

Additional redactions applied pursuant to F541.

1 Tuesday, 28 March 2023

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.40 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Court Officer, could 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 First of all, I kindly ask the parties and Victims' Counsel to
11 tell who is present today for the teams.

12 Starting with the Prosecutor's office. You have the floor.

13 MR. DE MINICIS: Good morning, Your Honours. For the
14 Prosecution, Line Pedersen, case manager; Denise Koecke, our legal
15 intern; and then Eva Wyler, Gaia Pergolo and Filippo De Minicis,
16 Associate Prosecutors. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, you have the
18 floor.

19 MR. LAWS: Good morning, Your Honours. I'm Simon Laws, Victims'
20 Counsel, together with my co-counsel, Maria Radziejowska.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you. That's noted.

22 And now the Defence, please.

23 MR. GILISSEN: Good morning, Your Honours. I'm
24 Mr. Jean-Louis Gilissen, the lead counsel. I'm here with my two
25 co-counsel, Ms. Leto Cariolou and Hedi Aouini. And we are here with

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1 the same team than yesterday. Dzeneta Petravica, the case manager;
2 Juliette Healy, evidence review assistant; Francisca De Castro,
3 evidence review assistant; Judit Kolbe, evidence review assistant
4 too; Camille Gosson, an intern; and Xhulia Tepshi, an intern and
5 translator.

6 Thank you very much.

7 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] And
8 for the record, your client, Mr. Shala, is also present in the
9 courtroom.

10 Very well. We will continue with the examination, the
11 cross-examination, by the Defence of Witness 08. We will sit again
12 today in three sessions. And I repeat for the benefit of the public
13 that we will have first one and a half hours till 11.00. Then a
14 half-an-hour break. Then resuming at 11.30 and we will sit till
15 1.00. And then from 2.00 till 4.00 we will have the last session.

16 Before we start with the testimony of the witness, we will issue
17 as a Panel two oral orders.

18 The first oral order is a follow-up of what we discussed already
19 partly yesterday which is the request of the Defence for an extension
20 of time for its response to the Prosecution motion for admission of
21 evidence, which is filing 467. We have received responses from the
22 SPO and Victims' Counsel yesterday that they do not oppose to
23 these -- this request of the Defence. And I refer to the draft
24 transcript page 612, line 10, to page 613, line 16.

25 And mindful of the circumstances, the fact that we have a busy

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1 hearing schedule this week and also the length of the submissions by
2 the SPO, we think that there is good cause to grant the Defence's
3 request. And we direct you, the Defence, to file your responses by
4 6 April for filing 463, and 14 April for filing 465.

5 And this concludes our first oral order.

6 The second oral order is -- yes. This pertains to the public
7 redacted versions of the SPO and Defence pre-trial briefs, which are
8 filings 139 and 265. There is not yet a public redacted version, but
9 the Panel would like to have such public redacted versions of both
10 the SPO pre-trial brief and the Defence filed. And for the SPO, it
11 would be, for your pre-trial brief, 14 April 2023, and for the
12 Defence to file a public redacted version of its pre-trial brief by
13 21 April 2023, taking into account the redactions applied by the SPO
14 in its pre-trial brief.

15 And this concludes the second oral order.

16 And this will make more clear, I think, for everybody present in
17 the courtroom what we can discuss and not discuss in the courtroom.
18 We have, of course, the indictment, the confirmed indictment, but the
19 pre-trial briefs, it's something more. And taking into account how
20 the hearing went yesterday, I think we need some more clarity in this
21 respect to avoid so many redactions as we had yesterday.

22 Before I ask to usher the witness in, I have some remarks to
23 make with regard to public and closed sessions and on the examination
24 of witnesses.

25 First of all, for the benefit of the public, it is best that we

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1 have as much as possible this hearing held in an open session. And
2 as I said yesterday, let us try do it as much as possible in open
3 session. That said, we must respect the protective measures in
4 place. And yesterday, I regret to note that we had quite an amount
5 of in-court redactions. And my suggestion is that both parties and
6 Victims' Counsel take note of the redactions we made yesterday and
7 that we use that information for the further examination of the
8 witnesses during the rest of the week. That can benefit us all.

9 The second remark I would like to make is that for each question
10 that we are going to pose to the witness, I would like to have a
11 clear indication if we can remain in public or we should go into
12 private because I want to avoid that in -- yeah, in the flow of the
13 moment, we are in private and we stay in private and we -- instead of
14 going into public when it's possible. We should make an effort and I
15 realise that it is not easy, but on the same time, we have this
16 obligation towards the public to try also to do as much in public.

17 Yes. We saw that in your evidence list the parties nor
18 Victims' Counsel indicated that there is a wish to broadcast anything
19 from the presentation queue in public. And we would like to reassure
20 parties and Victims' Counsel that the questioning can take place in
21 public and -- without the evidence being broadcasted. So that's a
22 choice we can, of course, make. And I'm saying this because please
23 take this on board when determining if we have to go into public or
24 private.

25 And finally, this is on a different note, it is a more general

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1 reminder that the non-calling party should refrain from trying to
2 elicit information from the witness that has already been given when
3 questioned by the calling party. And we would like to receive
4 systematically references to the provisional transcript when
5 referring to excerpts of testimony given by the witness in court that
6 day or the day before. And it's also very helpful to have the ERN
7 number every time you refer to an item on your list.

8 Very well. Having said all this, we can now proceed to continue
9 with the cross-examination of Witness 08.

10 Madam Court Clerk, would you please usher the witness into the
11 courtroom.

12 [The witness entered court]

13 PRESIDING JUDGE VELDT-FOGLIA: Good morning. Please have a
14 seat.

15 Good morning. Do you hear me?

16 THE WITNESS: [Interpretation] Good morning. Yes.

17 PRESIDING JUDGE VELDT-FOGLIA: Welcome again to the
18 Specialist Chambers. I hope you have had some rest.

19 We will continue now with the testimony, the examination by the
20 Defence.

21 Defence Counsel, we noted that you still have, in principle,
22 it's a kind of grocery shop, but 54 minutes left for your
23 cross-examination, and that is based on the calculation that you have
24 effectively the same time as was granted to the Specialist
25 Prosecutor's Office.

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1 You have the floor, Defence Counsel.

2 MR. GILISSEN: Thank you very much, Your Honour. Thank you.

3 WITNESS: TW4-08 [Resumed]

4 [Witness answered through interpreter]

5 Cross-examination by Mr. Gilissen: [Continued]

6 Q. So good morning, Witness. I hope are you doing well. And we
7 will continue with our work.

8 The first question I would like to ask you today is about
9 yesterday, yesterday at page 643, line 4 of the draft transcript.
10 You say you were at home when the KLA soldiers came and surrounded
11 the house. I would like to show you the statement you made on
12 [REDACTED]
13 [REDACTED] 2003.

14 MR. GILISSEN: Court Officer, please pull ERN 061216-061218,
15 page 1, for our screen. Yes.

16 Q. So, Mr. Witness, on [REDACTED], you stated, the investigators
17 recorded, and I read:

18 "KLA soldiers came and surrounded the house on [REDACTED] May
19 1998 at
20 about 1800 hours. I was not at home at that time."

21 Do you consider this consistent with the explanation you gave
22 yesterday?

23 PRESIDING JUDGE VELDT-FOGLIA: That was explained yesterday,
24 Defence Counsel, by the witness already.

25 MR. GILISSEN: Yes, I know it. But I consider it is
inconsistent. It is inconsistent. That's why I have to read all the
statement. The statement is very clear on the date, on the condition

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1 of the visit, of what has happened about that, and what we heard
2 yesterday didn't match with the statement and the investigator's
3 note.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I will ask you to
5 leave the courtroom.

6 Madam Court Clerk, could you please usher the witness out.

7 You will be ushered out a moment. Thank you.

8 THE WITNESS: [Interpretation] Thank you.

9 [The witness stands down]

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you have the
11 floor.

12 MR. DE MINICIS: Yes, Your Honours. Good morning.

13 By all means, Defence Counsel can put to the witness all of his
14 previous statements that he considers to be inconsistent. But for
15 completeness, and the witness yesterday explained, I specifically put
16 to him this part of his statement. And he explained that he referred
17 that the first time, the first visit, when two people came to the
18 house, he wasn't home. But the second time he was home.

19 So I think that for completeness, if counsel wants to put that
20 to the witness, he should also put to him the explanation that the
21 witness provided about this supposed inconsistency, not just the
22 partial one which the witness has already explained.

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

24 MR. GILISSEN: Yes, thank you very much. Your Honour, as you
25 know, you ruled the fact that if we want to introduce a statement or

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1 document from the statement of the witness, we have to read it at the
2 hearing.

3 I am ready to read all the statement. I need to include in the
4 file of the Court, of the Court, of course, but it's long. I prefer
5 to cut the question and to continue. But I'm ready to read all the
6 answer because I pretend, respectfully, that if you read all the
7 statement, you understand perfectly well, it is impossible this error
8 of dates or this error of visit, it's impossible. He is talking only
9 about one sole visit with all the elements we know. This is the day,
10 he quotes the date. And he explains even this is the day they came,
11 they surrounded the house, they recognised three persons, not two.
12 And it's difficult for two persons to surround the house, I think so.
13 That's the day that the father was closed in the room. He was asked
14 by the family to provide the gun to the KLA soldier, or the so-called
15 KLA soldier. All the elements are here.

16 Really, the explanation we receive yesterday doesn't match. It
17 is impossible. That's only impossible. The witness explained only
18 one visit and he quotes the date for that.

19 So, really, I am very -- I'm ready to all the gymnastic, really.

20 PRESIDING JUDGE VELDT-FOGLIA: And we are ready also to have all
21 the questions asked to the witness that are necessary for the
22 Defence. We are not here to cut any attempt to do that. That's not
23 our job. We want a fair trial.

24 For this specific point, what you just mentioned, I heard an
25 explanation yesterday.

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1 But I will go back to the Specialist Prosecutor.

2 MR. DE MINICIS: Just briefly also for the record, I just would
3 like to specify this is not a statement. This are investigator's
4 notes which is not signed by the witness, it's not read by the
5 witness. So it's not -- just for the record, when we are talking
6 about this, we are talking about notes by the investigator not a
7 statement which, like the others, was reread and signed by the
8 witness.

9 PRESIDING JUDGE VELDT-FOGLIA: But, Mr. Prosecutor, your
10 suggestion was in this respect to read out also the first visit,
11 but -- because I did not -- I don't think that I grasped your
12 intervention in this respect.

13 MR. DE MINICIS: No, I was just -- to use precise terminology in
14 this regard, these are investigator's notes --

15 PRESIDING JUDGE VELDT-FOGLIA: No, no. Your first remark when
16 you replied to the Defence when we were discussing what questions
17 should be put to the witness. You referred that we should -- that
18 what Defence Counsel was putting to the witness was too limited.

19 MR. DE MINICIS: Yes, that's correct. But I asked the witness
20 to explain the content of these notes. I just -- this is not a
21 statement. That's ...

22 PRESIDING JUDGE VELDT-FOGLIA: Okay, the notes.

23 MR. DE MINICIS: Notes.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes. But you wanted also to
25 be put to the witness the first visit.

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1 MR. DE MINICIS: Well, the explanation that the witness gave in
2 this regard, yes. That the question would take into account what the
3 witness had already explained about this document. That was my
4 point.

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

6 MR. GILISSEN: May I, Madam President? Thank you, Your Honour.
7 Yes, indeed, it is an investigator's note. That's right.

8 But of course, the question of my dear friend from the
9 Prosecution service was a tiny part of this note. That's only some
10 words, two phrases. And I would like to introduce in the court file
11 the most important part of the statement. If we ask only about what
12 was reading yesterday, it's a no way. It's not the truth. It is not
13 the reality. The reality is all the elements of information that the
14 witness provided to the investigations on these dates.

