

Additional redactions applied pursuant to F579.

1 Wednesday, 3 May 2023

2 [Open session]

3 [The accused appeared via videolink]

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

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

6 Court Officer, can you please call the case.

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

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

10 Parties and participants, could you please tell the court who is
11 present today.

12 You have the floor, Mr. Prosecutor.

13 MR. DE MINICIS: Good morning, Your Honours. Line Pedersen,
14 case manager; and then Eva Wyler, Gaia Pergolo and
15 Filippo De Minicis, Associate Prosecutors.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Victims' Counsel, you have the floor.

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

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Defence Counsel, you have the floor.

23 MR. GILISSEN: Thank you very much, Your Honour. We are here
24 with Mr. Shala, who is in the detention centre. And we are here with
25 Mr. Hedi Aouini, our co-counsel; Ms. Petravica, our case manager;

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1 Ms. Judit Kolbe and Ms. Francisca De Castro, evidence review
2 assistants; and Ms. Xhulia Tepshi, intern and translator from the
3 team. Thank you.

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

5 Mr. Shala, can you confirm that you hear me well?

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

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

9 So today we continue with the examination-in-chief by the
10 Specialist Prosecutor's Office, and then we will have the examination
11 by Victims' Counsel, and the cross-examination by the Defence.
12 That's the programme for today.

13 We will follow the same schedule as we had yesterday and the day
14 before yesterday, so the usual one-and-a-half-hour sessions with two
15 breaks of 30 minutes and a one-and-a-half-hour lunch.

16 As yesterday, we will have the witness appearing via videolink.

17 And there is one point I still have to make. We have some
18 reference for the record with regard to the Albanian transcript of
19 the witness interview with the SPO in 2022. These excerpts were used
20 by the Panel yesterday and we owed you still the references. These
21 were the reference used in the examination of Witness 10.

22 These are, and I will read them slowly for the interpreters and
23 the stenographer, it is page 15, lines 3 to 5 of the transcript with
24 ERN 108836-TR-ET, and this is Part 1, and that corresponds to
25 page 17, lines 15 to 17 of the transcript with ERN 108836-TR-AT,

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1 Part 1. And then the second reference is page 17, lines 16 to 18 of
2 the transcript with ERN 108836-TR-ET, Part 1. That corresponds to
3 page 20, lines 8 to 12 of the transcript with ERN 108836-TR-AT,
4 Part 1.

5 I also have two general remarks I wish to make with respect to
6 the items that the parties and Victims' Counsel intend to use during
7 the questioning. It is, first of all, for streamlining the
8 procedure. And the proposal is that parties and Victims' Counsel
9 first seek permission of the Panel to call up an exhibit, indicating
10 why they wish to have it called up. If -- that can be done, of
11 course, in public or in private, depending on what has to be shared
12 with the Panel in order to understanding the reasoning. And if
13 permission is granted, you may give the number of the exhibit and
14 then it will be pulled up. And if we follow this procedure, I hope
15 that we can -- we won't have overlapping speakers, what I noticed
16 yesterday sometimes. Just streamlining.

17 Very well. Yes. And the second point is that, like also
18 already was indicated several times yesterday, please indicate to the
19 Panel when the documents can be taken down.

20 Very well. Court Officer in the room where the witness will be,
21 could you please bring in the witness and introduce everyone else in
22 the room present alongside with the witness. Thank you.

23 [The witness takes the stand via videolink]

24 THE COURT OFFICER: [via videolink] Your Honours, present now in
25 the remote location room is myself, Senior Court Officer, together

Witness: TW4-11 (Resumed) (Open Session)

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

1 with Witness 11.

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

3 Mr. Witness, good morning. Can you hear me?

4 THE WITNESS: [via videolink][Interpretation] Good morning. Yes,
5 I can hear you.

6 PRESIDING JUDGE VELDT-FOGLIA: Welcome again.

7 Mr. Shala, can you hear the witness?

8 THE ACCUSED: [via videolink][Interpretation] Yes, I can hear him
9 well. Thank you.

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

11 Mr. Witness, how are you today?

12 THE WITNESS: [via videolink][Interpretation] I'm well. Thank
13 you.

14 PRESIDING JUDGE VELDT-FOGLIA: Today we will continue with the
15 examination by the Specialist Prosecutor's Office. I remind you that
16 you are still under oath to tell the truth. Is that clear to you?

