for the explanation. And that is because I haven't had any contact
25 with counsel, a meeting of some sort, and for me it was a real

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1 surprise to receive the invitation. So thank you very much for
2 clarifying the matter. Now I understand. And I responded to the
3 invitation as best I could, in a civil manner and in a legal manner,
4 as per the rules. And that is the reason why I came here and I am
5 here.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. And furthermore -- thank
7 you for this, Madam Witness. And furthermore -- no, Mr. Shala. I am
8 talking now. You will not get the floor now.

9 Please lower your hand. You might get tired. There will be a
10 moment that you will get the floor. Not now, because I'm talking.

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

12 PRESIDING JUDGE VELDT-FOGLIA: Furthermore, Madam Witness, with
13 reference to yesterday, I recall that you should answer the questions
14 posed to you and not to elaborate on other issues. I advise you to
15 stay calm and not to raise your voice when answering the questions
16 and to remain respectful towards the persons who are posing the
17 questions to you.

18 Please behave in this courtroom. And I will not hesitate to
19 intervene and to use the overrule button in order to prevent that
20 what you say is heard outside the courtroom, is translated or
21 recorded, if you speak in that way. And I trust you understood me
22 well.

23 Before we proceed with the examination by Victims' Counsel, I
24 will ask Mr. Shala what he wants to raise.

25 Mr. Shala, you have the floor.

1 THE ACCUSED: [via videolink] [Interpretation] Thank you very
2 much. Just to explain something, Your Honour. Yes, it's not like my
3 team, my counsel invited them, but the Prosecution has involved her
4 with false, fabricated declarations. So we are here just for the
5 purposes of explanation. It's not as if we have invited her.

6 We have invited her to clarify the statements that somebody else
7 has made in the past and therefore involved her, but not me and
8 neither has my counsel. Thank you. This is all I wanted to say.
9 Just to explain the situation further to your clarifications. Thank
10 you.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you for this intervention,
12 Mr. Shala. Very well. Then we proceed.

13 Victims' Counsel, we concluded with the cross-examination by the
14 Specialist Prosecutor's Office, and now it's your turn. You have the
15 floor.

16 MR. LAWS: Thank you very much, Your Honour.

17 Questioned by Victims' Counsel:

18 Q. And good morning to you, Madam Witness. I am going to introduce
19 myself to you. My name is Simon Laws, and I am the counsel who
20 represents the victims in this case.

21 I'm going to ask you, first of all, this question: Yesterday,
22 you were asked if you had ever received training as a nurse. And
23 that's the transcript from yesterday, at page 78, line 11. I want to
24 ask you a slightly different question. Have you ever learnt basic
25 first aid?

1 A. Counsel, never in my life have I learned how to provide first
2 aid and neither do I know how to provide it, and I say this with the
3 highest responsibility possible and under oath.

4 Q. In your years as a teacher, were you ever taught any first aid?

5 A. No, never. I was a teacher of economics subjects, so I had
6 nothing to do with anything related to health or medication or
7 anything like that.

8 Q. Would be able to assist somebody with applying a bandage to an
9 injury?

10 A. No. No, I wouldn't be able to do that.

11 Q. Really?

12 A. And even if I were to cut my finger, I would have to ask for
13 help because I am too afraid to actually put a bandage around that.
14 So no, I couldn't.

15 Q. Really? You're telling us that you wouldn't know how to put a
16 bandage on; is that right? You'd have to ask for help even if you
17 were just putting one on your own finger?

18 A. No. No, I don't know how to do that. I have never ever given
19 anybody first aid. And never has anybody asked me to give them first
20 aid. And people know I'm just an economist and I have nothing to do
21 with health or medication.

22 Q. Have you seen anybody else put a bandage on an injury of any
23 kind?

24 A. When I went to see the doctor because I had flu, there has been
25 a case when I saw the doctor do that. But I have never been involved

1 in a case like that, to provide first aid. Nobody has asked for
2 first aid of me, and I do not know how to give that first aid to
3 anyone.

4 Q. Did it look very difficult to you when you saw the doctor put a
5 bandage on someone?

6 A. I didn't even get close to the doctor at all, because I went
7 there for my own needs, not for that. I mean in the post-war period.
8 When I go to the doctor's now, for instance, I have nothing to do
9 with this.

10 Q. Very well. Do you know what village Time Kadriaj comes from?

11 A. To my knowledge, she lives in Decan or Prishtine. I do not
12 know. She's an MP in the Kosovo parliament, and I do not know where
13 her residence is.

14 Q. I didn't ask you her job or her residence. I asked you if you
15 knew what village she comes from. Do you know what village she comes
16 from?

17 A. To my knowledge, originally she comes from Rastavice.

18 Q. That's right. And how far away is Rastavice from Voksh?

19 A. Counsel, I do not live in Voksh. I was born there, but I live
20 in Decan.

21 Q. I know that. You told us yesterday that you moved from Voksh to
22 Decan, I think, when you were 10 or 11. I'm not asking you where you
23 live. I'm asking you how far it is from Voksh to Rastavice?

24 A. To be honest, I cannot say precisely in terms of kilometres.
25 I've never measured the distance. But they're not far.

1 Q. Well, I'm not asking you for a precise measurement, but is it 5
2 kilometres, 100 kilometres? Do your best.

3 A. No, it's not 100 kilometres, but perhaps 12, 13. But that's not
4 even accurate. I mean, please do not quote me, as it were, because
5 I've never measured it.

6 Q. I'm not going to quote you. I just want to know --

7 A. It wasn't really important to know, for one to know. I know
8 that Decan is after Prejlep, Rastavice after that, but I never knew
9 how many kilometres is in between all of these.

10 Q. Rastavice --

11 MR. LAWS: I'll give my learned friend the floor.

12 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel.

13 MR. GILISSEN: I don't think we have to ask the witness to
14 guess. She says she don't know. She tried to provide an answer, in
15 my opinion, in a very reasonable way, but not to guess, please.
16 Thank you very much.

17 PRESIDING JUDGE VELDT-FOGLIA: No, but she's not guessing. I
18 think that for now we are talking about an estimated guess, because I
19 think that the question could have been answered already five minutes
20 ago with one of the things she just said. I think that Madam Witness
21 is making the Victims' Counsel insist a little bit more than
22 necessary, but I leave the floor to Victims' Counsel.

23 MR. LAWS: Thank you, Your Honour.

24 Q. And from Rastavice to Decan, it's also a short journey, isn't
25 it? A few minutes in a car, let's say.

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1 A. Yes, it is a short distance.

2 Q. Do you know whether Time Kadriaaj is going to give evidence in
3 this case?

4 A. No.

5 Q. You don't know?

6 A. No.

7 Q. Thank you.

8 MR. LAWS: I'm going to ask that we move into private session
9 just for a moment. And if I may, I'll explain the reason for that in
10 the absence of this witness.

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

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

14 ~~[Private session]~~ [Open session] *Reclassified pursuant to F793*

15 THE COURT OFFICER: Your Honours, we are now in private session.

16 PRESIDING JUDGE VELDT-FOGLIA: And for the record, if I've said
17 "Madam Witness," I meant Madam Court Officer.

18 Madam Court Usher, could you please usher the witness out for a
19 moment.

20 Madam Witness, you will be ushered out for a moment because we
21 have to discuss something relating to the question. Thank you.

22 [The witness stands down]

23 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, you have the
24 floor.

25 MR. LAWS: Thank you, Your Honour. I want to ask the witness

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1 some questions about her contact with Time Kadriaaj, and I'd
2 respectfully submit that it's better to do that in private session
3 because, clearly, if the witness who is next is listening, then
4 she'll know what's been said, and it would be unfortunate for her to
5 hear the answers.

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

7 Madam Court Officer, can you ask the witness to be brought in
8 again? Thank you.

9 [Trial Panel and Court Officer confers]

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

11 We will add some more minutes to -- there will be some more
12 minutes before the witness comes back.

13 [The witness takes the stand]

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

15 THE INTERPRETER: Microphone.

16 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Madam Witness. We
17 will continue with the questioning by Victims' Counsel.

18 MR. LAWS: Thank you, Your Honour.

19 Q. When did you last see Time Kadriaaj?

20 A. On TV, during the sessions. Whereas in terms of meeting Time, I
21 think since the electoral campaign, that was the last time I saw her,
22 so that is about three or four, five years ago.

23 Q. And when was the last time you had contact with her of any kind,
24 by message or on Facebook or any similar means?

25 A. I cannot remember to have had a message, contact, in Facebook.

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1 Absolutely. Because Time and I belong to different political
2 parties, and nothing really brings us together.

3 Q. Thank you.

4 MR. LAWS: Your Honour, we can go back into public session now.

5 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
6 bring us back into public session, please.