15 PRESIDING JUDGE VELDT-FOGLIA: I would propose in this respect,
16 because I understand that it's an important part of the testimony of
17 the witness yesterday, that you also read out to him today the
18 explanation he has given with regard to the question the SPO posed.

19 If you have done that, then you have refreshed his mind, and
20 then you can put this investigative note, I would say, almost again
21 to him, and then we take it from there. Because I see that it is
22 important. On the other hand, when you made this -- only make this
23 quote, maybe it will not be enough for the witness to understand
24 which part of the transcript we are exactly talking about. Yes?

25 MR. GILISSEN: May I just say that it was really a question for

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Cross-examination by Mr. Gilissen (Continued)

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1 us. To read all the things, it's a little bit longer, or to try to
2 cut it as you suggest yesterday. We decided to try to cut it, but I
3 prefer to read it, a full one, than to explain why we have the
4 question and to refresh him this idea.

5 PRESIDING JUDGE VELDT-FOGLIA: The fact that we would like to
6 have the reference does not exclude that you also read it out. What
7 we don't want is just a summary --

8 MR. GILISSEN: I know.

9 PRESIDING JUDGE VELDT-FOGLIA: -- without any reference. That
10 makes it too difficult for all of us to get to the transcript.

11 MR. GILISSEN: Yeah.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well.

13 Madam Court Clerk, could you please call back the court usher
14 with the witness?

15 [The witness takes the stand]

16 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness.
17 Please have a seat.

18 We will now continue with the examination by Defence Counsel.

19 Thank you, Madam Court Usher.

20 It's on that same page, the question that was asked by the SPO.

21 MR. GILISSEN: So may I ask to my case manager to read the thing
22 because it's too tiny for my eyes, I'm sorry, even with the glasses.
23 Thank you very much. Kind of you.

24 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you first
25 introduce the question to the witness and then proceed.

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1 MR. GILISSEN: Of course, yeah.

2 Q. So yesterday, Mr. Witness, at page 643, line 4 of the draft, the
3 draft transcript, you say you were at home when the KLA soldier came
4 and surrounded the house. And we will refresh your memory by reading
5 an extract of this transcript.

6 Please.

7 MS. PETRAVICA: This is page 643, lines 22 to 25, and page 644,
8 lines 1 to 3:

9 "At the time when the two persons arrived, the two persons came
10 the first time, Hamez Ibrahimaj, I was not there, only my brother was
11 there. But I met them at the front door. But when these two persons
12 came inside the courtyard the second time with the other KLA
13 soldiers, 10 to 15 persons that were staying outside of the house,
14 some wearing masks, some wearing hats, carrying automatic rifles, I
15 was present."

16 MR. GILISSEN: Yes.

17 Q. *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

19 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

20 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

21 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

22 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

23 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

24 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

25 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

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1 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.

4 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.

5 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.

6 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.

7 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.

8 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

10 MR. GILISSEN: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: I think that it's better that we
12 go into private.

13 MR. GILISSEN: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we go
15 into private.

16 ~~[Private session]~~ [Open Session] Reclassified Pursuant
to F541

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

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Please proceed, Defence Counsel.

20 MR. GILISSEN: Thank you very much, Your Honour.

21 Q. "At this juncture, [REDACTED] went in and asked my father to hand
22 over his weapon for the safety of all. He acceded to his request and
23 handed his pistol to him and he turn handed it over to the KLA. At
24 the time of leaving, they told my family that our father should
25 report the next day to Lahi Brahimaj and his brother Nazmi Brahimaj

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1 at KLA headquarters in Jabllanice at 10.00. Lahi Brahimaj was the
2 commander at the time in Jabllanice."

3 So my question, Mr. Witness, is: Do you consider that, with all
4 this detail, this document I read is consistent with the explanation
5 you gave yesterday?

6 A. Yes. I can also explain them further. The first time when they
7 came, it was Hamza and Naser that came. Only these two persons came.
8 I was not there. My brother was there. I met them on the street and
9 I spoke to them very briefly. We discussed the weapons and I told
10 them I will not hand over the weapons. I need them for the village
11 Defence.

12 The second time, Naser Ibrahimaj, Hamez Ibrahimaj and other
13 soldiers came. This is the misunderstanding in the statement.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness.
15 Defence Counsel.

16 MR. GILISSEN: Thank you very much.

17 Q. So in the same statement, Mr. Witness, you state:

18 "I was told by my family that out of this group my family could
19 recognise three persons."

20 How do you -- could you explain this difficulty where you are
21 talking about two persons your family recognised. Your family
22 recognised three persons. Yesterday you told us it was not a
23 recognition on the spot during the day. That's what I would like to
24 understand.

25 A. This statement was given after it happened. And the suspect

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1 told my father face to face when he was mistreating him. We only
2 recognised two persons that came in the courtyard at that time. You
3 may ask the suspect about that. You may ask for details from him.

4 Q. But did I -- doesn't commit a mistake --

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I will give the
6 floor to Mr. Prosecutor.

7 MR. DE MINICIS: If I may only suggest that while questioning
8 the witness on this document, rather than suggesting that it is his
9 statement, "Why did you state this," it would be more appropriate to
10 ask why the investigator would have recorded that. Because, again,
11 it's not a verbatim statement. There is no signature of the witness.
12 There is no attestation in the end that the witness has read the
13 statement and confirmed its accuracy.

14 So I think for fairness to the witness, it would be more
15 appropriate to ask why did then the investigator record this
16 information in the notes, rather than asking him, "Why did you state
17 that?"

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your suggestion,
19 Mr. Prosecutor.

20 Defence Counsel, I'm sure you can adjust your wording to make
21 clear that we are talking about an investigative note which
22 recorded -- in which the statement -- the words of the witness are
23 recorded not literally as said by the witness but by the
24 investigators.

25 MR. GILISSEN: Yes. But I'm sure that the witness is unable to

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Cross-examination by Mr. Gilissen (Continued)

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1 know why the investigator work like this. To ask this question to
2 him, it's a no way. He is unable to answer it. I want to be fair
3 with the witness and not ask him a question he is unable to answer,
4 of course.

5 PRESIDING JUDGE VELDT-FOGLIA: But you can, Defence Counsel, say
6 that in the note is written that he has said something similar or
7 that the investigator understood that he said. You can choose the
8 wording which makes clear that it is not his verbatim statement.

9 MR. GILISSEN:

10 Q. Mr. Witness, I can just ask you the question about the dates the
11 investigator's note, the fact that you explain you were not there,
12 but you were told by your family about all these events. Two, two
13 times in the statement -- in the investigator note, they say: "I was
14 told by my family that," dadada, and all the elements correspond to
15 what you call a second visit.

16 So the investigator committed a mistake. What is your answer
17 about that?

18 A. I swore, I'm under oath, and my answer today is that the first
19 incident, I met them on the street and I spoke to them briefly about
20 the weapons. I was present with my entire family on the second
21 incident. This can be also confirmed by other court proceedings.

[Private Session]

22 [Private session text removed]

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1 [Private session text removed]

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Witness: TW4-08 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen (Continued)

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1 [Private session text removed]

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Witness: TW4-08 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen (Continued)

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1 [Private session text removed]

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Cross-examination by Mr. Gilissen (Continued)

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1 [Private session text removed]

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Witness: TW4-08 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen (Continued)

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1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F541*

10 What do you have to declare about this, Mr. Witness?

11 A. This happened in Durres, Ramallak and Kukes, the same tortures.
12 They used electroshocks there and in the other location, and other
13 instruments, wooden instruments, weapons, sharp objects. But they
14 also put salt on his wounds. They put salt on his wounds. That is
15 inhuman what happened. These crimes are inhuman.

16 Q. Yes, indeed. If they made it, it's inhuman, that's sure. If
17 they made it.

18 So you said yesterday at transcript page 720, lines 1 to 6, that
19 you have found about Pjeter Shala being present in the 1988 [sic]
20 incident --

21 PRESIDING JUDGE VELDT-FOGLIA: But which one?

22 MR. GILISSEN: Yeah. It's transcript page 720, lines 1 to 6.

23 Q. That you have found --

24 PRESIDING JUDGE VELDT-FOGLIA: For the witness, it is not only
25 for me, it's important that you refer to which incident for the

1 witness.

2 MR. GILISSEN: What he called the second incident, indeed.

3 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] it is
4 important that he knows that we are discussing the second incident.

5 MR. GILISSEN: Yeah.

6 PRESIDING JUDGE VELDT-FOGLIA: And then you ...

7 MR. GILISSEN:

8 Q. That you have found out about Pjeter Shala being present in the
9 1998 incident from your neighbour after the war. You also mention
10 that this was in September 1999. I would like to show you a passage
11 from your prior statement to seek an explanation from you. This is
12 ERN 105285-TR-ET, Part 1, page 15, lines 14 to 16.

13 "So at the time someone told you that Pjeter Shala was there?"

14 It's a question.

15 And the answer is:

16 "I learned this around one month afterwards."

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please wait
18 until we have all the documents on the screen.

19 MR. GILISSEN: I'm sorry.

20 PRESIDING JUDGE VELDT-FOGLIA: Yes. They are there. Thank you.

21 MR. GILISSEN: I can repeat.

22 Q. "So at the time someone told you that Pjeter Shala was there?"

23 This is the question.

24 And the answer is:

25 "I learned this around a month afterwards."

Witness: TW4-08 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen (Continued)

Additional redactions applied pursuant to F541.

1 So my question is: Which version, Mr. Witness, is correct?

2 That you inquired and learned about Pjeter Shala three weeks after
3 the incident in 1998 or that you learn it after the war, in
4 September, in 1999, the answer you provide yesterday?

5 A. I heard this version the first time from my father when he was
6 released from prison.

7 Q. So I that is very clear, I think so, this answer.

 [Private Session]

8 [Private session text removed]

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Witness: TW4-08 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen (Continued)

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-08 (Resumed) (Open Session)

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Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 [Open session]

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

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

4 Mr. Witness, the Defence Counsel has completed the
5 cross-examination. I will now go to the Prosecutor's office and ask
6 if they want to proceed with a re-direct examination of the witness.

7 MR. DE MINICIS: Your Honour, just something very brief,
8 probably five minutes maximum.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay, very well. You have the
10 floor.

11 Re-examination by Mr. De Minicis:

12 Q. Good morning, Mr. Witness. I just have really a couple of
13 questions for you. We will be done soon.

14 MR. DE MINICIS: Your Honours, could we please pull up a
15 document on the screen which is the witness's previous statement to
16 the ICTY. Defence Counsel referred to this statement during his
17 cross-examination. It's from 2010. The ERN is U0174052 to U0174057.

18 PRESIDING JUDGE VELDT-FOGLIA: Please, could you put it on the
19 screen, Madam Court Officer.

20 MR. DE MINICIS: [Microphone not activated] In Albanian, the same
21 ERN.

22 Now if the court officer could show paragraph 4 on the screen,
23 please. It's page 2 in the English and possibly the same page in
24 Albanian. Yes, that's correct.

25 Q. Now, Mr. Witness, this is something that -- paragraph 4 concerns

Witness: TW4-08 (Resumed) (Open Session)

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Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 the time where the KLA -- a group of KLA soldiers visited your house.
2 We discussed that extensively. And Defence Counsel has put several
3 questions to you about that. Now --

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, apologies that I
5 interrupt you. Just to be sure, can we do this in public or should
6 we go into private?

7 MR. DE MINICIS: Your Honours, I think we can do this in public.

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

9 MR. DE MINICIS:

10 Q. Now, I would just like to read to you the first three lines of
11 this. Paragraph 4:

12 "The KLA visited us a second time some days later ... in the
13 afternoon, at around 1700 hours and this time they were more
14 numerous. They were about 10 to 15. I was at home when they came."