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

18 PRESIDING JUDGE VELDT-FOGLIA: Very well.

19 Mr. Prosecutor, you have the floor.

20 WITNESS: TW4-11 [Resumed]

21 [Witness testified via videolink]

22 [Witness testified through interpreter]

23 Examination by Mr. De Minicis: [Continued]

24 Q. Good morning, Mr. Witness. Welcome back.

25 So I don't have a lot left, and I'd like to proceed this way.

Witness: TW4-11 (Resumed) (Open Session)

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Examination by Mr. De Minicis (Continued)

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1 First I have three questions that I want to ask you as follow-ups to
2 matters we have already discussed yesterday. And then I have another
3 two new topics that I need to cover before concluding my examination.

4 My first question, follow-up question, is: Yesterday you told
5 us that it was Xhemshit Krasniqi who brought you to the Kukes metal
6 factory. You also told us that he told you his name, you learned his
7 name, in the room where -- when he entered. And this you stated at
8 page 50 of yesterday's provisional transcript.

9 Now, I understand that after he brought you in, you saw
10 Xhemshit Krasniqi at least once, when he entered the room and told
11 you his name. Did you see him on other occasions as well?

12 A. No.

13 Q. Thank you. You also told us yesterday that you had a mattress
14 to sleep on.

15 MR. DE MINICIS: And this, Your Honours, would at pages 18 -- 80
16 to 81 of yesterday's provisional transcript.

17 Q. Did you always have mattresses to sleep on during your time, the
18 month, you spent in that room?

19 A. No, we didn't have them all the time.

20 Q. Thank you.

21 MR. DE MINICIS: Your Honours, could we please move into private
22 session for my next questions because -- I will explain. But we need
23 to discuss evidence concerning protected individuals.

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

Witness: TW4-11 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1245

Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1246

Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1247

Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1248

Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1249

Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1252

Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1253

Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1254

Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1258

Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

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[Open Session] *Reclassified Pursuant to F579*

8 MR. DE MINICIS: Thank you, Your Honours, for the time.

9 Q. Mr. Witness, thank you very much for -- I know it's not an easy
10 task to ask you to recall, yet again, this -- what must have been
11 painful events. I am done with this topic. And I have just one
12 additional topic to cover, but before I move on.

13 You told us this story. You told us about a man dying in the
14 room where you were staying. You told us about another man being
15 wounded, hearing shots outside the room. How did all of this make
16 you feel at that moment, at that time, in that room?

17 A. Well, obviously I didn't feel safe. I wasn't all right. I
18 was -- I felt stressed out and I was thinking what could happen.

19 Q. Were you afraid for your own life?

20 A. Yes, obviously, I was afraid.

21 Q. Thank you. Now, in your testimony, you have told us in detail
22 about the time you were brought to the Kukes metal factory, the time
23 that you were detained, the treatment, the people you were with --

24 PRESIDING JUDGE VELDT-FOGLIA: Sorry, Mr. Prosecutor, to
25 interrupt you. Just to verify if we should remain in private session

Witness: TW4-11 (Resumed) (~~Private Session~~) (Open Session) *Reclassified Pursuant to F579* Page 1260
Examination by Mr. De Minicis (Continued)
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1 or that we can go into public session.

2 MR. DE MINICIS: We can go to public session. Thank you,
3 Your Honour, for your reminder.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, please bring
5 us into public session.

6 ~~[Open session]~~

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

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Court Officer.
9 Please proceed, Mr. Prosecutor.

10 MR. DE MINICIS:

11 Q. We're in public session now, so let's be careful not to say your
12 name or any other identifying details. I'll try to be careful
13 myself.

14 Now, you told the Panel the story of your detention in that
15 place. Now, can you tell the Panel how you came to be released.

16 A. Yes. I was released when NATO entered Kosovo, and the doors
17 were opened and I just left.

18 Q. Now, during your detention and before being released, were you
19 ever questioned by anybody? And I seem to recall -- I don't remember
20 the page right now, but I seem to recall you told us that once it was
21 during the day you were indeed asked some questions.

22 PRESIDING JUDGE VELDT-FOGLIA: You mean the provisional
23 transcript, Mr. Prosecutor?

24 MR. DE MINICIS: Correct, Your Honour.

25 PRESIDING JUDGE VELDT-FOGLIA: For the record, I could say, but

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

1 please have the colleagues verify that that is page 12, 22. But if
2 that is the page that you meant.