7 ~~{Open session}~~

8 THE COURT OFFICER: Your Honours, we are back in public session.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
10 Victims' Counsel, please proceed.

11 MR. LAWS: Thank you, Your Honour.

12 Q. Madam Witness, yesterday -- and I'm looking at page 99 of the
13 provisional transcript, starting at line 8. Yesterday, you said
14 that, in your view, the charges brought against certain KLA members,
15 including Kadri Veseli, were politically motivated. And a little
16 later, at the bottom of page 99 and into page 100, you said that:

17 "These are all concocted by the Serbian police bringing here
18 false testimonies by witnesses."

19 Do you recall saying those things yesterday, Madam Witness?

20 A. Yes.

21 Q. When I introduced myself to you a few moments ago, I said that I
22 was Victims' Counsel, and I want to ask you if you understand what my
23 role is in this case.

24 A. Yes.

25 Q. I am here to represent victims of crimes that occurred in Kukes.

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1 You understand that?

2 A. I understand what you just said, but I do not understand it to
3 be that there were crimes in Kukes. I am convinced that there
4 weren't any crimes there.

5 Q. So that's what I wanted to ask you. According to you, how could
6 there be victims if there were no crimes committed there? Can you
7 explain your view of this?

8 A. I have no knowledge of victims there. At least I personally do
9 not have such knowledge.

10 Q. Do you think, Madam Witness, that that might be at least in part
11 because, as you said yesterday, you haven't read the material in this
12 case?

13 A. As I said yesterday, and let me say the same today, the
14 materials of this case I will not read because they are stitched-up
15 allegations of the Serbian secret service, and I don't even want to
16 read them. Sir, counsel, I am sitting here as a witness, and I am a
17 victim of the Serbian genocide, state-run genocide, and yet nobody is
18 dealing with my rights or my life. Nobody is protecting me. Okay.

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

20 Please proceed, Victims' Counsel.

21 MR. LAWS:

22 Q. Without reading anything to do with this case, how is it that
23 you can reach the conclusion that you've just told us about?

24 A. I reach the conclusion I have just stated because I have never
25 heard from anyone that such things took place in Kukes, and I have

1 the right to have my opinion based on that. That what you are
2 saying, the place in Kukes, is -- the detention in Kukes is
3 stitched-up allegations of the Serbian secret police, and that's why
4 I have no interest in hearing them, in listening to them, and I've
5 never heard such a thing. And if I had heard such a thing from
6 anyone, I would say it here sincerely and frankly, but I have not
7 heard such a thing. I have no information that there was such a
8 thing there. I will not hear this, and I do not read these types of
9 hearsay of this Court which has really gone away from the purpose of
10 its establishing.

11 Q. In your professional life as an economist, do you first try to
12 look at the evidence and then form your conclusion, or do you decide
13 what your conclusion is without looking at the evidence?

14 A. Sir, is there a better and more powerful evidence than my being
15 here today to give a statement, to be a witness for a place I have
16 never been to and for a profession I have never had?

17 Counsel, the question asked --

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

19 THE WITNESS: [Interpretation] -- by the other counsel yesterday
20 really --

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

22 THE WITNESS: [Interpretation] --is really --

23 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, please answer the
24 question.

25 THE WITNESS: [Interpretation] Okay.

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1 MR. LAWS:

2 Q. Would you like me to repeat it, or do you remember the question
3 that I asked you?

4 A. No, I do not remember. Please repeat it.

5 Q. In your professional life as an economist, do you first try to
6 look at the evidence and then form your conclusion, or do you decide
7 what your conclusion is without looking at the evidence?

8 A. I am an economist by profession, and I look at these things, and
9 I am specialised in this area, and, of course, I look at details.
10 And based on those, I reach conclusions in terms of budget. Whereas
11 these stitched-up allegations of the Serbian secret police, I never
12 want to read because they bring me back to a very difficult time.
13 And I feel extremely bad, just as I felt bad last night, because it
14 reminded me of the voices of the people who were being beaten up in
15 the Serbian police station when I was held there and, therefore, I
16 couldn't sleep last night, counsel.

17 And these were perpetrated by the police of a dictatorial state
18 who committed genocide. Do you understand that, counsel?

19 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness -- Madam Witness --

20 THE WITNESS: [Interpretation] Okay.

21 PRESIDING JUDGE VELDT-FOGLIA: I heard that you have felt very
22 bad after yesterday's testimony because it brings you back into times
23 you prefer not to remember, and we appreciate very much that you're
24 here and that you are giving a testimony. But I repeat, please try
25 to answer the questions that are put to you because you are not here

1 for any other purpose than to answer the questions put to you.

2 And, Victims' Counsel, you may proceed on this subject, but I
3 think we --

4 MR. LAWS: I've finished with that subject.

5 PRESIDING JUDGE VELDT-FOGLIA: We are getting repetitions.

6 MR. LAWS: I've finished with that topic. It's my last
7 question.

8 MR. GILISSEN: Please. Please, Your Honour. I don't think we
9 have to ask a witness to justify its own opinion - a good one, a bad
10 one. That's the opinion of the witness. We know it. We have heard
11 some explanation. We are convinced or not. But why to continue? I
12 don't think so it's in the spectrum of the thing we have to ask, even
13 to try to understand the credibility.

14 It's very clear. We know the position of the witness.

15 PRESIDING JUDGE VELDT-FOGLIA: I will give the floor to
16 Victims' Counsel. But positions can be questioned with arguments, so
17 I don't -- I really don't see a problem to that.

18 MR. GILISSEN: Okay.

19 PRESIDING JUDGE VELDT-FOGLIA: But thank you for your
20 submission.

21 MR. GILISSEN: Okay.

22 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, you have the
23 floor if you would like to reply to --

24 MR. LAWS: I would. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Of course, please.

1 MR. LAWS: I strongly disagree with what's just been said by
2 Defence counsel. The people that I represent are not required to sit
3 idly by and have somebody granted license to deny the crimes that
4 they have suffered. That's not justice. I'm here to represent them,
5 and that's what I'm doing by asking these questions so that we can
6 explore the position.

7 And I have one last question which will, I hope, complete that
8 topic.

9 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Victims' Counsel.

10 MR. LAWS:

11 Q. Madam Witness, I'm going to ask you a question. I'm going to
12 ask you to listen to it and see if you can answer it, and do so
13 preferably without raising your voice. And here's the question:
14 Have you ever considered how hurtful it might be to people who
15 suffered in Kukes, whose loved ones suffered or were killed there, to
16 hear somebody say that it is all lies and all political? Have you
17 ever considered how hurtful that might be?

18 A. May I answer?

19 Q. Yes, please do.

20 A. I am fully convinced that there were no such cases in Kukes to
21 have caused what you are saying, victims. I do not wish for Kosovo,
22 and in my free Kosovo, to ever be victims, and I want for everything
23 to come out, to see the light of day, but I would never agree to the
24 fact that somebody can become a victim based on lies. Or I could
25 never agree that from Serbian secret services somebody can become

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1 a -- can bear false witness. I could never agree to that.

2 But for an entire people in Kosovo, we are victims of the
3 Serbian genocide that was perpetrated there, and I do not want --

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

5 THE WITNESS: [Interpretation] -- and I do not want --

6 PRESIDING JUDGE VELDT-FOGLIA: That was not the question. You
7 are not being translated anymore. [Microphone not activated]

8 THE INTERPRETER: Microphone, please.

9 PRESIDING JUDGE VELDT-FOGLIA: Yes. You answered. I overruled
10 you. That part has not been recorded.

11 THE WITNESS: [Interpretation] Okay. Apologies.

12 PRESIDING JUDGE VELDT-FOGLIA: And I was asking you to answer
13 questions and not to take the floor to say whatever you think you
14 want to say -- you need to say. This is not a place where you choose
15 not to answer the questions, and it seems very difficult for you.

16 Victims' Counsel.

17 MR. LAWS: Thank you.

18 Q. It's a simple question. You can answer it "yes" or "no." Have
19 you ever thought about how hurtful it might be for people to hear you
20 say that it's all lies and that there are no victims? Have you ever
21 thought about that; yes or no?

22 A. I do not know -- I do not know that there were any victims
23 there.

24 Q. I'll give you one last chance to answer it, and then I'm going
25 to sit down. Have you ever thought how hurtful it might be for you

1 to say these things and for them to be heard by real victims? I'm
2 not asking you if they're real victims or not. I'm asking if you
3 ever thought about it; yes or no?

4 A. I have not even thought about it because I am convinced that
5 that centre is a fabrication of the Serbian secret police. I am
6 sitting here on false witness statements. That's all I know.

7 Q. I understand. Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.

9 Thank you, Madam Witness.

10 I turn to the Defence counsel. Mr. Gilissen, would you like to
11 have a second round of questions? Yesterday you already informed me
12 that you did not want to, but maybe there has been a change in your
13 position.