15 Now, was -- do you recall giving this statement to the ICTY in
16 2010?

17 A. Yes.

18 Q. Thank you.

19 MR. DE MINICIS: Now, if I could please have page 5 of this
20 statement on the screen.

21 Q. Mr. Witness, this statement -- this is page has a heading which
22 states "Witness Acknowledgment," and it states:

23 "This statement consisting of six pages has been read over to me
24 in the Albanian language and is true to the best of my knowledge and
25 recollection. I have given this statement voluntarily and I am aware

Witness: TW4-08 (Resumed) (Open Session)

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Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F541.

1 that it may be used in legal proceedings before the International
2 Criminal Tribunal," and so on.

3 Mr. Witness, now, in the English, there is a signature
4 underneath this acknowledgment. Do you recognise that signature?

5 A. Yes.

6 Q. Whose signature is it?

7 A. It's my signature.

8 Q. Thank you.

9 MR. DE MINICIS: Could we please go back to page 2, where
10 paragraph 4 is, Your Honours.

11 Q. Now, under paragraph 4, in the English version, there is also
12 another signature. Do you recognise this signature?

13 A. Yes, it's mine. It's my signature.

14 MR. DE MINICIS: Thank you, Your Honours. I'm done with this
15 document.

16 In fact, I'm done with my examination.

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

18 I turn now to Victims' Counsel. Do you wish to re-examine the
19 witness?

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

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 And the Defence, that was a short round. Would you like to
23 proceed with a rejoinder examination, Defence Counsel?

24 MR. GILISSEN: No. Thank you very much, Your Honour. Thank
25 you.

1 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then I will confer
2 with the colleagues.

3 [Trial Panel confers]

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you have been asked
5 several questions by the parties and Victims' Counsel. Also the
6 Panel has one or two questions left for you, so please bear with us a
7 little bit more.

8 And I will now give the floor to one of my colleagues. Yes.

9 JUDGE MIKULA: Mr. Witness, yesterday, according to yesterday's
10 transcript, it was on page 77, in lines 1 to 6, you mentioned that
11 your father was losing or lost the sight. And could you little bit
12 elaborate more on this? When was it? Was it -- what contributed to
13 that, and how affects his ability to live a normal life?

14 THE WITNESS: [Interpretation] As far as I remember, it was
15 sometime in 2008 when he began to lose eyesight. There is a
16 documentation testifying to an operation that he had, but
17 unsuccessful. So it was about eight years later. That is, after the
18 time that he was kept in prison.

19 So all this was a result of what he went through during the time
20 in detention. Inhumane tortures until he lost consciousness. My
21 father told me when others would come in, they would tell them, "Go,
22 hit him, beat him." These were various forms of tortures exercised
23 by these persons on the others. I cannot maybe identify all of them,
24 but the suspect has to tell you about everything that happened there,
25 because he was there present. He exercised violence together with

Additional redactions applied pursuant to F541.

1 others.

2 JUDGE MIKULA: Thank you very much. Thank you.

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we reached the end
4 of your testimony, and I would like to thank you for the efforts you
5 have put in your testimony, which I believe will be of help for the
6 Panel to reach a verdict. So thank you very much.

7 We wish you a safe journey home. And I remind you that you
8 should not discuss your testimony you have given here at the
9 Specialist Chambers with anybody. You understand that?

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

11 PRESIDING JUDGE VELDT-FOGLIA: Then I will ask Madam Court Usher
12 to usher you out. Thank you again.

13 THE WITNESS: [Interpretation] Thank you. And I wish you good
14 work and all the best.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 [The witness withdrew]

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

18 It's now a quarter to 11.00. We will resume in 30 minutes and
19 then we will proceed with the testimony of Witness 06. Yes? Very
20 well.

21 Oh, yes, Mr. Prosecutor, you have the floor.

22 MR. DE MINICIS: Very briefly, just for completeness. You
23 reminded me yesterday I owe you a reference in the provisional
24 transcript of page 67 yesterday, and this reference was at page 39 of
25 yesterday's provisional transcript, for the record.

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. For the record it's
2 now put in the transcript.

3 Very well. Hearing is adjourned until quarter past 11.00.

4 --- Recess taken at 10.44 a.m.

5 --- On resuming at 11.33 a.m.

6 PRESIDING JUDGE VELDT-FOGLIA: Welcome back again. Change in
7 composition with the SPO team? No.

8 MS. PERGOLO: Same composition.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 Victims' Counsel is complete as before.

11 Defence Counsel.

12 MR. GILISSEN: Is the same composition too.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well. And I see that
14 Mr. Shala is also present for the moment, if I understood well.

15 Defence Counsel, before we continue with the testimony of the
16 SPO Witness 06, I turn to you because I think you want to make a
17 request. Did I understand that right?

18 MR. GILISSEN: Yes, Madam President. Your Honours, Mr. Shala,
19 who is a person who has some desire, has a wish to go back to jail
20 and to follow the hearing by videolink. He is a nervous person.
21 He's a nervous person. He didn't appreciate the way things are going
22 on, and he prefer to follow the hearing by videolink. It's better
23 for him. We met him twice, just before now, and he was really very
24 excited. He was trembling and so on. I think it's really a better
25 thing for him and for everybody, I think so.

Additional redactions applied pursuant to F541.

1 That's why we ask you very respectfully to accept to release him
2 to come back to jail, and, of course, he is able to fulfil a waiver
3 to be able to follow the debates and the hearing by videolink.

4 Thank you very much.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. I will give the floor also
6 to the SPO and Victims' Counsel. But before that, I would like to
7 outline the structure in which this could be done, that a videolink
8 could be set up like it has been done in the past, but that will
9 require some time.

10 It is -- it's in principle, but we still have to rule on it, not
11 our intention to delay the judicial proceedings. So Mr. Shala could
12 stay in the courtroom, that would be an option, and as soon as
13 everything is ready, he could be transported to the Detention Unit.
14 He could also waiver his right to be present. But we cannot set up
15 in a short amount of time a videolink because that will take time.

16 So that would mean, *in concreto*, that if he doesn't want to be
17 present here in the courtroom, he should waive his right to follow
18 the proceedings and he can stay downstairs following the proceedings
19 through the video, but he is not participating via videolink
20 officially as he would be in the Detention Unit where he is staying.

21 So it's -- it would be a waiver and then, after that, as soon as
22 everything is put in place, the possibility to follow it via
23 videolink.

24 But before that, I want to give the floor to the Specialist
25 Prosecutor's Office to hear their views.

Additional redactions applied pursuant to F541.

1 MS. PERGOLO: Your Honours, the SPO has no objection to the
2 Defence request, provided, of course, Mr. Shala provides a written
3 waiver that is put on record. That's it. Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 Victims' Counsel, would you like the floor?

6 MR. LAWS: Your Honour, thank you. We are completely neutral as
7 to this matter. Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Defence Counsel, in addition to what I just proposed, so we --
10 the idea would be that there be would a waiver for this morning.
11 Then we will proceed as programmed with the hearing of the witness.
12 And then Mr. Shala can follow here or downstairs, but that still
13 requires a waiver, and, at the same time, arrangements are made to
14 bring him back to the Detention Unit and then there he would be able
15 to follow the complete videolink with participation --

16 MR. GILISSEN: May I ask Mr. Shala if he preferred to stay here
17 or to go downstairs?

18 PRESIDING JUDGE VELDT-FOGLIA: I would say, please, you can
19 approach him --

20 MR. GILISSEN: Thank you very much, kindly.

21 PRESIDING JUDGE VELDT-FOGLIA: -- if security agrees with that.
22 I see nodding.

23 [Specialist Counsel confer]

24 MR. GILISSEN: Yes, Your Honours. Mr. Shala waives to attend
25 his trial. He don't want to stay in the courtroom or even downstairs

Additional redactions applied pursuant to F541.

1 to follow by videolink. He prefer to waive his right to be present
2 at the trial. He asked us to represent him but to go back to prison
3 because he needs to be calm, to be in a calm situation.

4 Thank you very much.

5 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] also
6 for Mr. Shala.

7 Arrangements are made to bring Mr. Shala back to the
8 Detention Unit. But, in the meantime - and that was the purpose of
9 my remark - this could be facilitated to give him the possibility to
10 follow proceedings. The arrangements will not be quicker or less
11 quick than if he is following or not while he is still at the
12 premises of the Kosovo Specialist Chambers. So that was the point I
13 was making.

14 But you made it clear. And I understand that Mr. Shala is aware
15 there is a presumption in favour of his presence in this courtroom.
16 He is aware. And you are also are telling me that he is completely
17 aware of the consequences of waivering, that he will not be here, and
18 he has not -- there's no pressure to waiver his right to be present.
19 Very well. And you will be representing him together with the team
20 while is he not present? I see you nodding. These are all formal
21 requirements for the waiver.

22 MR. GILISSEN: I can guarantee the Court is perfectly aware
23 about the situation and the rules, and I thank you to -- to decide
24 it, to authorise him to come back as soon as possible.

25 Thank you.

Additional redactions applied pursuant to F541.

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

2 Then I will give ...

3 [Trial Panel confers]

4 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, you have the
5 floor.

6 MS. PERGOLO: Your Honours, just to mention that the SPO does
7 not oppose the request for Mr. Shala to follow via videolink, but we
8 would have a preference for him to be able to attend in one way or
9 the other, the proceedings. So that -- that things do not proceed as
10 he is being transferred to the Detention Unit. That would be our
11 suggestion.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 Madam Prosecutor, you heard -- I've heard your suggestion or
14 your preference. But we have also heard the position of the Defence
15 in this respect.

16 Very well. We will then give an oral order on this matter. In
17 fact, I will give two oral orders in this respect for -- with regard
18 to the request of Mr. Shala not to follow the proceedings today
19 anymore in person, and for that, we will need a two-fold order.

20 One, we note the submissions of Mr. Shala who requests leave to
21 follow the trial proceedings from the specialist detention facilities
22 via videolink for the reasons set out by the Defence.

23 We note that the videolink can be set up at a short notice. And
24 we note that Rule 68 of the rules establish a presumption in favour
25 of the presence of the accused at trial - I want to emphasise that -

Additional redactions applied pursuant to F541.

1 which is reflected in the right of the accused to be tried in his
2 presence under Article 21(4) (e) of the law.

3 We further recall that participation via videolink from the
4 detention facilities is, in principle, only allowed for in the
5 circumstances provided for under Rule 61(2) and Rule 68(6) of the
6 rules. However, pursuant to Article 4(2) of the law and Rule 116(1)
7 of the rules, we can adopt such procedures and modalities as are
8 necessary to facilitate the fair and expeditious conduct of the trial
9 proceedings.

10 The Panel considers that the current situation whereby
11 Mr. Shala, with little or no notice, wishes to be absent himself from
12 the proceedings has an impact on the expeditious conduct of the
13 trial. And we also note that participation via videolink from the
14 detention facilities does not prejudice Mr. Shala insofar as he will
15 able to follow the proceedings and communicate with counsel who will
16 be present in the courtroom. And this will allow Mr. Shala, as
17 stated by his counsel, to have meaningful participation as if he was
18 physically present in the courtroom, and Mr. Shala will be put in the
19 possibility to instruct his counsel whenever needed.

20 This is without prejudice to the right of Mr. Shala to attend in
21 person any hearing, if he so wishes to do so, and the power of the
22 Panel to order Mr. Shala to attend in person any hearing where the
23 Panel considers his physical presence necessary or when the rules
24 impose such a presence.

25 Accordingly, we authorise Mr. Shala to attend the trial

Additional redactions applied pursuant to F541.

1 proceedings for today, and we will see how it goes further, what the
2 requests in this respect are, remotely from the Specialist Chambers
3 and at the detention facilities. And we order the Registrar to make
4 the necessary arrangements to set up the videolink and to make
5 possible a direct line of communication between Mr. Shala and his
6 counsel in the courtroom.