3 MR. DE MINICIS: Thank you. My colleagues will verify that.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay.

5 MR. DE MINICIS:

6 Q. Were you ever questioned during your detention, Mr. Witness?

7 A. Yes.

8 Q. Who questioned you? Do you know the identity of the person who
9 questioned you? And you can say his name.

10 A. At that moment I didn't know him. After the liberation and
11 return in Kosovo, I learned that it was Eqrem Kryeziu.

12 I apologise. I apologise. It was a mistake. His name was
13 Osman Kryeziu.

14 Q. Thank you, Mr. Witness. Now, you told the Panel that you
15 learned this name after the war. On the day that he questioned you,
16 did he introduce himself in any way?

17 A. He said he was a judge or a prosecutor. I can't remember what
18 he exactly said. And he said, "I have to ask you some questions."

19 Q. Did he say for what organisation, army or entity, he was either
20 a prosecutor or a judge? Did he specify that?

21 A. No.

22 MR. DE MINICIS: Your Honour, could I please have -- I just want
23 to put to the witness an additional detail that he provided to the
24 SPO during his interview of -- during his interview. And if we could
25 have 059351-TR-ET, Part 2 --

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Yes. You may.

2 MR. DE MINICIS: -- on the screen.

3 PRESIDING JUDGE VELDT-FOGLIA: Please, Mr. Court Officer,
4 proceed.

5 MR. DE MINICIS: That will be page 12, both in the English and
6 in the Albanian versions.

7 Q. Now --

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 MR. DE MINICIS:

10 Q. Mr. Witness, at the time, during a previous interview with the
11 SPO, the date of which I will not reveal, we were talking about this
12 interview of yours, and you stated:

13 "I just know that when I was held for a month and then I was
14 questioned, they took me to someone who was a prosecutor, and he
15 said, 'I am a prosecutor of the KLA.' He said that to me. I was
16 just questioned for about a half hour, and I haven't ever seen him
17 since then."

18 Now, my first question is: From what you stated to the
19 prosecutor at the time, this man stated that he was a prosecutor for
20 the KLA. Do you recall that?

21 A. I don't recall that, to tell you the truth. It is possible that
22 he said so.

23 Q. Thanks. I appreciate you're trying to make an effort.

24 Now, there's one thing that now I notice here, that you told us
25 that you met this person after the war and he told you his identity.

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Examination by Mr. De Minicis (Continued)

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1 But here you seem to have stated that you hadn't seen him since then,
2 since the time he interrogated you.

3 Did you see again [Microphone not activated] interrogated you
4 after the war?

5 A. I saw him once.

6 Q. Thank you. Now, at the end of your detention --

7 MR. DE MINICIS: And, Your Honours, we can perhaps briefly put
8 down the ...

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

10 MR. DE MINICIS:

11 Q. At the end of your detention, did you come to understand who was
12 it that had detained you, under which authority, which group was
13 responsible for your detention?

14 A. No, I didn't.

15 MR. DE MINICIS: Your Honour, if I may have that transcript back
16 up on the screen, please.

17 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Court
18 Officer.

19 MR. DE MINICIS: It's at the bottom of page 12 and the beginning
20 of page 13 in English. I believe it should be the same in Albanian.
21 [Microphone not activated].

22 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

23 PRESIDING JUDGE VELDT-FOGLIA: Where's -- okay.

24 Mr. Prosecutor, thank you, but I prefer that we wait till we
25 have both statements --

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Examination by Mr. De Minicis (Continued)

Additional redactions applied pursuant to F579.

1 MR. DE MINICIS: Yes, yes.

2 PRESIDING JUDGE VELDT-FOGLIA: -- on our screen.

3 Thank you, Mr. Witness, for your patience.

4 Please proceed.

5 MR. DE MINICIS:

6 Q. I'm just asking you this question because when the Prosecutor
7 asked you:

8 "Is it correct that you came to understand that you were
9 detained by the KLA?"

10 And you answered, and this, Your Honours, is at beginning of the
11 following page, page 13, lines 1 to 3:

12 "That's true. I came to understand that Xhemshit Krasniqi was a
13 part of the KLA, but when he came to arrest me he was in civilian
14 clothing."

15 So, Mr. Witness, I'm putting to you, from your interview, it
16 seems to me that you did come to understand who it is, which
17 entity -- I mean, which entity the person who arrested you was part
18 of, did you not?