14 MR. GILISSEN: Yes. Thank you very much, but I don't want to go
15 further. Thank you very much.

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

17 So then it stops here. Thank you. Then I will look to my
18 colleagues.

19 [Trial Panel confers]

20 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, there are also no
21 questions from the side of the Panel, and that means that we have
22 reached the end of your testimony. I would like to thank you for
23 your efforts you have put in giving your testimony before this Panel,
24 so thank you very much.

25 THE WITNESS: [Interpretation] Thank you. Thank you. I am a

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1 little bit concerned that you didn't give me the floor to speak every
2 time, but I understand that there are rules in this courtroom. I am
3 a person who believes in institutions, who believes in justice. And
4 you, as a Panel of Judges, I am convinced that you will not hear
5 neither this nor that side but you will assess the situation
6 appropriately and you will bring the truth to light and only the
7 truth. And you will render justice.

8 And if there is justice in this --

9 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness -- Madam Witness --

10 THE WITNESS: [Interpretation] -- in this Court --

11 PRESIDING JUDGE VELDT-FOGLIA: Now it's enough. Now it's enough
12 now.

13 THE WITNESS: [Overlapping speakers] ...

14 PRESIDING JUDGE VELDT-FOGLIA: Now, Madam Witness, it's enough.

15 I just wanted to wish you some safe travels.

16 THE WITNESS: [Interpretation] Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Very well.

18 THE WITNESS: [Interpretation] Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: And I want to remind you that you
20 shall not discuss the statement you have given before the Specialist
21 Chambers with anyone. And I will now ask Madam Court Usher to usher
22 you out of the courtroom.

23 THE WITNESS: [Interpretation] May I also say something else,
24 please?

25 PRESIDING JUDGE VELDT-FOGLIA: No, no, you're not allowed

1 anymore --

2 THE WITNESS: [Interpretation] For those --

3 PRESIDING JUDGE VELDT-FOGLIA: -- to talk. No, no, no. It
4 stops here.

5 THE WITNESS: [Interpretation] Okay.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 [The witness withdrew]

8 PRESIDING JUDGE VELDT-FOGLIA: Very well. It's now quarter past
9 10.00. What we will do is we will have -- thank you, Madam Court
10 Usher. We will have a break of 15 minutes, and we will start then
11 with the next witness, if that is also fine for the Defence team.

12 Yes? I see Mr. Gilissen nodding.

13 So very well. And then we proceed with our regular schedule
14 till 11.00, we have a half-an-hour break, and then we proceed during
15 the day. Good.

16 The hearing is adjourned.

17 --- Break taken at 10.13 a.m.

18 --- On resuming at 1.32 p.m.

19 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. And let me see.
20 Are there any changes of composition at the side of the SPO?

21 MR. DE MINICIS: No, Your Honour.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 Victims' Counsel? No, thank you.

24 Defence counsel?

25 MR. GILISSEN: Exactly the same team --

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 MR. GILISSEN: -- Your Honour.

3 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will continue
4 now -- or I would rather say we will start with the testimony of
5 Witness 4440, which is Mrs. Time Kadriaaj. She will testify without
6 in-court protective measures.

7 And before I call the witness in, I would like to revert for a
8 short moment into private session.

9 Madam Court Officer, could you please bring us there.

10 [Private session]

11 [Private session text removed]

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16 [Open session]

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

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
20 Madam Court Usher, could you please usher the witness into the
21 courtroom.

22 [The witness entered court]

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

24 Good afternoon and welcome to the Specialist Chambers. Can you
25 hear me?

1 THE WITNESS: [Interpretation] Yes, I can.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, good afternoon. Can
3 you hear the witness?

4 THE ACCUSED: [via videolink] [Interpretation] Good afternoon. I
5 can hear her very well. Thank you.

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

7 Madam Witness, today we will start with your testimony. It's
8 still not clear to me why we had to revert to summons to ensure your
9 presence in this courtroom, but, anyway, here we are. And I would
10 like to explain to you why you are called to testify before the Panel
11 of Judges.

12 It's on the request of the Defence for Mr. Shala, the accused in
13 this case, to have you summonsed to come to testify when the Defence
14 did not manage to call you as a witness by itself. And the Defence
15 thought your testimony is of importance to the case, to the Defence
16 case of Mr. Shala. And the Panel has granted the Defence request
17 because there's a likelihood that you may have information about the
18 crime or -- and/or alleged perpetrators, and/or important
19 circumstances relevant to the criminal proceedings in the case
20 against Mr. Shala, and that likelihood is up to the Panel to assess.
21 And you have, as a witness, an obligation to come and to answer, and
22 we are very happy that you are here today now.

23 And I hope that that is clear for you.

24 THE WITNESS: [Interpretation] Thank you. It is, yes.

25 PRESIDING JUDGE VELDT-FOGLIA: Before we begin with the

1 questions we have for you, I have several remarks. And these remarks
2 I make to all the witnesses.

3 You're called, Madam Witness, to testify before the Specialist
4 Chambers in the case of the Specialist Prosecutor's Office against
5 Mr. Pjeter Shala to assist the Panel of Judges to reach a verdict.

6 First, you will take your solemn declaration to tell the truth.
7 And then you will be asked questions, first, by the Defence counsel
8 for Mr. Shala; then the lawyers for the Specialist Prosecutor's
9 Office, they have the robes partly in purple; the lawyer representing
10 the victims participating in this case, he's -- yes, you're looking
11 in the right direction; and then by us, the Judges of the Panel.

12 And before you take your solemn declaration, I would like to
13 provide you with some guidance and some practical remarks that may
14 assist you in giving your testimony.

15 Madam Witness, please listen carefully to each question. If you
16 don't understand, feel free to ask the question to be repeated. We
17 want you to tell the truth, to tell us what you saw, what you heard,
18 what you experienced yourself. If you saw or heard or experienced
19 something not by yourself, please tell us so.

20 You may not remember all the details of the events and that is
21 perfectly fine. Please testify only on what you remember. Do not
22 guess, do not make things up. There's nothing wrong in saying "I
23 don't know." Yes? Please only answer the questions put to you. And
24 if more clarification is needed, there will be some follow-up
25 questions.

1 And I also remind you that you have the right to object to
2 provide your testimony on issues that might tend to incriminate you
3 pursuant to Rule 151(1) of the Rules of Procedure and Evidence.

4 Have you understood all this?

5 THE WITNESS: [Interpretation] Yes, I have.

6 PRESIDING JUDGE VELDT-FOGLIA: Regarding the practical advice
7 for your testimony, please listen carefully.

8 Everything we say here is translated and recorded. So it's very
9 important that you speak into the two microphones in front of you,
10 that you speak at a slow pace, and that you speak clearly. That will
11 allow the interpreters and the stenographer to interpret it and
12 record everything.

13 You should only start speaking after the person who is speaking
14 to you has finalised. And, therefore, it's useful to count till 5,
15 for example, and then start speaking. And I see you laughing, but
16 it's really important because if not, we have overlapping speakers.
17 And if you might have been following these proceedings, you see that
18 when there are overlapping speakers, nothing is recorded nor
19 translated. Very well.

20 If I raise my hand, like this, please stop talking. The reason
21 that I raise my hand is to avoid that we overlap each other. But
22 sometimes if the hand doesn't work, I have to speak out, and then we
23 have overlapping speakers, and then you will not be interpreted. Me
24 neither.

25 You may be asked to make markings on a document, and there is a

1 pencil next to the computer. And Madam Court Clerk has now shown it
2 to you. And we will see if it will be necessary.

3 And, lastly, if you have any questions, if you need a break or
4 you need assistance of any kind, please raise your hand and I will
5 give you the floor.

6 Have you understood all this?

7 THE WITNESS: [Interpretation] Yes, I have. Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: Very well.

9 Now, like I have to do with all the witnesses, I will now ask
10 you to make your solemn declaration to tell the truth. I remind you,
11 Madam Witness, that it is an offence to give a false declaration
12 before this Court. Have you understood that?

13 THE WITNESS: [Interpretation] Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well.

15 Madam Court Clerk, please assist the witness with the text.

16 Madam Witness, you may read the text provided to you.

17 THE WITNESS: [Interpretation] Conscious of the significance of
18 my testimony and my legal responsibility, I solemnly declare that I
19 will tell the truth, the whole truth, and nothing but the truth, and
20 that I shall not withhold anything which has come to my knowledge.

21 WITNESS: W04440

22 [Witness answered through interpreter]

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Witness. You
24 are now under oath to tell the truth.

25 Madam Court Officer, could you bring us into private session,

Witness: W04440 (Private Session)
Procedural Matters

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1 please.