7 And, in addition, we order the Defence to inform the Panel, SPO,
8 and Victims' Counsel via e-mail, through Court Management Unit,
9 whether Mr. Shala intends from now on -- it is not clear for us yet
10 how this will proceed, if he will be physically present in the
11 courtroom or not, and we would like to know that one day prior to
12 each hearing, including if it is on Sunday, for the next day, because
13 halfway the day, like today, is very disruptive for the judicial
14 proceedings and for the whole organisation.

15 This concludes the oral order of the Panel, the first oral
16 order.

17 Then there is a second oral order with regard to the waiver of
18 the period that Mr. Shala will not be in the courtroom and also not
19 following the proceedings.

20 We have taken note of the submissions in this regard of the
21 Specialist Prosecutor. However, in -- taking on board Mr. Shala's
22 wish not to follow the proceedings anymore in the courtroom or even
23 downstairs, and the importance of an efficient management of the
24 trial proceedings, and that means that we cannot wait -- we don't
25 want to the wait another one and a half, two, two and a half hours

Additional redactions applied pursuant to F541.

1 before everything is set up. And the short notice we were given in
2 this respect, we will grant -- we will accept the waiver and under
3 Rule 68(4) of the rules, there needs to be for a waiver, under the
4 rules, an Initial Appearance, and that has been there. Mr. Shala has
5 been duly notified that is he required to be present, and
6 Mr. Gilissen has confirmed that. Mr. Shala has unequivocally and
7 voluntarily waived his right to be present. His counsel will be
8 present and will represent his interests during this hearing. And,
9 in the specific circumstances of today, we are of the opinion that
10 the presence of Mr. Shala is not necessary for this specific hearing.

11 So we authorise Mr. Shala not to be present for the remainder of
12 the day.

13 This concludes my oral order.

14 So I will ask security to bring Mr. Shala downstairs. Thank
15 you.

16 [The accused withdrew]

17 PRESIDING JUDGE VELDT-FOGLIA: Yes. We will proceed now with
18 Witness 06, with the examination of Witness 06 by the Specialist
19 Prosecutor's Office. We will work till 1.00, we have our break, and
20 then we work from 2.00 to 4.00. And we -- yeah, it has taken us,
21 yes, three-quarters of an hour.

22 Defence Counsel, I understand that it's not completely in the
23 sphere of what you can control, but during the day, we will -- we
24 have now allowed for it as an exception, but we need to know in
25 advance. We cannot halfway the day make witnesses wait and use

Additional redactions applied pursuant to F541.

1 judicial time in this way. We have proceedings for this to -- I
2 respect the wish of the accused not to be present, but we have rules
3 for that and I would like to keep to those, to be able to efficiently
4 manage the time of all of us, respecting his needs too.

5 And I see you nodding.

6 MR. GILISSEN: Things are very clear, Your Honour. Things are
7 very clear. And I hear the decision you issued. It is very clear.

8 Thank you very much.

9 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, you have the
10 floor.

11 MR. LAWS: Your Honour, a quite different topic. I wonder if it
12 would be convenient to deal with the issue that was raised by e-mail
13 by us at 9.42 this morning in relation to the additional exhibit. I
14 raise it now because I don't want to interrupt the proceedings at a
15 later stage.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes, I will say I think we have
17 prepared -- could you make more explicit what you're referring to --

18 MR. LAWS: Your Honour, yes. It's an e-mail sent by my
19 co-counsel, Ms. Radziejowska, at 9.42, in which we point out that
20 there's one item on our presentation queue that had not previously
21 been disclosed in Legal Workflow. It's the paragraph 44, 2 point
22 which Your Honour raised yesterday. We checked overnight, and there
23 is one. It's a photograph so it will take no time to prepare, but we
24 invite Your Honour and Your Honour's colleagues to give us leave to
25 use that photograph.

Additional redactions applied pursuant to F541.

1 THE WITNESS: [Interpretation] Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: How are you?

3 THE WITNESS: [Interpretation] I am well.

4 [Trial Panel and Court Officer confer]

5 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, today we will
6 start with your testimony, but before we start I have several remarks
7 for you.

8 I first --

9 THE WITNESS: [Interpretation] Go ahead.

10 PRESIDING JUDGE VELDT-FOGLIA: Let me first explain the
11 protective measures that have been granted to you for your testimony.

12 The first one is that you have been assigned a pseudonym, and
13 that means that we will never mention your name and will refer to you
14 only as "Madam Witness," to make sure that the public does not know
15 your name.

16 We also have face and voice distortion for you in order that no
17 one outside the courtroom that is watching the broadcast can see your
18 face or hear your real voice during your testimony.

19 And when you answer questions that will not reveal your
20 identity, we will do so in open session, as we call it. This means
21 that the public can hear what is said in this courtroom.

22 And when you are asked to describe anything that relates
23 specifically to you, or mention facts that might reveal your
24 identity, we will do that in the so-called private session, and that
25 means that there is no broadcast and no one outside the courtroom can

Additional redactions applied pursuant to F541.

1 hear what is said in the courtroom. So then it's just us.

2 And if anything is said during an open session that may identify
3 you, we will protect that information, because the testimony you will
4 be giving will be broadcasted with a delay. And we can remove any
5 information that we don't want to go out from the broadcast that will
6 be seen and heard by the public, and we also take it out of the
7 transcript of the proceedings, so everything that is written.

8 Are the protective measures that I just explained to you, are
9 they clear for you?

10 THE WITNESS: [Interpretation] Yes. I understand them.

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

12 THE WITNESS: [Interpretation] Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, you are called to
14 testify before the Specialist Chambers in the case of The Specialist
15 Prosecutor's Office versus Pjeter Shala to assist the Panel of Judges
16 - that are we - to reach a verdict. After you have taken your solemn
17 declaration to tell the truth, you will be asked questions by the
18 lawyers for the Prosecution. They sit on your left side, nearest to
19 the lawyers with the togas partly in purple. You will be asked
20 questions by the lawyers representing the victims admitted to
21 participate in this case. It is on your left side nearest to you.
22 And the Defence Counsel of Mr. Shala on your right side, with the
23 togas partly in red. Yes? And by us, the Judges.

24 And I would like to provide you with some guidance for answering
25 the questions that you will be asked, Madam Witness. Listen

Additional redactions applied pursuant to F541.

1 carefully to each question and if you don't understand, feel free to
2 ask the question to be repeated.

3 For us, it is important that you tell the truth and that you
4 tell us what you heard, what you sensed, what you experienced, what
5 you saw yourself. And if you did not see or hear it yourself but you
6 found out in another way, please tell us. Because it is, for us,
7 very important if it's something you have seen or heard or somebody
8 else. And you may not remember all the details of the events, and
9 this is perfectly fine. Please testify on what you know. And if you
10 don't know, just say "I don't know," "I don't remember."

11 Have you understood all this?

12 THE WITNESS: [Interpretation] Yes, I understood them, all of
13 them.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. I also would like to
15 give you some practical advice, Madam Witness. Everything what we
16 say here is translated by the interpreters, who are sitting upstairs,
17 and recorded. So it is important that you speak into the microphone,
18 which is lighted -- the red light. Then it means that it is on.
19 That you speak in the microphone, that you speak clearly, and that
20 you speak at a slow pace, because that will allow the interpreters
21 to translate everything.

22 THE WITNESS: [Interpretation] Yes, yes.

23 PRESIDING JUDGE VELDT-FOGLIA: Yes? And it is important that
24 you only start speaking when the person asking you a question has
25 finished. And when a question is asked, please wait five seconds -

Additional redactions applied pursuant to F541.

1 it may help to count in your head - and then give the answer.

2 Because that pause is necessary for the interpreters to finalise the
3 translation of what has been said. That's the reason that we try to
4 talk not too quickly. And if I raise my hand, please stop talking.

5 And sometimes it could be that I ask you to take off your
6 headphones if we want to discuss something, that it's better that you
7 don't hear it because it could influence you.

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

11 Is that all clear for you?

12 THE WITNESS: [Interpretation] All of it. All of it is clear to
13 me.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well.

15 As we must do with every witness, I will now ask you to read the
16 solemn declaration to tell the truth. And I remind you that it is an
17 offence within the jurisdiction of the Specialist Chambers to give a
18 false declaration.

19 Do you understand this?

20 THE WITNESS: [Interpretation] Yes, I understand it.

21 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Clerk will be now so
22 kind to assist you with the solemn declaration to tell the truth.

23 Madam Witness, please read the text provided to you.

24 THE WITNESS: [Interpretation] Solemn declaration. Conscious of
25 the significance of my testimony and my legal responsibility, I

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 solemnly declare that I will tell the truth, the whole truth, and
2 nothing but the truth, and that I shall not withhold anything which
3 has come to my knowledge.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Witness. You
5 are now under oath to tell the truth. And we can now begin with the
6 testimony of you, and I will give the floor now to the Specialist
7 Prosecutor's Office to start with their examination.

8 You have the floor.

9 MS. PERGOLO: Thank you, Your Honours.

10 WITNESS: TW4-06

11 [Witness answered through interpreter]

12 Examination by Ms. Pergolo:

13 Q. Good afternoon, Madam Witness.

14 A. Good afternoon to you, too.

15 Q. As you have been granted protective measures that the Presiding
16 Judge has just explained to you, to protect your identity, I will ask
17 now the Trial Panel to go briefly into private session to discuss a
18 few details about your identity and about your family. After this,
19 we will move back and I will be telling you when we will move back
20 into public session. I will try to do as much as possible in public
21 session.

22 MS. PERGOLO: So, Your Honours, can we briefly move into private
23 session for this part.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes. Before we go, there is one
25 more remark I would like to make.

Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 Madam Witness, please --

2 THE WITNESS: [Interpretation] Yes?

3 PRESIDING JUDGE VELDT-FOGLIA: -- when you give answers, be very
4 careful when mentioning names. Yes? That's a general remark I want
5 to give to you.

6 Very well, Madam Court Officer, could you bring us into private
7 session.

8 [Private session]

9 [Private session text removed]

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Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-06 (Private Session)

Page 778

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F541*

17 Q. Thank you very much. Madam Witness, how was your husband's work
18 as a police officer seen in the local community where you were
19 living?

20 A. He was appreciated. He worked based on the law, and everybody
21 appreciated him and spoke good words about him. And when I say
22 "everybody," that is regardless of their nationality.

23 Q. Madam Witness, did your husband have any political preferences?

24 A. He did have preferences. He was a supporter of the first Kosovo
25 president, Ibrahim Rugova.

Witness: TW4-06 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F541* Page 779
Examination by Ms. Pergolo
Additional redactions applied pursuant to F541.

1 Q. So you told us that your husband had these political
2 preferences. And then my question is: Was he politically active or
3 involved with -- in politics?

4 A. No.

5 Q. Thank you, Witness. We have completed this preliminary part,
6 and I will now ask you some questions concerning the period of 1998.
7 We will then proceed chronologically from there.

8 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, we will do that
9 in private, I understand?

10 MS. PERGOLO: I have still a few questions in private, and then
11 I will tell you when I think it is safe to move to public session.

12 PRESIDING JUDGE VELDT-FOGLIA: Just checking in. Sometimes in
13 the heat of the examination ...

14 MS. PERGOLO: Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

16 MS. PERGOLO:

17 Q. Madam Witness, where did you live in May 1998?

18 A. In May 1998, we lived in the village of [REDACTED]. I lived
19 there
20 with my whole family in the property of my parents.

21 Q. Thank you. I would now like to bring your attention to
22 [REDACTED] May 1998. Do you remember what happened on that day?

23 A. Yes. That day, our house was attacked. The property, the place
24 where we lived was violated by certain persons or soldiers of the KLA
25 who came from the General Staff in Jabllanice and entered the yard.
Some others remained around the house, all of them armed with

Witness: TW4-06 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F541* Page 780
Examination by Ms. Pergolo
Additional redactions applied pursuant to F541.