19 Mr. Witness, would you like me to repeat the question?

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you used the
21 word --

22 THE WITNESS: [via videolink] [Interpretation] Yes, it wasn't
23 clear to me.

24 MR. DE MINICIS: Yes --

25 PRESIDING JUDGE VELDT-FOGLIA: No. You used the word "to

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Examination by Mr. De Minicis (Continued)

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1 arrest." I think that --

2 MR. DE MINICIS: Well, Your Honour --

3 PRESIDING JUDGE VELDT-FOGLIA: I don't know if is an arrest.

4 MR. DE MINICIS: He was deprived of his liberty. I --

5 PRESIDING JUDGE VELDT-FOGLIA: I raise it here. He was brought
6 from one location to the other location.

7 MR. DE MINICIS: Very well.

8 Q. So the Prosecutor asked you:

9 "Is it correct that you came to understand that you were
10 detained by the KLA?"

11 And you responded:

12 "That's true. I came to understand that Xhemshit Krasniqi was a
13 part of the KLA, but when he came to arrest me he was in civilian
14 clothing."

15 Because earlier I had asked you, did you come to understand, you
16 know, who it is who had arrested you, which entity, which body, you
17 said no. But from the question you -- the answer you gave to the
18 Prosecutor, it seems that you came to understand that the person who,
19 in your words, came to arrest you, was part of the KLA.

20 Do you recall -- is that correct?

21 A. Yes, that's correct.

22 Q. Thank you. Now, could you -- do you recall what questions this
23 prosecutor or judge asked you during this interview, interrogation
24 before you were released?

25 A. Well, he asked, "What did you do? What kind of work did you do?"

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Examination by Mr. De Minicis (Continued)

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1 Where were you during the offensive? Where were you during the war?"

2 These sort of questions.

3 Q. Did he give you any explanation as to why you had been deprived
4 of your liberty for over a month?

5 A. No. He only said that he was sorry that he had no arguments
6 against me.

7 Q. Did anyone else during your detention ever explain to you why
8 you were being deprived of your freedom for that time, during that
9 time?

10 A. No, nobody said anything. They didn't give me any reasons.

11 [Specialist Prosecutor confers]

12 MR. DE MINICIS: Your Honours, you asked for a reference earlier
13 as to when the witness talked about interrogation yesterday and -- in
14 the transcript, and it would be page 1222, lines 19 to 20.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 MR. DE MINICIS: Your Honours, could I please have on the screen
17 the photoboard identification that the witness carried out, I
18 believe, [REDACTED] and which relates to the person discussed in this
19 --
19 in the context of this interrogation.

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MR. DE MINICIS: Could I please have on the screen SITF00013100
22 to 00013122 RED3, at page 20, please.

23 Q. Mr. Witness, do you see the document on the screen?

24 A. Yes.

25 Q. Do you see a signature under picture number 74?

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Examination by Mr. De Minicis (Continued)

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1 A. Yes.

2 Q. Do you recognise that signature?

3 A. Yes.

4 Q. Whose is that signature?

5 A. This signature is mine.

6 Q. Do you recognise the person depicted in picture -- in photograph
7 number 74?

8 A. Yes.

9 Q. Could you tell the Court who that person is, please.

10 A. This person is Osman Kryeziu.

11 Q. So do I understand correctly this is the person who introduced
12 himself as a prosecutor and asked you questioned before you were
13 released; is that correct?

14 A. Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: I heard --

16 MR. DE MINICIS: I'm done with this document.

17 PRESIDING JUDGE VELDT-FOGLIA: I heard -- thank you for pulling
18 it down, Mr. Court Officer.

19 I heard the witness say prosecutor or judge. He didn't remember
20 anymore.

21 MR. DE MINICIS: Yes, correct.

22 PRESIDING JUDGE VELDT-FOGLIA: Good.

23 MR. DE MINICIS:

24 Q. Mr. Witness, we have come to the -- almost to the conclusion of
25 my questions. I just have another couple additional questions.

Additional redactions applied pursuant to F579.

1 Mr. Witness, thank you. We will now first have a break and then
2 continue.

3 Victims' Counsel, will you be having questions after the break?

4 MR. LAWS: Your Honour, we have no questions for this witness.

5 Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay.

7 Mr. Witness, we will now have a break and continue at half past
8 11.00. I will ask Madam Court Officer to usher you out. We see you
9 back in a while. Thank you very much.