2 [Private session]

3 [Private session text removed]

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Witness: W04440 (Private Session)
Procedural Matters

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Witness: W04440 (Private Session)
Examination by Mr. Gilissen

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12 [Open session]

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

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

15 Madam Witness, we can now begin with your testimony, starting
16 with the questioning by Defence counsel.

17 Defence counsel, you have one and a half hours for your
18 questioning of this witness, and please inform the Panel if there are
19 any changes for our planning purposes. Thank you.

20 MR. GILISSEN: Thank you very much. That's sure. That's sure.
21 I will.

22 Examination by Mr. Gilissen:

23 Q. So good afternoon, Mrs. Witness. So as you know, I am
24 Mr. Shala's Defence counsel, and I would like to address with you
25 some issues and to ask some questions to obtain a maximum of

Witness: W04440 (Open Session)

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Examination by Mr. Gilissen

1 information from you. As Mrs. Presiding Judge told you, don't guess.

2 Only very clear and sure information. Thank you very much.

3 So, Ms. Witness, could you please state your name and surname.

4 A. Time Kadriaaj.

5 Q. Thank you very much. What are your date and place of birth?

6 A. 14 February 1965, Rastavice village, Decan municipality.

7 Q. Thank you. Do you have or did you have a nickname?

8 A. No.

9 Q. I would like to know what level of education did you have?

10 A. Higher education.

11 Q. Yes. What does it mean? What kind of education?

12 A. I have a degree in medicine. I'm a general practitioner, and
13 then I specialised in gynecology.

14 Q. Yes. And what is your current profession?

15 A. I am a member of parliament in the Parliament of the Republic of
16 Kosovo.

17 Q. Yes. And may I ask you which party do you belong to?

18 A. The Alliance for the Future of Kosovo, AAK.

19 Q. AAK. Thank you very much. And are you able enough to explain
20 us who created this party?

21 A. Ramush Haradinaj.

22 Q. Thank you very much. That's very clear. So, Mrs. Witness,
23 where did you live before the beginning of the war in 1998?

24 A. In my birthplace, in Rastavice village.

25 Q. Yes. And were you working at this time?

1 A. I have completed the faculty of medicine in 1996. And at the
2 time, since the institutions were closed down, both educational and
3 health ones, I worked as a junior doctor with the humanitarian
4 organisation Mother Teresa.

5 Q. Thank you very much. In 1999, did you join the KLA?

6 A. Yes.

7 Q. And when did you join the KLA?

8 A. I joined the KLA in 1998.

9 Q. 1998. Do you remember the month you joined the KLA?

10 A. March, April. Perhaps April. I'm not quite sure.

11 Q. Thank you very much. May I ask you why did you join the KLA?

12 A. Because of the then repressive regime. And following the events
13 with the Jashari family, a major -- a great number of citizens
14 mobilised themselves into the Kosovo Liberation Army.

15 Q. That's very clear. Thank you very much. Mrs. Witness, what was
16 your job with the KLA in your village in Decan municipality in 1998?

17 A. Doctor.

18 Q. Yes, thank you very much. And could you explain concretely what
19 was the situation with the people you have to provide some medical
20 care at this moment? What was your organisation? How does it
21 work -- how did it work?

22 A. As the war spread throughout Kosovo, supplies of medicine got
23 difficult. Everybody contributed in their own ways, every villager.
24 I did so in my own village. So everybody who had medicaments, we all
25 gathered them in one point, in one house.

Witness: W04440 (Open Session)

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Examination by Mr. Gilissen

1 Q. Thank you. And at this moment, did you receive any training or
2 any help from the KLA in your job of doctor?

3 A. No. Since I was a doctor, I worked with Mother Teresa for a
4 certain time, and then automatically I started working as a doctor in
5 my birthplace.

6 Q. Thank you very much. It's very clear. Really, thank you. So I
7 would like to know did you leave Kosovo at any moment in 1998 or
8 1999?

9 A. Sometime in September, October 1998 I left Kosovo.

10 Q. And are you able enough to explain what was the trip you made?
11 Where did you go at this moment?

12 A. Because of the offensives, we were forced to flee. And the road
13 we followed was Rugova, which is a mountain. Then we went on to
14 Montenegro, in Ulcinj, and ultimately to Durres where part of my
15 family was already staying.

16 Q. Yes. And did you stay in Durres for the rest of the war?

17 A. No.

18 Q. Where did you go after Durres?

19 A. Following my mobilisation was in Koshare, Papaj, Padesh, and in
20 Koshare.

21 Q. Yes. And when did you arrive in Koshare?

22 A. It was in early 1999, I would say.

23 Q. And did you have a duty in Koshare or what did you do in
24 Koshare?

25 A. I was a doctor.

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Examination by Mr. Gilissen

1 Q. Were you involved -- were you ever involved in fighting or
2 active in the hostility as KLA member?

3 A. In Koshare, there were also medical teams and they were in the
4 front lines. Because of the terrain, there wasn't a hospital, and
5 the medical team was also mobilised to go wherever the need arose, or
6 wherever there was a wounded person, we would go there to help out.

7 Q. Yes. And what kind of medical treatment did you provide in
8 Koshare?

9 A. First aid. So, basically, stopping blood -- the blood, and
10 first aid, and then the wounded we would transport to Bajram Curri, a
11 city in Albania.

12 Q. Where did you stay in Koshare?

13 A. In the beginning, it was in Papaj, which is a bit further out.
14 Before the frontal war on 9 April, we stayed in Papaj. And with the
15 onset of the frontal war, we then came closer to Padesh, which is in
16 the border.

17 Q. Thank you very much. I would like to know how was the KLA
18 medical staff organised in Albania in 1999? Did they form a specific
19 unit?

20 A. Well, I can only really say and talk about this, because there
21 was a group of doctors and we worked as a medical team together. I
22 do not know as to whether there was a unit or a name as such, but we
23 were a team of doctors.

24 Q. And did you have a superior, a director, or something like that?

25 A. To be honest, we worked as a team. It wasn't as if there was

1 anybody in charge of us.

2 Q. Thank you. And what was the situation for the Kosovan civil
3 population in Albania in 1999?

4 A. Well, I don't know. I stayed there from the beginning till the
5 end of the war. And in actual fact, there were only a few civilians
6 who stayed in Bajram Curri or around, but there were Albanian
7 civilians who stayed in their own homes in Papaj and Padesh.

8 Q. And would you say it was an organised work environmental process
9 in Koshare? It was very organised? How does it work? It's
10 interesting to us to understand.

11 PRESIDING JUDGE VELDT-FOGLIA: I think, Defence counsel, you
12 should clarify what you're aiming at because now it's a kind of -- at
13 least for me it's vague what you want to elicit from the witness.

14 MR. GILISSEN: We understand what was her job, and I would like
15 to understand the environment, the organisation. It was very
16 organised or not. I understand they worked in a team, but how does
17 it work? The next question is how many person did you treat per day
18 or --

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. But let us proceed with
20 more concrete questions, and then based on the more concrete
21 questions, we can go to something a little bit more broader.

22 MR. GILISSEN: Okay. Okay. Sure. Thank you.

23 Q. So I'm sorry, Ms. Witness. So according to you, if you
24 remember, of course, how many patients would you usually treat within
25 a day at this moment?

Witness: W04440 (Open Session)
Examination by Mr. Gilissen

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1 A. Well, this depended on the dynamics of the war. I mean, one
2 cannot really pinpoint the number of patients per day because some
3 days there were more because of the intensity of the war, and some
4 other days, a fewer number. So I can't really remember that.

5 Q. Okay. Thank you very much. And did you ever go other places
6 outside Koshare to treat persons?

7 A. No, because I was mobilised in Koshare, I stayed in Koshare.
8 And it was from Koshare that I returned to Kosovo after the
9 liberation.

10 Q. That's very clear. Thank you very much. And did you ever go to
11 another KLA base in Albania for your work?

12 A. I didn't have another job. My task was to serve and to
13 undertake my mission as a doctor, as a humanist, to serve the
14 wounded, the soldiers, but also the population around. So we didn't
15 move from Koshare.

16 Q. I'm sorry to insist, of course, but did you ever go to Kukes for
17 your work in 1999?

18 A. I didn't have another job. My task was to serve the soldiers,
19 and I was assigned to serve in Koshare for this job. That's where I
20 started and that's where I ended my service.