1 long-barrelled, short-barrelled weapons. It was far, I didn't see in
2 detail, but they were armed.

3 Two of them entered the yard. I knew one of them but did not
4 know the other. We learned his name later.

5 Q. Thank you, Madam Witness. So just to confirm, you were
6 present -- were you present that day at the house?

7 A. Yes.

8 Q. And you described some KLA soldiers, as you told us, coming into
9 your house. What were they doing there?

10 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I think I read
11 they came into the yard?

12 MS. PERGOLO: Yes, apologies. That has been my --

13 THE WITNESS: [Interpretation] Only two of them came to the yard,
14 entered the yard. Two of them entered the yard, whereas the others
15 remained along the fence. It was about 15 of them.

16 MS. PERGOLO:

17 Q. Thank you, Madam Witness. And can you describe for us what did
18 they do, what did they come for, to your yard?

19 A. The two that entered the yard said, [REDACTED]
20 [REDACTED]

21 One soldier that was by the fence, just at the head of the
22 fence, had a weapon that we call a grenade launcher, and this weapon
23 was pointing towards the house, and was saying, "Move away, move
24 away, because I'm going to shoot at the house and destroy it."

25 Q. Thank you, Madam Witness.

Witness: TW4-06 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F541* Page 781
Examination by Ms. Pergolo
Additional redactions applied pursuant to F541.

1 MS. PERGOLO: Your Honours, I think we can move to public
2 session. I will just remind the witness.

3 Q. Madam Witness, we are moving now into public session, so from
4 now on, please be careful not to mention any names. If you have to
5 make reference to your husband, please don't mention his name and
6 just say "my husband." If you have to mention or talk about your
7 children, you could say that by "my eldest son," or "my daughter."
8 And also please do not mention the name of the place where you lived
9 at the time, which you told us before. Thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]
11 Madam Court Officer, could you bring us into public session, please.

12 ~~{Open session}~~

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

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
15 Madam Prosecutor, please proceed.

16 MS. PERGOLO: Thank you, Your Honours.

17 Q. Madam Witness, so you described these people coming to the yard
18 and some staying behind on the fence.

19 Can you tell us what happened next, after this moment?

20 A. Yes. The whole family was inside. Before that, only the
21 youngest was outside and he came and said, "Somebody is in the house,
22 some are in the yard, and some are along the main road." And I went
23 outside. In the meantime, two of my cousins came. They came to the
24 yard and talked to them. The rest were further from the house by the
25 fence. We did not know them. I spoke to the two that were in the

Witness: TW4-06 (Open Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 yard, and I asked them, "On whose permission are you here in my
2 yard?" And they said, "With the permission of the General Staff in
3 Jabllanice."

4 I will not mention the name of the commander, since you said not
5 to mention names, and I will not mention the names of the two
6 soldiers who came to the yard.

7 So I started this conversation with this boy, the first one that
8 came, and whom I knew as a person, and I said, "Aren't you ashamed to
9 come in this way to the yard of my parents' house?"

10 Q. Madam Witness --

11 A. I asked him to leave in a proper manner, because if something
12 happens, if a fired shot is heard, the Yugoslav army is nearby, near
13 Radoniq lake and that can lead to crimes, to massacres, and victims
14 from our side, from your side.

15 He accepted my request and said to me, "I'll go out on the road
16 to speak to the commander." But when he went there, I think it was
17 the commander himself -- he was the commander himself, because he
18 made this sign with his finger, meaning withdraw. And they
19 immediately moved away from the fence and left in an unknown
20 direction to me.

21 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, line -- page
22 48, line 24, the name of the two soldiers yesterday have not been
23 redacted. So this could be elicited from the witness.

24 MS. PERGOLO: Thank you, Your Honours. I was planning on asking
25 those names. Thank you.

Witness: TW4-06 (Open Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 Q. Madam Witness, you told us that two people approached you and
2 you spoke with them. So it is safe to mention the names of these two
3 people. Could you please let the Panel know who these two people
4 were, their names.

5 A. Yes. I spoke with the son, one person that was further away,
6 how they were positioned. We learned the name of Naser later on. I
7 did not know recognise him or knew him on that day, but later on we
8 learned that it was Naser Ibrahimaj. Whereas this other person, to
9 whom I addressed my request to leave, his name was Hamez Ibrahimaj.

10 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

11 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

12 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.* And he said,
"I'm not Hamez, I'm

14 just a soldier." And I said to him, "Fine. You are a soldier but I
15 know you as Hamza." And that was it.

16 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, try not to mention
17 names of places or lakes or anything of a geographical nature,
18 because that could be identifying.

19 THE WITNESS: [Interpretation] All right. I understand.

20 MS. PERGOLO:

21 Q. Thank you, Madam Witness. So just before you mentioned that you
22 were there, you addressed this person. And you also mentioned that
23 one of your sons were there. Can you tell us without revealing any
24 names -- or perhaps maybe we could briefly go into private session
25 for this question, and then I will ask you a follow-up on this.

Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
2 bring us into private session, please.

3 [Private session]

4 [Private session text removed]

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Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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25 [Open session]

Witness: TW4-06 (Open Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 THE COURT OFFICER: We're in open session, Your Honours.

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

3 Madam Prosecutor, please proceed.

4 MS. PERGOLO: Thank you, Your Honours.

5 Q. Madam Witness, you described this event that happened in -- on a
6 specific date in 1998. Can you tell us what happened after this --
7 this moment. What did you do after?

8 A. After this moment, we had our own car and we organised
9 ourselves. We also had a car from another village that we called.
10 We took some things, packed things, whatever we could in a hurry, put
11 them in the car, and were trying to leave. Because we did not want
12 to spend that night there. So we left and went to Gjakove.

13 We went to a house. They accepted us there. We spent two or
14 three days there, and later we rented an apartment [REDACTED] Pursuant
to In-Court Redaction Order F00470RED.

15 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.

16 [REDACTED] Pursuant to In-Court Redaction Order F00470RED.Gjakove.

17 Q. Thank you, Madam Witness. And just to clarify --

18 A. Thank you as well.

19 Q. -- who moved to Gjakove? Was it -- we should try not to mention
20 names, but was it all of your family?

21 A. The whole family. We locked the door to our house and just
22 left.

23 Q. Thank you very much. Now, we have finished discussing about
24 events in 1998, and I would like now to draw your attention to events
25 in 1999.

Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 You mentioned that you moved to Gjakove. Can you tell us how
2 long were you there in that -- in that place?

3 A. We stayed there until 1999, until 3 April, until 3 April 1999.
4 The police then expelled us. They told us to leave the house and go
5 to Albania. And that is what we did. Along with the rest of the
6 population, we went to Albania through Prizren and crossed the border
7 there.

8 Q. Thank you, Witness. And can you perhaps clarify, you said -- if
9 I'm correct, at transcript page 53, line 25, you said, "The police
10 then expelled us."

11 Can you perhaps elaborate a bit more as to the context of that,
12 just to make us understand a bit more the situation at that time.

13 A. At that time, the NATO bombings had begun. The NATO bombings
14 had begun, and the police forced people to go to Albania. We joined
15 the convoy of the people and went to Albania. We travelled by two
16 cars.

17 Q. Thank you for that. I would now like to ask you a few questions
18 about your stay in Albania.

19 MS. PERGOLO: And again for that, Your Honours, I think it may
20 be safer to go briefly into private session.

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

23 [Private session]

24 [Private session text removed]

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Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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8 [Open session]

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

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

11 Madam Prosecutor, please proceed.

12 MS. PERGOLO:

13 Q. Madam Witness, you just described to us your trip and where you
14 were staying in Albania. Can you tell us a little bit about your
15 life there and how were things in the first part of your stay in
16 Durres?

17 A. The first part of our stay in Durres was calm. We walked in
18 nature, in the city. But later on, we realised that we were being
19 followed, because a rumour had spread that a Serb officer arrived in
20 Albania, and, of course, I imagine they gave the name. And we
21 started being followed from time to time that we ourselves noted.
22 Sometimes me, sometimes my sons or another person of the family.
23 They were being followed when they were taking a stroll or when they
24 were going to the store to buy food.

25 I noticed that the house was also being surveilled by them, and

Witness: TW4-06 (Open Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 I heard men saying, "This is where he is, this is where he lives." I
2 could not see them, but I could hear them saying those things from a
3 close distance. They said, "This is the family, and this is the
4 owner of the house."

5 Q. Thank you, Madam Witness. A couple of clarifications on what
6 you just told us.

7 So transcript -- this is page 57, lines 11 and 12, you said:

8 "... a rumour had spread that a Serb officer arrived in Albania,
9 and, of course, I imagine they gave the name," et cetera.

10 Can you perhaps please clarify, without mentioning names, who
11 are you referring to? Who was that Serb officer?

12 A. They said that about my husband.

13 Q. Thank you very much. And you also said almost at the same page
14 of the transcript, lines 12 to 16, that "we started being followed
15 from time to time ..."

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

17 MS. PERGOLO: Yes, Your Honours.

18 Q. Can you perhaps elaborate a little bit more and explain to the
19 Panel who was following you, if you can.

20 A. The KLA soldiers who were in Albania, they followed us.

21 Q. And how did you know that these were KLA soldiers who were in
22 Albania? Did you know any of them, for example?

23 A. No, I didn't know them, until my husband was abducted. When he
24 was abducted while taking a stroll with the owner and my son

25 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED., with the
owner and my son, while they were taking a stroll,*

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 four persons, armed persons, arrived by a car.

2 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I would like to
3 go into private.

4 Madam Court Officer, could you bring us into private, please.

5 ~~[Private session]~~ [Open Session] *Reclassified Pursuant
to F541*

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

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 You have the floor. And please try to finalise this line of --
9 not this line but the questions you have for now before the break.

10 MS. PERGOLO: Yes, Your Honours. I was going to suggest that
11 given we are entering a new topic, maybe we could -- I could wrap up
12 now and we could go into the break and continue after, after the
13 lunch break.

14 I just maybe have one -- just one question for the witness and
15 then we will close it here, I think. Otherwise we are entering into
16 a more -- a broader lengthy topic that I think is best to deal with
17 later, after the break.

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

20 MS. PERGOLO:

21 Q. Madam Witness, we will discuss what you were just starting to
22 tell us after the break.

23 I think, for now, I just wanted to have one follow-up question.
24 Before the events that you started telling us about, was there any
25 other situation that made you uncomfortable during that period of

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 time? And then you can answer as succinctly as possible and then we
2 will discuss the other part later on.

3 A. No, no. Nothing happened up until the incident where my husband
4 was abducted. But our movements were restricted. His movements were
5 restricted. We did not allow him to leave the apartment very often,
6 just for a short walk or something similar.

7 Q. And the reason for that? What was the reason for that, that you
8 did not allow him to go out very much? If you can just clarify that.

9 A. Because we were being followed. We noticed that we were being
10 followed by unknown persons. And that was based on their
11 conversations that we heard while they were standing next to where we
12 lived, by the way -- by their demeanour, saying, "This is where they
13 live, this is where they are."

14 Q. Thank you, Madam Witness.

15 MS. PERGOLO: I think we can finish here for now. Thank you,
16 Your Honours.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 THE WITNESS: [Interpretation] Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
20 bring us into public, please.

21 ~~{Open session}~~

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

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

24 Madam Witness, we are now going to adjourn the hearing to take a
25 lunch break, so I will ask the court usher to usher you out. I wish

Additional redactions applied pursuant to F541.

1 you a good lunch. And we see each other back at 2.00.

2 THE WITNESS: [Interpretation] Thank you. And same to you.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 [The witness stands down]

5 PRESIDING JUDGE VELDT-FOGLIA: We will resume in one hour.

6 The hearing is adjourned.

7 --- Luncheon recess taken at 1.01 p.m.

8 --- On resuming at 2.04 p.m.