10 [The witness stands down via videolink]

11 THE COURT OFFICER: [via videolink] Your Honours, the witness is
12 outside the remote room.

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

14 Before we adjourn, is there something the SPO would like to
15 raise with the Panel?

16 MR. DE MINICIS: No. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Victims' Counsel, is there something you would like to raise?

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

20 PRESIDING JUDGE VELDT-FOGLIA: Very well.

21 And Defence Counsel?

22 MR. GILISSEN: No. Thank you very much, Your Honour. Thank
23 you.

24 PRESIDING JUDGE VELDT-FOGLIA: Then after the break we will
25 continue with your cross-examination.

1 We see each other back at 11.30. The hearing is adjourned.

2 --- Recess taken at 10.53 a.m.

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

4 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Let me start to
5 see if the composition has changed. On my right-hand side.

6 MR. DE MINICIS: No changes, Your Honour.

7 PRESIDING JUDGE VELDT-FOGLIA: No changes, Victims' Counsel.

8 And no changes on the side of the Defence team.

9 I see that Mr. Shala is present.

10 Very well. Then I will ask Madam Court Officer if she can bring
11 in the witness again. Thank you.

12 [The witness takes the stand via videolink]

13 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you hear me?

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

15 PRESIDING JUDGE VELDT-FOGLIA: Very well. Welcome back.

16 So Victims' Counsel informed us that there were no questions
17 from the side of Victims' Counsel.

18 Now we will resume -- we will start with the Defence team.

19 Defence Counsel, you have the floor for your cross-examination.

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

21 I just want to be sure that Mr. Shala hear the witness too.

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

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

25 PRESIDING JUDGE VELDT-FOGLIA: That was a convincing yes.

1 Thank you, Defence Counsel, you have the floor.

2 MR. GILISSEN: Thank you. It seemed to be, indeed. Thank you.

3 Cross-examination by Mr. Gilissen:

4 Q. Good morning, Mr. Witness. I am Mr. Gilissen, the Defence
5 Counsel of Mr. Shala, the red robe. And I would like to ask you some
6 questions to be sure to understand you perfectly well or to obtain
7 some more details about your statement and the testimony you made
8 today. So thank you to be here with us.

9 And the very first question I would like to ask you: In 1999,
10 did you know anyone called Pjeter Shala when you were -- when you was
11 in Kukes metal factory?

12 A. No.

13 Q. Thank you very much. It is very clear. Thank you for that.

14 So today you talk about, in the transcript of today, page 27,
15 line 18 to 24, you talk about Mr. Xhemshit Krasniqi, and you made a
16 link, if I understand, this is the purpose of my question, did you
17 make a link between Mr. Krasniqi and your arrest and your detention?

18 A. I'm sorry, I didn't quite understand the question.

19 Q. Don't mind. I will try to repeat in another way.

20 Do you make a link between your arrest and your detention and
21 Mr. Xhemshit Krasniqi?

22 A. Yes.

23 Q. In the past, before 1999, did you know Mr. Krasniqi?

24 A. No.

25 Q. And before 1999, did you know someone from the Xhemshit Krasniqi

Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 family?

2 A. No.

3 Q. I have to ask you, I have to ask you, did you -- are you
4 passionate of football game?

5 A. Yes.

6 Q. [REDACTED]

7 PRESIDING JUDGE VELDT-FOGLIA: Defence.

8 MR. GILISSEN: Yeah.

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, shall we go
10 into private session.

11 [Private session]

12 [Private session text removed]

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Witness: TW4-11 (Resumed) (Private Session)

Page 1273

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1274

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1281

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1282

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1283

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1284

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1285

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1286

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1287

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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7 [Open session]

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

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

10 Defence Counsel, you have the floor.

11 MR. GILISSEN: Thank you very much.

12 Q. And about these mattresses and blankets, you told us today, page
13 81 [sic] of the transcript, and line 1 to 2, that these mattresses
14 and blankets disappear.

15 Are you able enough to explain what was the situation about this
16 disappearance --

17 PRESIDING JUDGE VELDT-FOGLIA: No. Wait, wait. Shall we go to
18 a moment to that -- I don't remember that they disappeared. That's
19 not my understanding. And is it page 81? Cannot be because we are
20 at 51.