21 Q. That is very clear.

22 PRESIDING JUDGE VELDT-FOGLIA: No, it's not so clear for me.

23 MR. GILISSEN: No? I could be more accurate.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes.

25 MR. GILISSEN: Yeah, don't mind.

1 PRESIDING JUDGE VELDT-FOGLIA: Because we did not really receive
2 an answer with a "yes" or a "no."

3 MR. GILISSEN: Yes, that's why I insist. I would like to go on
4 the bone, may I say.

5 PRESIDING JUDGE VELDT-FOGLIA: Very well.

6 MR. GILISSEN: Yeah.

7 Q. Did you ever go to Kukes for any other purposes than work in
8 1999? Did you go even one time to Kukes in 1999?

9 A. No.

10 Q. Do you know or did you know a person called Milaim Zeka?

11 A. Milaim? I do know him because he was in Koshare.

12 Q. And was he in Koshare in May 1999?

13 A. I can't remember accurately. I mean, the dates. But he was
14 there. He was in Koshare, but the dates I cannot -- I mean, the
15 number of days I cannot remember.

16 Q. Thank you very much. And I fully understand. It's far ago.
17 More than 20 years. I fully understand. But do you remember a
18 person called Nasim Haradinaj?

19 A. Yes.

20 Q. Did you ever meet him in May 1999 in Albania?

21 A. Nasim was in Koshare. I met him in Koshare.

22 Q. That's very clear. Thank you very much, Mrs. Witness. We heard
23 evidence that you would have visit in the KLA centre in Kukes at the
24 metal or former metal factory in May 1999. And according this
25 evidence, you to Kukes together with Milaim Zeka, who was injured, in

Witness: W04440 (Open Session)
Examination by Mr. Gilissen

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1 order to provide him with medical assistance, and Nasim Haradinaj
2 too. After Milaim Zeka received medical assistance at the Kukes city
3 hospital, the three of you went, according this evidence, for lunch
4 with friends at the Kukes metal factory around lunchtime for no more
5 than two hours.

6 Could you please comment on this?

7 A. No, that's not right. Milaim Zeka was wounded in Koshare, and
8 first aid he received in Koshare.

9 Q. So according to you, if I understand, this information is a
10 mistake or something don't correspond to the truth?

11 A. No, there's nothing true. The truth is Milaim Zeka was wounded
12 in Koshare, at the *karaula* of Koshare, and Milaim Zeka received first
13 aid from the medical team there.

14 Q. And did they stay in Koshare, or do you have information for the
15 rest of the following events about the treatment, the medical
16 treatment?

17 A. I do not have information because we stayed there. And, as I
18 said, when there were wounded individuals, they received the first
19 aid in Koshare or in Papaj, Padesh. And it was later, in accordance
20 with every single case, that they would be sent to Bajram Curri
21 hospital.

22 Q. I thank you very much. I think it is very clear. For me, it is
23 very clear. So, Mrs. Witness, we would like to show you some picture
24 for identification purpose.

25 MR. GILISSEN: With the leave of the Panel, of course.

Examination by Mr. Gilissen

1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

2 MR. GILISSEN: Yeah. And I would like to go to private session
3 to make it.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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

7 ~~[Private session]~~ [Open session] *Reclassified pursuant to F793*

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
10 Defence counsel, please proceed.

11 MR. GILISSEN: Thank you very much, Your Honour. Could we
12 please display ERN 059113-059144 at page 15 on the screen.

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

15 Defence counsel?

16 MR. GILISSEN: Yes.

17 PRESIDING JUDGE VELDT-FOGLIA: I'm going to interrupt you for a
18 moment.

19 Madam Witness, would you like to have a break now?

20 THE WITNESS: [Interpretation] No, we can continue.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good.

22 Defence counsel, you have the floor.

23 MR. GILISSEN: Thank you very much. I'm waiting -- yeah. Thank
24 you, Madam Court Officer. Thank you very much.

25 Q. So, Mrs. Witness, do you know this person? Did you ever see

Examination by Mr. Gilissen

1 this person you are seeing on the screen?

2 A. No, never.

3 Q. Okay. Thank you very much.

4 MR. GILISSEN: I think it's over with the private session,
5 Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
7 bring us back into public session, please.

8 ~~{Open session}~~

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

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
11 Defence counsel, please proceed.

12 MR. GILISSEN: Thank you very much.

13 Q. Mrs. Witness, do you know a person named Safete Hadergjonaj?
14 I'm sorry for the accent in the Albanian --

15 PRESIDING JUDGE VELDT-FOGLIA: Safete Hadergjonaj.

16 MR. GILISSEN: Hadergjonaj, yes.

17 THE WITNESS: [Interpretation] Yes.

18 MR. GILISSEN:

19 Q. Are you able enough to explain the kind of relation or
20 relationship you have with this woman?

21 A. We come from the same place, the same town. And to be honest,
22 we have a good rapport mostly because we were both MPs. And it was
23 really after the war that we cooperated with each other when serving
24 in the assembly as MPs.

25 Q. Thank you very much. Did you ever work together in quality of

Witness: W04440 (Open Session)

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1 doctor, nurse, somewhere?

2 A. Never, because Safete is not a doctor and I've never seen her
3 during the war.

4 Q. That's very clear. Thank you very much. Really, that's very
5 helpful. So do you know a person called Ramush Haradinaj?

6 A. Yes.

7 Q. Yeah. And under what circumstances did you meet him?

8 A. In 1998, in the war, he was a distinguished soldier.

9 Q. And did you see him in Albania in 1999?

10 A. Never. Ramush was not in Albania. Not ever.

11 Q. That's very clear. That's very clear. Thank you. If you want
12 to add something, really don't hesitate. No? Thank you.

13 Do you know a person called Daut Haradinaj?

14 A. Yes.

15 Q. And did this person was in Albania in 1999? Did you see this
16 person in Albania?

17 A. Never.

18 Q. Okay. Thank you very much. I would like to know if you know a
19 person called Agron Haradinaj?

20 A. Yes.

21 Q. And did you see him in Albania in 1999?

22 A. In Koshare.

23 Q. Yeah. In which circumstances?

24 A. It was in Koshare. Ordinary circumstances, like people bump
25 into the street with each other. Not other circumstances.

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Examination by Mr. Gilissen

1 Q. Thank you very much. And do you know a person called Shaip
2 Musaj?

3 A. Could you please repeat the name again? Who is it?

4 Q. I hope the accent it's a good one. Shaip Musaj.

5 A. Shaip Musaj? I don't know anyone by that name.

6 Q. Okay. And I would like to know do you know or did you know a
7 person named Pjeter Shala during the year of 1998 and 1999 -- or
8 1999?

9 A. No.

10 Q. And did you know a person nicknamed Ujku during this moment?

11 A. No.

12 Q. Okay. Thank you very much. I have really to thank you. That's
13 over for me. It was very helpful. Thank you.

14 MR. GILISSEN: Thank you, Your Honour.

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

16 THE INTERPRETER: Microphone, please.

17 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] ...
18 counsel, I understand that you have finished your
19 examination-in-chief of the witness.

20 Then it's the turn for the Specialist Prosecutor's Office.
21 Would you be in a position to start right away? I'm going to count.
22 We started at half past. We can also take a short break and then
23 proceed.

24 You have the floor, Mr. Prosecutor.

25 MR. DE MINICIS: Your Honours, we could take a short break

1 before starting.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes, I think that we will proceed
3 in that way, also for other reasons.

4 Very well. Madam Witness, we will take a short break of
5 15 minutes. I will ask Madam Court Clerk to usher you out, and then
6 we see you back, and we will continue with the cross-examination by
7 the Specialist Prosecutor's Office.

8 THE WITNESS: [Interpretation] Thank you.

9 [The witness stands down]

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you. We see each other in
11 15 minutes.

12 --- Recess taken at 2.20 p.m.

13 --- On resuming at 2.35 p.m.

14 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. I see that the SPO
15 is in the same composition. It goes also for Victims' Counsel. And
16 thank you, Defence counsel, for nodding and confirming that you're
17 there.

18 I see Mr. Shala on the video connection. Can you hear me,
19 Mr. Shala?

20 You nod. Very well. Noted.

21 THE ACCUSED: [via videolink] [Interpretation] Yes. Yes. Very
22 well. Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. Yes, we go into private
24 session for a moment.

25 Please, Madam Court Officer.

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4 [Open session]

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

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 Before we usher the witness in - and I will repeat partly what
8 I've said in private session - I note that the Defence has formulated
9 an objection to the use of three documents with the Witness 4440 by
10 the SPO during its cross-examination. These are items 14, 15, 16, on
11 the SPO's presentation queue. And the Defence's main objection is
12 lack of authenticity indicia. This e-mail was received last evening
13 at 2129.

14 Yes. Mr. Prosecutor, what is your reaction to these objections?

15 MR. DE MINICIS: Yes, Your Honours. We disagree with the
16 Defence objection on the indicia of reliability of these documents.
17 Document number 14 - just for clarity, I'll give the ERN as well,
18 SPOE00012845-00012849 - contains, in fact, numerous indicia of
19 reliability. The case number, the location and date where the
20 interview was carried out, the names of the police officers who
21 carried out the interview, as well as very specific personal details
22 of the person whose interview is recorded.