9 PRESIDING JUDGE VELDT-FOGLIA: Welcome back again.

10 I see that the SPO is in the same composition.

11 MS. PERGOLO: Your Honours, we have a slight change in the
12 composition. We have a new legal intern, Lea Khaled-Champetier.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, one person.

14 I see that the Victims' Counsel team has not changed, and
15 Victims' Counsel not.

16 Defence Counsel, your team is the same, isn't it?

17 MR. GILISSEN: It's exactly the same, Your Honour.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well. We have noted that
19 for the record.

20 Before we proceed with the examination by the Specialist
21 Prosecutor's Office of Witness 06, I would like to discuss with the
22 Defence the following.

23 Mr. Shala, if I understood well, is not following the
24 proceedings from the Detention Unit. Can you confirm that?

25 MR. GILISSEN: So I think he is following the hearing in the

Additional redactions applied pursuant to F541.

1 Detention Unit by videolink. That's what we defined with him.

2 PRESIDING JUDGE VELDT-FOGLIA: Then I will liaise with the CMU
3 because I received possible other information. Because if he is not
4 following the proceedings -- and I don't see any set-up here, so I
5 cannot communicate with him. And we granted the videolink
6 participation, but in this way, there is no videolink participation.
7 So that part we will not be doing, as it looks now.

8 And, for the record, it is important to know if Mr. Shala is not
9 participating at all and that we are -- because of the waiver which
10 was granted for the whole day in the oral order, we can proceed in
11 that way. But the agreement that I thought we had is that he would
12 participate via videolink, and normally what then happens is that you
13 see Mr. Shala here in the courtroom.

14 So your last information is that he would be participating --

15 MR. GILISSEN: Yes. But we have a mandate to represent him, so
16 I take my responsibility to say we are able to represent him this day
17 in this hearing. And we will have a contact with him during the end
18 of the day to be sure to come to our mandate, of course.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes, very well, and also to
20 inform the Panel how the day of tomorrow will look like. Because I
21 don't want to continue to use time in this way, that it is not clear
22 if your client is participating in which way.

23 MR. GILISSEN: No, no, it must be clear. It will be.

24 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you for that.

25 So then we proceed in this way, that Mr. Shala is not

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 participating in person and not following the proceedings via
2 videolink but that is he represented by his Defence lawyer.

3 Madam Court Usher, we will proceed with Witness 06. Can you
4 please usher the witness in.

5 [The witness takes the stand]

6 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Madam Witness.

7 Please have a seat.

8 Madam Witness, we will now continue again with the examination
9 by the Specialist Prosecutor's Office. We will be examining you from
10 now till about 4.00, and that will be the end of the day for today.
11 Then you know what the programme is.

12 Madam Prosecutor, you have the floor.

13 MS. PERGOLO: Thank you, Your Honours.

14 Before proceeding with the questions, I have a request for
15 clarification from the Panel that maybe will need to be briefly in
16 private session, if that's okay.

17 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
18 bring us into private session, please.

19 ~~[Private session]~~ [Open Session] *Reclassified Pursuant
to F541*

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

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

22 Madam Prosecutor, you have the floor.

23 MS. PERGOLO: Your Honours, just we noticed the redactions to
24 the transcript from this morning, and in particular to a few of the
25 locations that the witness was discussing, and I was going to

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 mention, in particular, the location of Durres and Gjakove. I was
2 planning on eliciting further information about events around these
3 places in public session, but noticing the redactions, I wanted to
4 seek guidance from you.

5 It is the SPO belief that talking in public session about Durres
6 should not too problematic because, of course, our understanding is
7 it was a large influx of refugees from Kosovo to Albania into the
8 city at the time of the events. So it shouldn't be particularly
9 identifying. And the same goes for Gjakove, who is a big town, of
10 course, and many people from the surrounding areas moved there in
11 their attempts to escape the war.

12 But, of course, the SPO will proceed as instructed by the Panel
13 from now on.

14 PRESIDING JUDGE VELDT-FOGLIA: Maybe for these two particular
15 events on which you want to elicit information from the witness, you
16 can proceed in public. But it was our assessment that in this
17 specific case, it could be identifying. And there's always room for
18 discussion in these types of redactions -- or not always, but
19 sometimes there's room for discussion. But if in this specific case
20 you think it will not be identifying for Madam Witness, we can
21 proceed in that way.

22 MS. PERGOLO: Thank you very much. Okay. Then I think we can
23 proceed with the first few questions again in public session and, of
24 course, if at any point I see that we may go into identifying
25 information or location which we -- I will suggest to move into

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 private session, if that is fine to proceed in that way.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes, very well. Thank you.

3 Before we go into public session again, I will talk to you,
4 Madam Witness. When we are now going into public session, please
5 don't mention the names of your family members. I think it comes out
6 naturally, but please don't do that. And also not the names of
7 towns. Only when the Specialist Prosecutor indicates that it is
8 possible.

9 THE WITNESS: [Interpretation] Understood. Thank you,
10 Your Honour, Madam Judge.

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

13 ~~{Open session}~~

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

15 PRESIDING JUDGE VELDT-FOGLIA: Yes.

16 Madam Prosecutor, I have been reminded from one point, so I
17 think we have to go back into private session because I want to
18 discuss one point with regard to the redactions with you.

19 Madam Court Officer, sorry, we have to go back into private
20 session again.

21 ~~{Private session}~~ [Open Session] *Reclassified Pursuant*
22 *to F541*

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

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, the word
25 "Durrës" in the indictment is redacted. So that was one of the
reasons that the Panel took that as guidance for part of the

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Additional redactions applied pursuant to F541.

1 redactions. So in the pre-trial brief, if it would not be redacted
2 anymore there, then, for us, it would be clear that also while we are
3 in court it would not need to be redacted. Unless it would be really
4 relating to one of the witnesses.

5 MS. PERGOLO: That is noted. Thank you, Your Honours.

6 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, would you --
7 could you bring us back again to public session.

8 ~~{Open session}~~

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

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Mad, Prosecutor, you have the floor.

12 MS. PERGOLO: Thank you, Your Honours.

13 Q. Good afternoon, Madam Witness. We will proceed with some
14 questions now and, in particular, discuss events in 1999 that we
15 started discussing before the break.

16 I would like to bring your attention to a specific event that
17 happened in the second part of your stay and that you started talking
18 about earlier today.

19 Could you please maybe describe for us what happened to your
20 husband at some point during your stay in Albania in 1999.

21 A. Before I go into those events, may I discuss an incident that
22 happened before he was abducted? Before my husband was abducted?
23 May I do that?

24 Q. Madam Witness, we can do that but we need to be very brief
25 because, of course, we have a few questions still to cover. So I can

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Additional redactions applied pursuant to F541.

1 -- you can proceed maybe just to give some context to the events
2 later. But please try to be very, very brief. Thank you.

3 A. Before my husband was abducted, five to six -- or a week before,
4 my daughter and my son went to visit their cousins who were staying
5 at another location. I don't remember the name exactly. In the
6 courtyard of the owner where they were staying, some persons came by
7 a car and entered that courtyard. They took my son and they said to
8 my daughter -- that was my eldest daughter and youngest son. They
9 told her, *[REDACTED] Pursuant to In-Court Redaction Order F00470RED*. So
10 my daughter didn't want to do that. She held him close and she said, "I
11 will not let him go." And the landlady came out, asked them, "Who
12 are you, entering another person's courtyard and taking somebody
13 else?" They didn't say anything because they were accompanied by an
14 Albanian police officer. She addressed him, "How come you, as a
15 police officer of Albania, you must have been paid by that -- by them
16 to be here." And she refused, she yelled at them, and so they let
17 him go. And they returned, both of them.

18 Q. Thank you very much, Madam Witness. Thank you for this
19 information.

20 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor --

21 THE WITNESS: [Interpretation] Thank you as well.

22 PRESIDING JUDGE VELDT-FOGLIA: For next time, Madam Witness,
23 please refer to your family members not with their first name but by
24 their relationship to you. Yes?

25 THE WITNESS: [Interpretation] I understood. Thank you. I will

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Additional redactions applied pursuant to F541.

1 not repeat it again.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

3 Madam Prosecutor, you have the floor.

4 MS. PERGOLO:

5 Q. Thank you, Madam Witness. So going back to the events
6 concerning your husband, can you tell us what happened that day?

7 A. They went out for a stroll, as I said earlier, my son, the owner
8 of the house, and they went to a location where they were met by a
9 car which was carrying four armed persons. They stopped them. They
10 grabbed my husband by his shoulder. The owner of the house told him,
11 "Let him go because you are not allowed to do this." The four of
12 them pointed their weapons at them and so that is how they were able
13 to drag my husband and put him in their car. But my son recognised
14 one of them. I will mention his name later on. He recognised him.
15 And told him, "This is what you should not be doing." But they
16 closed the door, they spoke nothing else and drove off. So they
17 abducted him. But my son came and informed all of us, and so all of
18 us then went to the main street and many other people from the
19 neighbourhood came there as well. We saw the car driving by and we
20 started throwing rocks at the car because we were very upset at that
21 moment, but he sped off. The car sped off and we couldn't stop the
22 car from driving off.

23 Afterwards, we went to the police to report the case. I don't
24 remember the police station number. We reported the case with my
25 eldest son. We told them about the incident, gave them full details.

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 Q. Thank you very much. So you told us - and I'm looking at the
2 transcript page 67, lines 21 to 24 - that this car with four armed
3 persons stopped your husband, your son, and the landlord. They
4 grabbed your husband by his shoulder and then they put him in the
5 car.

6 I would like to ask you: Were you present when this scene was
7 happening?

8 A. No, I was back in the apartment. Only my eldest son was there
9 with my husband, but he came to inform us. And then we all left the
10 apartment to go out on the street to see what was happening and to
11 see whether we could stop that from happening, but we couldn't.

12 Q. So if I may clarify. So what -- what part of this situation did
13 you see yourself with your eyes? If you can clarify that for us.

14 A. I only saw the car arriving and driving off. The other part of
15 the incident was witnessed by my son.

16 Q. Thank you very much.

17 MS. PERGOLO: Your Honours, can we briefly go into private
18 session to elicit a few more questions about this.

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

21 [Private session]

22 [Private session text removed]

23

24

25

Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [Private session text removed]

2

3

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5

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7

[Open Session] *Reclassified Pursuant to F541*

8 Q. And despite him telling Bashkim Lama to -- that what he was
9 doing, it was not correct, what happened? So there was any situation
10 where they tried to stop? Can you describe, if you know from what
11 you were told, how exactly the discussion went between those men and
12 your son?

13 MS. CARILOU: Your Honours.

14 THE WITNESS: [Interpretation] That was it, that was all.

15 Because it all happened very fast. Because they had guns pointed at
16 them. They couldn't discuss that much longer.

17 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I saw the
18 Defence standing.

19 You have the floor.

20 MS. CARILOU: Your Honours, I just wanted to point out that was
21 a leading question. But it has been answered in the meantime, so
22 there is no point to my objection now.

23 PRESIDING JUDGE VELDT-FOGLIA: Just one moment. What was
24 specifically for you, Madam Defence Counsel, the leading question?

25 MS. CARILOU: If Your Honours could see at page 69 --

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Yes.

2 MS. CARIOLOU: -- line 19 onwards.

3 PRESIDING JUDGE VELDT-FOGLIA: Yeah.

4 MS. CARIOLOU: We see that there is the imputation that there
5 was a situation -- I don't see it in the transcript where -- well,
6 that there's a discussion happening there between these men. And I
7 believe I heard, but I don't see it in the transcript, that somebody
8 grabbed someone. There was a description of the situation,
9 et cetera.

10 PRESIDING JUDGE VELDT-FOGLIA: Because I want to follow up on
11 your leading question. Because if there is a leading question, I
12 agree with you that you should try first to elicit the information,
13 and then if it's necessary, we can go to a leading question but not
14 out of nothing.