21 MR. GILISSEN: [Microphone not activated]. It's page 5, lines
22 18 to 20, and the transcript, the Tuesday transcript. I quote the
23 transcript of yesterday. Yeah.

24 PRESIDING JUDGE VELDT-FOGLIA: So today or -- excuse me.

25 MR. GILISSEN: It's page 5, line 18 to 20.

Witness: TW4-11 (Resumed) (Open Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: "Did you always have mattresses
2 to sleep on during your time, the month, you spent in that room?

3 "No, we didn't have them all the time.

4 "Thank you."

5 I don't see here that it disappeared. They could also have
6 appeared. So they could not have been there and then appeared or
7 have been given. So I would pose the question in a different way,
8 please.

9 MR. GILISSEN: Yeah, sure. Thank you.

10 Q. So, Mr. Witness, did you have during your detention blankets
11 or/and mattresses at your disposal?

12 A. Yes, we did. Except for a period of one day when they were
13 removed from the room.

14 Q. Yes. And about what I call this disappearance of the blankets
15 and the mattresses, did you have a discussion with
16 Mr. Xhemshit Krasniqi about this disappearance?

17 A. I didn't know Xhemshit Krasniqi. But at a certain moment when
18 he appeared at the door and saw us lying on the concrete floor,
19 without blankets and without these thin mattresses, he asked us,
20 "Since when do you not have these mattresses?" We said, "Since one
21 day." And there, he said that he was Xhemshit Krasniqi and that's
22 where I realised that it was him. And, in the meantime, they brought
23 us blankets and thin mattresses in the room.

24 Q. So did I understand you well, it seemed that Mr. Krasniqi was
25 not aware about the disappearance of the blankets?

Witness: TW4-11 (Resumed) (Open Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 A. No, he was not aware about that.

2 Q. Thank you very much. And is it the same with the injuries you
3 had? Did you have a discussion about that with Mr. Krasniqi?

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, wait.

5 Defence Counsel, for me, this is too unspecific. Which
6 injuries, when incurred, when did we discuss it?

7 MR. GILISSEN:

8 Q. So during the discussion you had with Mr. Krasniqi, did he
9 address you about the injuries he was able to see -- to see?

10 MR. DE MINICIS: Your Honour.

11 PRESIDING JUDGE VELDT-FOGLIA: Wait. Thank you, Mr. Prosecutor.
12 I will ask the witness to be escorted out because we are going into
13 the merits of the examination.

14 Mr. Witness, I will ask Madam Court Officer to escort you out
15 again. Thank you for your patience. Yes, bear with us a little bit
16 more.

17 [The witness stands down via videolink]

18 PRESIDING JUDGE VELDT-FOGLIA: We are waiting to be informed
19 that the witness has been escorted out.

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

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
23 Mr. Prosecutor, you have the floor.

24 MR. DE MINICIS: Yes, Your Honour, thank you. May I suggest
25 that we first establish a timeline of the events. Did this meeting

Additional redactions applied pursuant to F579.

1 with Mr. Krasniqi happen before or after the witness had been beaten.
2 I think that's what counsel is referring to. And then whether at the
3 time he visible injuries. Then we can ask the witness whether
4 Mr. Krasniqi addressed these injuries. Because without that
5 foundation, we weren't able to ascertain the value of the answer that
6 the witness would give.

7 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, that was the
8 point that I was trying to make earlier, that I think it's important
9 that we establish that he had injuries, that they could be seen, and
10 if Mr. Krasniqi addressed him with regard to those injuries, and if
11 so, yes, what he -- what they discussed. I think we're making the
12 same point.

13 MR. GILISSEN: I think I have to quote the transcript of
14 yesterday. It could be better. I think so.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.
16 Then we can proceed.

17 MR. DE MINICIS: Yes. But before quoting yesterday's
18 transcript, maybe we can put these questions to the witness, as
19 Your Honour has suggested.

20 PRESIDING JUDGE VELDT-FOGLIA: Yes. But you can -- we are not
21 going to repeat questions and answers that have already been given.
22 So if he has said something on this point, I don't mind that that is
23 repeated to bring the witness back there, and then we follow up.
24 Yes?

25 Very well. I see --

Witness: TW4-11 (Resumed) (Open Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 MR. GILISSEN: Perfect.

2 PRESIDING JUDGE VELDT-FOGLIA: I see Defence Counsel nodding and
3 we have agreement on this.

4 Madam Court Officer, would you be so kind to bring the witness
5 back. Thank you.

6 [The witness takes the stand via videolink]

7 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you hear me?