23 Document 16 is a signed Official Note by a former SPO Prosecutor
24 concerning reception of a number of documents from the SPRK office in
25 Kosovo, including this document.

1 Finally, Your Honours, the standards referred to by the Defence
2 is a standard which is generally used for -- is applicable pursuant
3 to Rule 138 to the admission of documents in evidence. It doesn't
4 necessarily apply as the same to the use of these documents, which,
5 in fact, the reliability of a document can become apparent through
6 the use of the document with a witness.

7 And, for instance, the -- one of the gentlemen recorded in this
8 conversation is a person who the person testified she knows this
9 morning at trial. So this person talking about this witness is --
10 the reliability of the information is somewhat corroborated by what
11 the witness stated today.

12 But be that as it may, Your Honours, on its face, the documents
13 that we want to use contain a number of indicia of reliability which
14 make them absolutely suitable for discussion with this witness at
15 this time.

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

17 MR. LAWS: Your Honour, we've nothing to add. Thank you.

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

19 Yes, Defence counsel. You have the floor.

20 MR. AOUMINI: Thank you, Your Honour. Our main arguments remain
21 the same. What we said is --

22 PRESIDING JUDGE VELDT-FOGLIA: But then I don't want a
23 repetition.

24 MR. AOUMINI: No.

25 PRESIDING JUDGE VELDT-FOGLIA: So I only want a rebuttal to what

1 is new.

2 MR. AOUMINI: Absolutely, Your Honour. And what we are saying is
3 there is no indicia of authenticity. We are reserved and we have to
4 put things in context.

5 The first document, number 14, is where the CD, which is
6 explained, and the content of which is number 15, is received. That
7 document has numbers, has names. We can put even my name there. But
8 there is no signatures. And we asked our colleagues do you have an
9 original, another version that contains signatures.

10 And we have an issue from the past investigations that Your
11 Honours are very well aware of. The number 16 that the SPO received
12 it from EULEX is not a problem, but it is a consequence of -- by
13 ricochet, a consequence that it becomes not valid. Why should we use
14 it if we don't know where this CD comes from because there are no
15 signatures in the document that supposedly tells us that this is
16 where the CD was obtained.

17 And this is what we say. We're not addressing the admissibility
18 discussion. We are saying that this is so deficient, Your Honour,
19 that it cannot be fit to be used in judicial proceedings.

20 That being said, Your Honour -- and, again, to be consistent in
21 our approach as well, we don't oppose that the Prosecutor uses
22 information. They said the witness probably knows one individual.
23 They can ask. They can submit. If they have an evidentiary basis
24 for them to ask a question to a witness about certain facts, they can
25 do it.

1 But this witness is not the originator of these documents for
2 him or her to give authenticity or reliability. So if they want to
3 see -- give reliability to the content of number 15, they should call
4 the person who recorded this or the person who was speaking. And we
5 know, we have the names. But not this witness.

6 They can ask him -- or ask her here: Do you know about this?
7 Have you heard about this? This happened? We're perfectly fine with
8 that. It's their right. But not to put this document as if this is
9 an official document coming from official activities of officials and
10 then put it to her in a way that she doesn't know. She can comment
11 on the information, not on these documents.

12 So the use of the documents is what we object to in the process
13 of cross-examination for the reasons that are, in our submission,
14 very valid. There is no signature, and we have -- we didn't want to
15 make the objection on the air. We asked prior to our objection our
16 colleagues to search. Maybe there is an Albanian version of it.
17 Maybe there is a version with signatures. And only after we received
18 the response that we formulated our objection, Your Honour. Thank
19 you.

20 PRESIDING JUDGE VELDT-FOGLIA: Very well. Noted. Good. Yes.

21 Defence counsel, we see it differently. I note that your
22 objection is mostly about authenticity, and it's not about the
23 relevance of these items. And we find these items, for now,
24 relevant, and we will allow to use them.

25 And as regard to your specific objections to authenticity, and

1 you're saying that they are so deficient that you cannot use them in
2 a judicial procedure in any way, these you can formulate them in
3 writing if and when the SPO choose to tender these items for
4 admission in evidence. And then the SPO will have an opportunity to
5 reply.

6 But with regard to the assessment of these items into
7 admissibility, we will make a wholistic assessment with regard to the
8 authenticity, because that's something that has to be seen
9 wholistically, not on a case-by-case basis. Because what on the face
10 value can look not authentic can become very authentic seen with
11 different other items, but we have to see that.

12 So we reject your opposition to the use of these documents.

13 Now we will continue with the cross-examination of Ms. Kadriaaj
14 by the SPO. And -- no, I will leave it for here. But also at face
15 value, we don't see a problem with the authenticity. That -- let us
16 say that.

17 Very well. Madam Court Officer, could you ask -- or Madam Court
18 Usher, could you please bring the witness in.

19 [The witness takes the stand]

20 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Madam Witness. Can
21 you hear me fine?

22 THE WITNESS: [Interpretation] Yes, I can.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Shala, did you hear the
24 answer of the witness?

25 THE ACCUSED: [via videolink] [Interpretation] Yes, I did hear it

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1 very well.

2 PRESIDING JUDGE VELDT-FOGLIA: Good. Then we continue, Madam
3 Witness, with the cross-examination by the Specialist Prosecutor's
4 Office on your left-hand side, and I will give Mr. Prosecutor now the
5 floor.

6 Cross-examination by Mr. De Minicis:

7 Q. Good afternoon, Ms. Kadriaaj.

8 MR. DE MINICIS: Your Honours, as I would like to ask the
9 witness some further questions about her personal details and that of
10 some family members, I think I would prefer to do this in private
11 session for the protection of the privacy of the individuals
12 involved.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well.

14 Madam Court Officer, can you bring us into private session.

15 [Private session]

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Witness: W04440 (Private Session)
Cross-examination by Mr. De Minicis

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19 [Open session]

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

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

22 Please proceed, Mr. Prosecutor.

23 MR. DE MINICIS:

24 Q. Ms. Kadriaaj, today you testified that in 1999 you never went to
25 the town of Kukes in Albania. This is at page 38. Is that correct?

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Cross-examination by Mr. De Minicis

1 A. Yes, correct.

2 Q. You're certain you never, ever went to Kukes in that year?

3 A. Yes, I am certain.

4 Q. Not to work. Just perhaps a visit. You're certain?

5 A. I've not been there.

6 Q. Were you aware of the existence of a KLA recruitment centre in
7 Kukes in 1999 as you were working in Koshare?

8 A. No.

9 Q. So throughout the time that you were working in Koshare, you
10 never learned that there was a mobilisation centre of the KLA in the
11 town of Kukes in Albania; is that correct? You never heard a word of
12 it?

13 A. Never.

14 Q. All right. Now, today you've been asked if you -- in 1999,
15 where you were, and you told us that you were in Koshare working as a
16 doctor there; is that correct?

17 A. Yes.

18 Q. And you said that you provided first aid to the soldiers on the
19 front. And I can imagine there was much need for that.

20 A. Yes.

21 Q. Now, you also testified that you knew the journalist -- well,
22 you didn't say he was a journalist. I got a little ahead of myself.
23 But a person name Milaim Zeka who was in Koshare, though you could
24 not remember the date. Correct?

25 A. Yes.

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Cross-examination by Mr. De Minicis

1 Q. And you also testified that he was, in fact, wounded. This was
2 at page 38 and 39 on the transcript. He was wounded when he was in
3 Koshare; is that correct?

4 A. Yes.

5 Q. Now, it may be a long shot because a long time has passed, but
6 do you recall the date when Milaim Zeka was wounded in Koshare?

7 A. No, I don't.

8 Q. Ma'am, I understand, because -- that it may be difficult. You
9 probably provided care to a number of people at the time.

10 MR. DE MINICIS: But, Your Honours, may I try to refresh the
11 witness's memory with regard to this date by using the testimony of
12 Milaim Zeka himself, who was a defence witness in the Sabit Geci
13 trial and talked about this incident?

14 PRESIDING JUDGE VELDT-FOGLIA: Yes, you may.

15 MR. DE MINICIS: Very well.

16 PRESIDING JUDGE VELDT-FOGLIA: I saw -- sorry, I saw Defence
17 counsel standing and then sitting again, but I could not -- it was
18 not clear for me what you wanted to do.

19 MR. AOUNI: To object to that, Your Honour.

20 PRESIDING JUDGE VELDT-FOGLIA: But do you object? Because --

21 MR. AOUNI: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: -- you --

23 MR. AOUNI: Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: -- sat down again.

25 MR. AOUNI: It was to object, but I heard Your Honour. Yeah.

1 But our objection, if we can place it, is that it is not refreshment
2 of memory if we use the statement of another witness in another
3 proceeding, so we don't see -- if they want to elicit evidence from
4 Milaim Zeka, let them call him.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I see your
6 point. And the Panel is mindful of the principle of orality, and the
7 Panel also knows the rules of procedure on this and, of course, that
8 we have special procedures in place to admit written statements
9 instead of having a testimony here in court. And we will take this
10 into account when weighing the evidence.