15 So I was trying to follow up on what you just said in order to
16 give instructions to the Prosecutor. But can you indicate where we
17 have the leading question here.

18 MS. CARIOLOU: Your Honours, thank you. As I have just said, in
19 my view, the question at -- sorry, the transcript goes on.

20 PRESIDING JUDGE VELDT-FOGLIA: Yes, I know. You can maybe lift
21 it -- go up again.

22 MS. CARIOLOU: The reference I just gave --

23 PRESIDING JUDGE VELDT-FOGLIA: Yes, okay.

24 MS. CARIOLOU: -- that would be page 69, line 19.

25 PRESIDING JUDGE VELDT-FOGLIA: "And despite him telling" -- 19.

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 "And despite him telling Bashkim Lama to -- that what he was doing,
2 it was not correct, what happened?"

3 MS. CARILOU: And it goes on, the question.

4 PRESIDING JUDGE VELDT-FOGLIA: "So there was any situation where
5 they tried to stop? Can you describe, if you know from what you were
6 told, how exactly the discussion went between those men and your
7 son?"

8 MS. CARILOU: We may disagree, Your Honours. It is up to you.
9 Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. We try to be very
11 attentive to leading questions. Let me say it like that.

12 Madam Prosecutor, you have the floor.

13 MS. PERGOLO:

14 Q. Madam Witness, can you provide maybe just a few more details
15 about the people who were in the car. You told us that they were
16 armed. Do you know or were you ever told any physical description of
17 how they were looking and -- that day. Any other detail, if you can
18 provide that to us.

19 A. My husband and my son told me that they wore black clothes and
20 that they were armed, all four of them.

21 Q. Thank you, Madam Witness.

22 MS. PERGOLO: Your Honours, I think it is safe to go back into
23 public session.

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
25 bring us into public session, please.

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 ~~[Open session]~~

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

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

4 Madam Prosecutor, you have the floor.

5 MS. PERGOLO:

6 Q. Witness, when this situation occurred and when your husband, as
7 you described, was approached and then put into that car, were there
8 any reasons or explanations provided to him of why he was taken away?

9 A. No.

10 Q. Thank --

11 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, you --

12 Madam Witness, can you take off your headphones, please. Thank
13 you.

14 Madam Prosecutor, you just elicited that she was not there. I
15 think you should rephrase your question in this respect.

16 Madam Court Clerk, could you assist the witness with putting on
17 her headphones again. Thank you.

18 Can you hear me?

19 THE WITNESS: [Interpretation] Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 Madam Prosecutor, you have the floor.

22 MS. PERGOLO:

23 Q. Witness, I just wanted to follow up on one -- on the question
24 I -- before. You told us that you were not present when this event
25 occurred. You were present later when you saw the car driving away.

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 So were you ever told, perhaps by your husband or anyone else,
2 if any reasons were provided at that moment or later on for him being
3 taken away?

4 A. They didn't say it then, but he was told when he was being
5 arbitrarily held at the metal factory in Kukes. He was told there.
6 He was told also while he was being taken to Kukes, the first
7 location they stopped, I will mention the name later, where he was
8 tortured in a bunker by many persons whom he did not recognise, with
9 different instruments, sharp objects, blunt objects, because he was
10 facing down the floor. And one of them -- there were two persons who
11 were communicating and saying, "Which one of us is going to kill him?
12 You or I?"

13 He told us this when he returned from his detention at the metal
14 factory in Kukes. He told us about everything that he had
15 experienced there. Everything that he experienced while he was being
16 taken there and while he stayed there.

17 Q. Thank you, Madam Witness. And we will go into that in a moment.
18 But before that, let me ask you a couple of questions.

19 A. I understand.

20 Q. So immediately after your husband was taken away, what did you
21 do immediately after?

22 A. We went to report the case to the police station in Durrës,
23 which was close to the hospital. I don't remember the number,
24 because it had a number. We reported the case. My son was there and
25 myself. We explained the incident, me seeing the car, and everything

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Additional redactions applied pursuant to F541.

1 that we could remember to describe.

2 Q. Thank you very much. So after reporting this to the police, did
3 you receive any information from them as to where your husband was
4 taken?

5 A. No. No, but that day they told me that they will make sure to
6 find him. That is what the police officer told me, that they will
7 make sure to find him.

8 Q. So during that time - and I will now ask you for how long in a
9 moment - but during that period when he was away, were you ever able
10 to be in contact with him at all or have any information about his
11 whereabouts?

12 A. No. Despite all our efforts and the police efforts, no.
13 However, he did call once by telephone from the detention centre,
14 from the metal factory in Durres. He said that he was well and asked
15 if we were well. And that was it. He called and said that he was
16 alive.

17 He did not tell us where he was. He was not allowed.

18 Q. Thank you, Madam Witness. Did you see your husband again after
19 he was taken away?

20 A. No. We could not move because we were afraid of something
21 happening to us as well, of this bad thing repeating itself. We did
22 not see him until a police officer brought him home 13, 12 to 13 days
23 later; I cannot say accurately. He brought him to the courtyard.
24 They didn't even stop to speak to us. And that is where we saw him
25 for the first time in a very terrible condition. He was almost

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Additional redactions applied pursuant to F541.

1 fainting. He was covered in blood.

2 PRESIDING JUDGE VELDT-FOGLIA: Witness, I understand that it is
3 not easy to talk about this. Do you need a break?

4 THE WITNESS: [Interpretation] No. We took him inside. He was
5 unwashed. He was covered in blood. He had a bad odour. He was
6 wearing a black T-shirt. They told him, "You will now work for us."
7 Whatever they could think of. Things that they could only think of.

8 That was a very difficult moment for us psychologically,
9 mentally. My sons, my daughters were crying. The rest of us, of
10 course. We tried to encourage him, to support him. Whoever is a
11 human being cannot do this onto the others, unless they are
12 criminals.

13 We cleaned him. Later, or the following day, he told us of
14 other cases as well as or of other things that happened to them, to
15 him. He told us that those 13 days were very difficult, had very
16 little to eat, could not clean himself up. They only had a thin
17 mattress to rest on, had very little water to drink, and similar.
18 And, of course, he described the tortures that he experienced by
19 other soldiers, KLA soldiers.

20 Q. Thank you, Madam Witness. I will try now to go -- to follow
21 what you were just saying, but maybe we will proceed a little bit
22 step by step to follow the events how they unfolded.

23 So you told us that your husband --

24 A. Fine. I understand.

25 Q. You told us your husband came back after approximately 13 days,

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 if I remember correctly.

2 A. Yes.

3 Q. So can you tell us what he told you, how he described what
4 happened to him immediately after he was taken away in that car? Did
5 he provide any information about that?

6 A. He told us where he was stopped. I mentioned the incident at
7 the location which I cannot name, but he was in a bunker. He was
8 tortured. He was tortured verbally. He was -- he heard unkind
9 things about him being said. My husband told them, "My son
10 recognised you. You can kill me whenever you want."

11 Q. Madam Witness --

12 MS. PERGOLO: Maybe -- Your Honours, maybe it's better if we go
13 quickly into private session for this information.

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

15 Before we go into private session, before you --

16 Madam Witness, can you take off your headphone for a moment,
17 please.

18 Before you discussed with the witness when she was informed by
19 the police that her husband -- or if her husband was -- if they -- if
20 she was informed by the police where her husband was, I'm not sure if
21 you're going to refresh her memory with a part of the statement in
22 this regard. Because, if not, I will be doing it after this. But
23 it's the part -- page 3, Part 2 of her witness statement. Yes? But
24 I leave it for you, if you will discuss that further on. And it's
25 lines 16 till 24.

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Additional redactions applied pursuant to F541.

1 And, in the meanwhile, I will ask the court officer to bring us
2 into private session.

3 ~~[Private session]~~ [Open Session] *Reclassified Pursuant*
4 *to F541*

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

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 You have the floor.

7 MS. PERGOLO:

8 Q. Madam Witness, I have a few follow-up questions about -- oh. I
9 see that ...

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

11 Madam Witness, can you hear me?

12 THE WITNESS: [Interpretation] Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well. Madam Prosecutor will
14 continue with the questions.

15 THE WITNESS: [Interpretation] Thank you.

16 MS. PERGOLO:

17 Q. Madam Witness, earlier you told us that you reported this
18 incident to the police and that they said they will look into this,
19 but you didn't have any information as to where he was -- your
20 husband was during that time.

21 Did you --

22 A. No, I didn't. Only when he called, my husband. That's the
23 first time I heard of him. I heard that he was alive. Not that --
24 where he was.

25 Q. Did you learn at any point later where he was being kept?

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Additional redactions applied pursuant to F541.

1 A. Yes. When my husband was brought back, that's when I learned
2 where he was kept arbitrarily in the metal factory in Kukes, what
3 happened to him on the way to that location in the bunker where he
4 was tortured, the incident of the two saying, "Who will kill him?
5 Shall I kill him? Shall you kill him?"

6 Q. Thank you, Witness. What you just said is that your husband
7 informed you that he was there when he returned.

8 A. Yes.

9 Q. Did you receive any other information during the time he was
10 away?

11 A. No.

12 MS. PERGOLO: Your Honours, then I would seek your permission to
13 refresh the witness's memory on this point pursuant to Rule 143,
14 paragraph 1, on this specific issue, if ...

15 PRESIDING JUDGE VELDT-FOGLIA: Yes. Please proceed, Madam
16 Prosecutor. It's also for the Panel to better understand this
17 specific aspect.

18 MS. PERGOLO: May I then call up ERN 105370. In the English
19 part, it's Part 2, page 3, lines 16 to 19.

20 Q. Madam Witness, do you remember providing information to the SPO
21 *[REDACTED]*

22 A. Yes, yes.

23 Q. On that occasion, you were discussing these same events. And
24 you said something about the fact that your husband -- or how you
25 learned that your husband was kept in Kukes.

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Additional redactions applied pursuant to F541.

1 So I will read to you what you told us at that time. You said:

2 "No, we didn't know where he was being kept. Only later on we

3 learned that he was being kept in Kukes. [REDACTED]

4 [REDACTED]

5 Madam Witness, do you remember telling that to the SPO [REDACTED]

6 [REDACTED]

7 A. I don't remember.

8 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I would like to

9 liaise with the Court Management Unit.

10 [Trial Panel and Court Officer confer]

11 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, the Albanian

12 page, which is -- we don't know the number of the Albanian

13 translation. If you could be so kind to provide that for us to put

14 that on the screen.

15 MS. PERGOLO: Sure. Give me just one moment and I will retrieve

16 it for you. One second.

17 Your Honours, the Albanian transcript should be Part 2, page 4,

18 lines 8 to 11.

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

20 MS. PERGOLO: Your Honour, I believe we're still in private

21 session, but I think we can now move back to public session.

22 PRESIDING JUDGE VELDT-FOGLIA: Very well, thank you.

23 Madam Court Officer, could you bring us into public session,

24 please.

25 [~~Open session~~]

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Additional redactions applied pursuant to F541.

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

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

3 Madam Prosecutor, you may proceed.

4 MS. PERGOLO:

5 Q. Madam Witness, I would like to go back to what you were
6 discussing earlier. You mentioned before - and this is transcript
7 page 76 at lines 11 to 14 - you said:

8 "I mentioned the incident at the location which I cannot name,"
9 and I can now say that it is safe to mention that location.

10 You said: "... he was in a bunker."

11 Can you please -- if you do know, if you were told what was the
12 name of that location?

13 A. May I say the name?

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

15 THE WITNESS: [Interpretation] Ramallak -- Ramanak [phoen].

16 MS. PERGOLO:

17 Q. Did your husband tell you how long he was kept in that location?

18 A. He said one day or two. I cannot tell you exactly.

19 Q. It's okay. No problem, Madam Witness. And, again, I'm going
20 back to what you told us a bit earlier, and again it's transcript
21 page number 76, lines 13 and 14. You said that:

22 "He was tortured. He was tortured verbally. He heard unkind
23 things about him being said."