11 And we have done something similar in decision 714, and there we
12 also said that the Panel will not rely on these statements for any
13 other purposes than those for which they were used with the witness
14 in court. So we are mindful with what you are saying.

15 So you may proceed.

16 MR. DE MINICIS: Yes. If we could put, please, on the screen
17 SITF00016056 to 00016103 RED at page 15. And I believe that should
18 be number 8 in our presentation queue, Your Honours.

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

21 MR. DE MINICIS: If we could scroll a bit down. Further down.
22 Yes, that's question -- well, it's actually an answer, but it is
23 recorded wrongly as question number 58.

24 Q. Milaim Zeka is asked -- it's in English, I'm afraid, but the
25 interpreter will translate it for you. Milaim Zeka is asked whether

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1 he recalled when he was wounded, and he answered:

2 "I think every person remembers some particular moments in his
3 life, [for] example when arrested or when one gets wounded. It was
4 20th May, at 08.30 in the morning, or 08.40 in the morning."

5 MR. DE MINICIS: And I'm done with this document for now,
6 Your Honours.

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, you can pull
8 the document down.

9 MR. DE MINICIS:

10 Q. Does this refresh your memory when this wounding may have
11 happened, Ms. Kadriaj, 20 May in the morning, 8.30, 8.40? Do you
12 recall that?

13 A. I do not recall that. I wasn't the only doctor in Koshare to
14 know everything.

15 Q. Now, this morning you also testified that Mr. Zeka, after being
16 wounded, received first aid there. And it's again at pages 38 and 39
17 of the provisional transcript.

18 Did you personally provide first aid to Mr. Zeka?

19 A. There were attacks with shells, that's shelling. And I don't
20 know which one of us administered first aid.

21 Q. Was it you? Do you recall administering first aid to Mr. Zeka?

22 A. I don't recall.

23 Q. You don't recall. Very well. Now, do you remember what kind of
24 wounds Mr. Zeka had received from this shelling that you just talked
25 about?

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Cross-examination by Mr. De Minicis

1 A. I don't recall.

2 Q. Do you recall if he was taken to a hospital after receiving
3 first aid care on the ground?

4 A. We did not have information as to where they were taken after
5 Koshare. Most of them were taken to Bajram Curri, but we did not
6 have information.

7 Q. I understand. But do you remember -- can you recall if he was,
8 in fact, taken to a hospital afterwards?

9 A. No, I don't.

10 Q. So you remember that he was wounded. You remember this was --
11 he was wounded by a shelling. But you can't recall whether it was
12 you who administered first aid or whether he had -- you don't
13 remember what kind of wounds he received, and you don't remember
14 whether he later was taken to a hospital; correct?

15 A. No.

16 Q. Well, Milaim Zeka, in his testimony in the trial, he was a
17 defence witness for Sabit Geci in his trial, and he testified that he
18 was, in fact, taken to a hospital in Kukes. Does that refresh --

19 MR. DE MINICIS: And this can be found at the same page of the
20 same document we called earlier on, Your Honours.

21 Q. Does this refresh your recollection to any extent as to whether
22 Milaim Zeka was, in fact, taken to a hospital?

23 A. No, I don't recall that.

24 Q. Ms. Kadriaj, did you go with Milaim Zeka and the team of people
25 that took him to a hospital after he was wounded? Did you travel

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Cross-examination by Mr. De Minicis

1 with him anywhere?

2 A. No.

3 Q. Well, you see, I'm asking because we've heard testimony in this
4 trial of a former logistics officer of the KLA, Mr. Mark Shala. Are
5 you familiar with Mr. Mark Shala? Do you know him?

6 A. I do.

7 Q. Well, Mr. Mark Shala testified, and this is to be found in the
8 transcript of 23 October, pages 2937 to 2942, that he was aware that
9 at some point Koshare was bombed and Milaim Zeka was wounded. He was
10 brought to Kukes for treatment. So Mark Shala knew that. Milaim
11 Zeka testified that he was taken to Kukes for treatment as well.

12 Mark Shala testified - and he seemed to have a pretty good
13 recollection of that - that he saw you at the Kukes metal factory
14 together with Milaim Zeka and Nasim Haradinaj, who you testified
15 earlier today is a person you know and was himself stationed in
16 Koshare. You had lunch together. It lasted maybe one, one and a
17 half hours. Defence counsel put that proposition to you. And that
18 this happened at some point in May.

19 We've seen that the accident happened on the 20th, so it must
20 have happened around that time.

21 Now, does this refresh your recollection as to whether, in fact,
22 at least once you went to Kukes in 1999 with persons you knew on the
23 occasion of a wounding that you yourself recall? Does this refresh
24 your recollection? Think carefully.

25 A. I wasn't -- we were doctors on the very first front lines. Our

1 duty was to provide first aid on the spot --

2 Q. Yes, you're not answering the question, though, are you? I --
3 so my problem here is that a person, who I see no reason he would
4 have to -- for which he would have to lie on this matter, provided
5 very specific details to this Panel about a lunch he had with you.
6 And you see, what he told us is he told us you were having lunch with
7 people you knew.

8 A. This is not true. I could have come across Mark in Papaj, in
9 Padesh, in Kosovo in general, but not in Kukes.

10 Q. Yeah, I know, but that's not what he said and the details that
11 he provided. He didn't put you there with some people that you don't
12 know. He put you there with Nasim Haradinaj, whom you knew, was
13 stationed in Koshare with you; Milaim Zeka, who you knew. You
14 yourself testified, in fact, he was wounded. And Mark Shala seemed
15 pretty confident that he had lunch with you in Kukes.

16 So are you saying that Mark Shala, in fact, was lying when he
17 said -- when he testified under oath that he saw you in Kukes having
18 lunch on that day with Milaim Zeka and Nasim Haradinaj? And I remind
19 you you are under oath, ma'am.

20 A. I understand that. But I will repeat. As doctors, we were on
21 the front line. And whenever a soldier would get wounded, we would
22 provide help, but we could not accompany each and every soldier to
23 hospitals. I was not in Kukes. I did not have lunch with Mark.
24 Maybe I met Mark somewhere else, but not in Kukes.

25 Q. Very well.

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, before you
2 proceed, I have a question for Madam Witness.

3 Are your headphones now better? Madam Court Usher tried to
4 assist you with that.

5 The second point is are you able to proceed another 45 minutes
6 till 4.00?

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

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. We will proceed
9 accordingly. And if there is any issue, you just raise your hand and
10 then we will see how to proceed. Okay?

11 Mr. Prosecutor, you have the floor.

12 MR. DE MINICIS: Yes.

13 Q. Now, Ms. Kadriaaj, you testified earlier that you -- that you
14 knew Mr. Nasim Haradinaj who was stationed in Koshare with you. I
15 wanted to ask you, can you tell us what Mr. Haradinaj's role was at
16 the time in Koshare?

17 A. I know what my role was, that I was a doctor. But in terms of
18 hierarchy and who was in Koshare, I do not know.

19 Q. So you ...

20 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, you have the
21 floor.

22 MR. AOUINI: I am sorry. And I'm a little bit late, but we need
23 to correct something. My learned colleague -- we have two issues
24 with one of the --

25 PRESIDING JUDGE VELDT-FOGLIA: Can the witness be present?

1 Because --

2 MR. AOUINI: It --

3 PRESIDING JUDGE VELDT-FOGLIA: I am -- I can see foresee that we
4 might go into content.

5 MR. AOUINI: The content of one of the questions with --

6 PRESIDING JUDGE VELDT-FOGLIA: Yes, but then I would -- I prefer
7 to have the witness not here. It's as easy as that.

8 Madam Court Usher, can you please accompany the witness out of
9 the courtroom.

10 Madam Witness, you will be ushered out for a moment and then we
11 can discuss something. Thank you.

12 [The witness stands down]

13 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, you have the
14 floor.

15 MR. AOUINI: Thank you, Your Honour.

16 My learned colleague, at page 64, in composing his question, was
17 pressing the witness whether she had lunch with Mark Shala. Now,
18 Mark Shala didn't say that he had lunch with Time Kadriaaj. He said
19 that he saw her on an occasion when she and other people came there
20 to have lunch. That doesn't mean that he had lunch with her at that
21 time. That's the first point.

22 And the second point, Your Honour. We have to be very
23 careful --

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

25 Sorry, Defence counsel. I would like to have the reference for

1 that because we are going to put this on record, your remark, and
2 it's very important to be precise in order to retrieve it.