24 A. And physically.

25 Q. Exactly. Can you please -- can you provide any more details

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 about what happened to him in this location?

2 A. He fainted and was unconscious for two to three hours.

3 Q. Anything else that you know of or ...

4 A. No. He did not tell us the words they used when they offended
5 him verbally. Only that they told him they were going to kill him
6 and abuse him.

7 Q. Thank you, Madam Witness. What happened after --

8 A. Thank you.

9 Q. -- your husband was in this location in Ramallak, as you
10 mentioned? Do you know what happened after?

11 A. Only from what my husband told us upon his return. He told us
12 that he was taken towards the metal factory in Kukes with those
13 persons in the car. So he was taken to the metal factory in Durres.

14 Q. Witness, just a clarification, because you mentioned -- and this
15 is page 81 of the transcript, line 16. You mentioned first the metal
16 factory in Kukes; and then right after, line 17, in the metal factory
17 in Durres.

18 I would just like to clarify, do you know which location it was?

19 A. I misspoke. Kukes. Kukes.

20 Q. Thank you for the clarification.

21 Madam Witness, what happened to your husband in Kukes?

22 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, could you
23 please put on hold for a moment. Oh, yes, my transcript was not
24 proceeding. So you may proceed.

25 MS. PERGOLO: I will just repeat my question to the witness.

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 Q. Witness, I was wondering if you can tell us, if you know, what
2 happened to your husband at the metal factory in Kukes.

3 A. At the metal factory in Kukes, he experienced further torture.
4 He was tortured with blunt objects, metal bars. He had his left arm
5 broken, his leg. All over his body and on his back he was physically
6 tortured. And he was hit with a metal bar on his head. His clothes
7 were covered in blood, from top to bottom.

8 Q. Did your husband provide any other details about the treatment
9 he received there?

10 A. Yes. They applied all forms of torture. On top of that, he --
11 they wanted to cut his veins on the wrists. He would sleep on
12 concrete floor. He had no clean clothes, no conditions to clean
13 himself, little to eat.

14 Q. Madam Witness, did your husband tell you where within that metal
15 factory he was kept?

16 A. I never saw that factory myself, but it was a place where many
17 other prisoners were also held. And there was another separate room
18 where he was kept and interrogated. They would ask -- tell him, "You
19 know why are you here." They would use offensive language against
20 him. They would verbally and physically attack him. And they would
21 continuously torture him during interrogations.

22 Q. Thank you. So you mentioned that he was interrogated. Do you
23 know about what? What was he asked during those interrogations, if
24 your husband told you that?

25 A. They would say, "Do you know why are you here?" And my husband

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 wanted to know why he was there. Then they would ask him, "Why did
2 you socialise with Serbs?" And then my husband replied, "Everybody
3 socialised with Serbs. We all stayed with them, lived with them. I
4 never committed any criminal offence for the 37 years of my service
5 as an official. I have never done any of these things that you are
6 doing here."

7 Q. Thank you, Madam Witness. Just before you told us - and this is
8 at transcript page 82, lines 8 to 12 - that he experienced further
9 torture. He was tortured with blunt objects, metal bars. And then
10 you mentioned, in particular, some parts of his body that were
11 affected.

12 Now, did your husband ever tell you who mistreated him, who did
13 those things that you just described to him?

14 A. Yes, he did mention several persons whom he identified, whom he
15 knew who they were.

16 Q. Would you be able to tell us those names, what -- the names that
17 your husband told you about?

18 A. Yes.

19 Q. And it is safe to do that now in -- as we are proceeding. So
20 you can -- you can proceed with that.

21 PRESIDING JUDGE VELDT-FOGLIA: We are in public session.

22 THE WITNESS: [Interpretation] Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: I know that ...

24 THE WITNESS: [Interpretation] Yes. May I say the names?

25 These persons were Sabit Geci, Xhemshit Krasniqi. There were

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 others as well amongst them. Pjeter Shala.

2 MS. PERGOLO:

3 Q. Madam Witness, you mentioned the names of some of the people who
4 your husband told you did these things to him in Kukes. In relation
5 to these people, did he provide any other information, anything else
6 in relation to these people?

7 [REDACTED]

8 [REDACTED] [REDACTED] Pursuant to In-Court Redaction Order F00470RED.
9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 This is what my husband told me.

16 And he was amongst those who were involved in the tortures. My

17 husband had his teeth broken during the time he was kept in the metal
18 factory in Kukes.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: TW4-06 (Open Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED] [REDACTED] Pursuant to In-Court Redaction Order
F00470RED.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [Private session]

12 [Private session text removed]

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Witness: TW4-06 (Private Session)

Page 822

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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25 [Open session]

Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

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

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

3 Madam Prosecutor, you may proceed.

4 MS. PERGOLO:

5 Q. Madam Witness, you told us before, and I'm looking at the
6 transcript -- ah, yes. So I believe it's page 82, lines 21 and 22,
7 23. You were describing the fact that your husband was kept in a
8 place where many other prisoners were also held.

9 Do you know the names -- has your husband ever mentioned to you
10 the names of those other prisoners?

11 A. Yes, of some of them. To what my husband told me. There was
12 *[REDACTED] Pursuant to In-Court Redaction Order F00470RED.*

13 Q. Madam Witness, perhaps we should stop here and move again into
14 private session for this part. I believe it would be safer.

15 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
16 bring us into private session, please.

17 [Private session]

18 [Private session text removed]

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Witness: TW4-06 (Private Session)

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Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F541*

6 Q. You described what happened to your husband while in Kukes. I
7 would now like to ask you a few questions about his conditions when
8 he returned. And you gave us already some information about that,
9 but I would like you to maybe explain in a bit more detail for our
10 understanding.

11 So when your husband came back, what was his physical condition?
12 How did you find him?

13 A. In a very poor physical condition. He had lost weight. He was
14 pale in his face because of the stress, of the tortures, the fact
15 that he did not sleep. They were afraid to even go to sleep because
16 of the conditions. Everything had a negative impact on him.
[REDACTED]

17 [REDACTED]. He was in a very bad physical shape. His arm
18 and leg broken. There was a scar and wound on his head. He was
19 covered in blood from top to bottom on his clothes. He was in
20 unclean clothes. But with the care that we showed as a family, he
21 overcame that condition.

22 Q. Did you see any other scar in his body?

23 A. Yes. There were scars on his legs, and this was confirmed by
24 international medical organisation in Prishtine. When he went to
25 give a statement, they took photographs and assessed the damages that

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 his body suffered. He also suffered stress, from stress and trauma,
2 nightmares.

3 Q. And, Madam Witness, how did your husband get those marks, those
4 scars?

5 A. He got them from the tortures he suffered at the metal factory
6 in Kukes.

7 Q. Thank you. You just described his physical condition. Can you
8 elaborate or provide a few more details about his mental condition,
9 his spirit? How was he doing emotionally?

10 A. He was quite full of -- emotional. He was weak, looked as if he
11 was going to faint. His teeth were missing. With the medical care
12 provided upon our return from Albania to Kosovo, with the care from
13 the family and the food that was especially prepared for him, and the
14 good words and support that we showed, saying to him that this can
15 happen to anyone when they fall into the hands of culprits and people
16 who do such things, don't worry. Because he was very distressed.
17 But all of us in the family encouraged him, told him that justice
18 will prevail, it will come. Don't worry, we will leave it to
19 justice. And we did leave it to justice to prevent any blood feud.

20 Q. Thank you, Madam Witness. How did seeing your husband in that
21 condition make you feel, when you saw him again?

22 THE INTERPRETER: Interpreter's correction: "Blood feud" in
23 line 20 should read "revenge."

24 THE WITNESS: [Interpretation] The entire family, myself, all of
25 my children, suffered a lot of stress. What befell on us will stay

Examination by Ms. Pergolo

Additional redactions applied pursuant to F541.

1 with us and we will never be able to erase it.

2 MS. PERGOLO:

3 Q. Madam Witness, I know this is difficult, but could you perhaps
4 understand us -- help us understand a bit more how this affected, how
5 these events affected you and your family?

6 A. It greatly affected us physically, mentally. It affected our
7 economic conditions. It affected my husband's health and the health
8 of the entire family because we were also traumatised, used
9 therapies, medicine. But as I said, this will never be erased from
10 our memory.

11 Q. Thank you, Madam Witness, for sharing all of that.

12 A. Thank you.

13 MS. PERGOLO: Your Honours, may I just consult with my
14 colleagues for one minute to see if there is anything else we want to
15 ask the witness.

16 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

17 [Specialist Prosecutor confers]

18 MS. PERGOLO: Your Honour, I believe we are done with our
19 examination-in-chief.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 MS. PERGOLO: Thank you.

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

24 [~~Open session~~]

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

Witness: TW4-06 (Private Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 Victims' Counsel.

2 A. Yes.

3 Q. And I'm going to ask you just a very few questions in a moment.

4 All right?

5 A. Very well. Go ahead.

6 MR. LAWS: Your Honour, first of all, may we just go into
7 private session just for two questions.

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

10 [Private session]

11 [Private session text removed]

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Witness: TW4-06 (Open Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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3 [Open session]

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

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

6 MR. LAWS:

7 Q. Madam Witness, you had known your husband for very, very many
8 years, and in that time you told us that people spoke well of him,
9 spoke good words about him, regardless of their nationality. And
10 that is from the transcript at page 45, lines 14 to 16.

11 Do you remember saying that to us earlier today?

12 A. Yes.

13 Q. I'd like you to tell the Judges, please, what were the qualities
14 about your husband that made people speak well of him?

15 A. Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel.

17 THE WITNESS: [Interpretation] May I?

18 PRESIDING JUDGE VELDT-FOGLIA: No, please.

19 Has everybody the transcript? Is it working for everybody?

20 THE WITNESS: [Interpretation] No, I don't see it either.

21 Perhaps it's not that important for me to see it, but ...

22 MR. LAWS: It's not working for me.

23 PRESIDING JUDGE VELDT-FOGLIA: No, it's not working.

24 So before answering the question of Victims' Counsel,

25 Madam Witness, we will try to have this technical issue resolved.

Witness: TW4-06 (Open Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 Behind the scenes, they're working hard to resolve the issue.

2 [Trial Panel and Court Officer confer]

3 PRESIDING JUDGE VELDT-FOGLIA: I have been updated with regard
4 to the technical situation of the transcript. It would need a
5 restart of the system, and that would take at least ten minutes, and
6 we are -- we have planned to finalise today at 4.00, so we will call
7 it a day for today. And I will liaise to see if tomorrow we can have
8 some kind of an arrangement in order to see if we can sit some more
9 in order to recuperate time we could not use for effective examining
10 today, and I think it counts up for an hour already.

11 So, Madam Witness, we are going to adjourn for today and we will
12 continue tomorrow morning with the questions of Victims' Counsel.
13 Yes? So ...

14 THE WITNESS: [Interpretation] That's fine by me. Thank you,
15 Your Honour, Madam Presiding Judge.

16 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, I advise you to
17 take some rest, and please don't discuss anything you have -- where
18 you have given your testimony on today with anybody. And we will see
19 you back tomorrow. Madam Court Usher will accompany you out. Thank
20 you.

21 THE WITNESS: [Interpretation] I understood everything. Have a
22 good day. All the best.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 [The witness stands down]

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

Additional redactions applied pursuant to F541.

1 Is there anything that the parties or Victims' Counsel would
2 like to raise with the Panel?

3 Madam Prosecutor? No.

4 No.

5 Very well. Then I thank you all for your attendance. And I
6 thank the interpreters and the audiovisual technicians and the
7 security personnel for their assistance today.

8 The hearing is adjourned until tomorrow at 9.30.

9 --- Whereupon the hearing adjourned at 3.46 p.m.

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