3 MR. AOUINI: Thank you, Your Honour. The question of
4 Mr. De Minicis starts at page --

5 PRESIDING JUDGE VELDT-FOGLIA: No, not what his question was.
6 Sorry for not being clear.

7 MR. AOUINI: I will give you two --

8 PRESIDING JUDGE VELDT-FOGLIA: But where Mr. Shala said it in
9 the transcript.

10 MR. AOUINI: I was about to give you both transcript references.
11 So the question ends at page 64, line 5, for the SPO. And the
12 reference for Mark Shala's testimony is at page 2939, at lines 12 to
13 14. I can read it if you wish, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Please, if you read it, then it's
15 also in this transcript.

16 MR. AOUINI: "Well, there must have been people that they knew,
17 and they just came there to visit them and to have lunch with them."

18 And we can read the whole portions. It's not that Mark --

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

20 MR. AOUINI: It is a question from Your Honour:

21 "He was wounded, you say. And then why -- but why would he go
22 there if he was wounded in order to have lunch?"

23 And:

24 "Well, he was only lightly injured, so he had some wounds on the
25 arm ..."

1 If we go through, Your Honour, we're moving on other details --

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

3 Okay, but then I thought there was something still relevant to
4 the specific point --

5 MR. AOUINI: No.

6 PRESIDING JUDGE VELDT-FOGLIA: -- you wanted to make. But if
7 there's nothing on the lunch, then no need to read it out.

8 MR. AOUINI: Thank you.

9 MR. DE MINICIS: Your Honour.

10 PRESIDING JUDGE VELDT-FOGLIA: No, you will get the floor.

11 MR. DE MINICIS: Thank you.

12 PRESIDING JUDGE VELDT-FOGLIA: Of course. Of course.

13 MR. AOUINI: And quickly just a second point. If the witness
14 disagrees with what my learned colleague is putting to her, we should
15 not push her to say where "you are saying that Mark Shala is lying."
16 There is multiple explanation in the word for "discrepancy."
17 Especially if some -- if I place any of my colleague in a place with
18 people that he knows, that doesn't make it more credible that if I
19 place him in a place with people he doesn't know. He was there or he
20 was not there.

21 PRESIDING JUDGE VELDT-FOGLIA: I understand you well, your
22 objection to the word "lying."

23 MR. AOUINI: Yes, because --

24 PRESIDING JUDGE VELDT-FOGLIA: No, but I get it succinct --

25 MR. AOUINI: It is that --

1 PRESIDING JUDGE VELDT-FOGLIA: -- Defence counsel, because we
2 are professionals in this world, so your point is you would have
3 preferred another word than "lying" in this respect because you think
4 that she was -- what would be the word? Misled?

5 MR. AOUNI: We are objecting to the formulation --

6 PRESIDING JUDGE VELDT-FOGLIA: Okay.

7 MR. AOUNI: -- of the question --

8 PRESIDING JUDGE VELDT-FOGLIA: But that's clear.

9 MR. AOUNI: -- putting as lying because there are different
10 explanations to that.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay. But it suffices that you
12 inform us of that.

13 MR. AOUNI: Thank you, Your Honours.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. I will give the floor
15 to Mr. Prosecutor.

16 MR. DE MINICIS: Yes, Your Honours. At page 2938 of the
17 transcript, lines 9 to 12 -- actually, I'll read from line 5, the
18 question:

19 "Thank you, Mr. Witness. Now, I have two follow-ups just for
20 clarity. You mentioned the event in which Time Kadriaaj accompanied a
21 journalist and they made their way to the building. How long did
22 this event last in total?

23 "I think it was around lunchtime. It was a very hot day. It
24 was at lunchtime. That's where they also had lunch, and I was with
25 them. So it was for about one, one and a half hours, two hours at

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1 the most. No more than that."

2 That's the basis for our question, Your Honour.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. That is the first point.

4 So I trust that the Defence is satisfied that on this point he said
5 something more on a different place in the transcript.

6 Could you agree on that, Defence counsel?

7 MR. AOUINI: We gladly concede that, Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you.

9 Then the second point, there was an objection made to the
10 formulation.

11 MR. DE MINICIS: Your Honours, I'm entitled to put that
12 proposition to the witness.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes. That would be my position,
14 too. So that one is overruled.

15 Then we can bring back Madam Witness. Yes, thank you.

16 [The witness takes the stand]

17 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Madam Witness, and
18 thank you for your patience, this going in and out. We cannot do it
19 differently.

20 Mr. Prosecutor, you have the floor.

21 MR. DE MINICIS:

22 Q. So before you left us, if you recall, what role Mr. Haradinaj,
23 Nasim Haradinaj had in Koshare, you said you didn't know. But I'm
24 not asking you the specific details, but was he a simple soldier?
25 Was he a commander of some soldiers? Do you know anything about it?

1 A. There was hierarchy in Koshare. And the commander I do not know
2 or the roles of each and everyone I do not know.

3 Q. So you do not know what role Mr. Haradinaj had at the time,
4 whether he was, in fact, the commander or not?

5 A. No.

6 Q. Did you know -- how would you characterise your relationship
7 with Mr. Haradinaj at the time in 1999? Was he just a mere
8 acquaintance of yours or did you know him well?

9 A. I knew him.

10 PRESIDING JUDGE VELDT-FOGLIA: That was not the question of
11 Mr. Prosecutor. The question was what type --

12 THE WITNESS: [Overlapping speakers] ...

13 PRESIDING JUDGE VELDT-FOGLIA: No, let me finish. You know our
14 rule that we don't want to have overlapping speakers. The question
15 was if you knew him well. If you say "I knew him," it's very -- it's
16 still vague for us. I still don't know what you mean with that.

17 So I'm here only to gather information.

18 MR. DE MINICIS: And --

19 PRESIDING JUDGE VELDT-FOGLIA: Please.

20 MR. DE MINICIS: -- Your Honour, in fact, may I suggest that we
21 move into private session for this because, in fact -- may I explain
22 in private why?

23 PRESIDING JUDGE VELDT-FOGLIA: Yes, you may.

24 Good. Madam Court Officer, can you bring us into private
25 session, please.

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22 [Open session]

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

24 PRESIDING JUDGE VELDT-FOGLIA: Very well.

25 Mr. Shala has left the room from which he is participating to

1 these proceedings. The Court will adjourn for a short moment to see
2 how to proceed. The hearing is adjourned.

3 --- Break taken at 3.56 p.m.

4 [The accused appeared via videolink]

5 --- On resuming at 4.14 p.m.

6 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. I see that
7 Mr. Shala is also present.

8 Can you hear me, Mr. Shala? I see that you nod. We put that on
9 record. And you confirmed that you can hear me.

10 We will continue now till half past 4.00. That we have been --

11 THE ACCUSED: [via videolink] [Interpretation] I can hear you,
12 yes.

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

14 Before I usher the witness in. Mr. Shala, I officially warn you
15 that if you show disruptive conduct, and, like I was saying, I'm
16 warning you, you may be removed also from the videolink and you will
17 be allowed to follow these proceedings from another location where
18 you cannot talk directly to the Panel, and then you will be
19 represented here by your Specialist Counsels.

20 So please take good notice of that. And for next time, please
21 watch your language.

22 Madam Court Officer, can you please ask Madam Court Usher to
23 bring the witness in.

24 Mr. Prosecutor, we are now in public session, and when we were
25 proceeding before this, we were in private.

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1 [The witness takes the stand]

2 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, welcome back. We
3 will proceed for another 15 minutes with the examination by the
4 Specialist Prosecutor's Office.

5 Mr. Prosecutor, you have the floor.

6 MR. DE MINICIS: Your Honours, can we please move back into
7 private session.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes, we may.

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

11 [Private session]

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16 [Open session]

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

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Madam Witness, we will resume tomorrow with the hearing at 9.30.

20 I hope you can take a good rest this evening, and then we see you
21 back tomorrow morning. Please refrain from discussing your interview
22 with anybody.

23 THE WITNESS: [Interpretation] Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please.

25 [The witness stands down]

1 PRESIDING JUDGE VELDT-FOGLIA: Very well. Tomorrow, we see each
2 other back in court at 9.30.

3 And before we adjourn, is there anything you would like to raise
4 with us, Specialist Prosecutor's Office?

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

6 PRESIDING JUDGE VELDT-FOGLIA: Okay.
7 Victims' Counsel?

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

9 PRESIDING JUDGE VELDT-FOGLIA: Very well. Defence counsel?

10 MR. GILISSEN: No, thank you, Your Honour. Thank you.

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

12 I hope we will be all here tomorrow morning, and we will proceed
13 anyway tomorrow morning at 9.30. Yes.

14 The hearing is adjourned.

15 --- Whereupon the hearing adjourned at 4.32 p.m.

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