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

9 PRESIDING JUDGE VELDT-FOGLIA: Very well.

10 Mr. Shala, can you hear the witness? I see you nodding, I take
11 that as a yes and we record it as such.

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

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 Defence Counsel, you have the floor.

15 MR. GILISSEN: Thank you.

16 Q. Mr. Witness, yesterday, and we have it in the transcript of
17 yesterday, page 92, line 10 and the following, and page 94, with line
18 18 and following, you were talking about two scenes, terrible scene
19 of violence that created injuries, including to your eye. So was it
20 visible for someone who face you at this moment?

21 A. Yes.

22 Q. Do you remember a scene where Mr. Krasniqi saw these injuries or
23 this injury and discussed it, about, with you?

24 A. Yes.

25 Q. So are you able enough to explain to the Court what was the

1 scene and what was the discussion you had with Mr. Krasniqi about
2 that.

3 A. He asked me, "Who hit you? Did you see who hit you?" I
4 replied, "No, I didn't. I didn't recognise that person. My head was
5 bowed down and I just suddenly felt pain in my eye."

6 Q. Thank you. It's very clear. Do I have to understand that
7 Mr. Krasniqi was not aware that you have been beaten or you received
8 some hurt?

9 MR. DE MINICIS: Your Honour. Just one thing.

10 THE WITNESS: [via videolink][Interpretation] Yes, that's
11 correct.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, tell me.

13 MR. DE MINICIS: For the record I want to object. The witness
14 can state the facts as he has stated them. That is, that
15 Mr. Krasniqi asked him about these injuries. Now, whether
16 Mr. Krasniqi was truthfully wondering whether he know, whether he
17 didn't know, that we're entering the realm of speculation of the
18 witness.

19 Mr. Krasniqi asked the witness about the injuries and that is, I
20 think, in my submission, all the witness can say on this topic.

21 PRESIDING JUDGE VELDT-FOGLIA: That is taken on board,
22 Mr. Prosecutor. For the record, we take it -- the question can be
23 asked, and the witness can say what he thinks that was the situation.

24 MR. GILISSEN: So --

25 PRESIDING JUDGE VELDT-FOGLIA: And if you would like, in your

Witness: TW4-11 (Resumed) (Open Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 re-direct, you can address this issue again.

2 But I see the point of the Prosecutor.

3 MR. GILISSEN: Of course. And the answer of the witness was
4 very clear. So I can go to another topic.

5 PRESIDING JUDGE VELDT-FOGLIA: I would like ask a question in
6 this respect, a short one.

7 Mr. Witness, where did this discussion take place?

8 THE WITNESS: [via videolink][Interpretation] This discussion
9 took place in the room. We were in the room, whereas
10 Xhemshit Krasniqi was by the door, at the door.

11 PRESIDING JUDGE VELDT-FOGLIA: And how often did Mr. Krasniqi
12 visit you during the time you were there?

13 THE WITNESS: [via videolink][Interpretation] Only once. That
14 time when he brought the blankets.

15 PRESIDING JUDGE VELDT-FOGLIA: So this episode and the mattress
16 episode happened on the same day?

17 Did you understand my question, Mr. Witness?

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

19 PRESIDING JUDGE VELDT-FOGLIA: Hmm. Is this "yes" an answer to
20 the question if you understood me?

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

22 PRESIDING JUDGE VELDT-FOGLIA: Then I would like to have an
23 answer if the episode that Mr. Krasniqi asked you about the injuries
24 was the same day that he had the blankets and the mattresses brought
25 back.

Witness: TW4-11 (Resumed) (Open Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

3 Defence Counsel, you may proceed.

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

5 Q. About this topic, one more question, Mr. Witness.

6 After this discussion you had with Mr. Krasniqi, have you been
7 beaten anymore by someone?

8 A. No.

9 Q. Thank you very much. Thank you.

10 I would like to ask you a question about the shooting incident
11 we were talking about today. In today's provisional transcript,
12 line -- page 13, line 1, you state:

13 "At a certain moment, I only heard one shot."

14 Just clarify and to be sure --

15 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, can we do this
16 in public, just to be sure?

17 MR. GILISSEN: I think it could be in public, I think so. Yeah,
18 yeah.

19 PRESIDING JUDGE VELDT-FOGLIA: Good. Just to verify.

20 MR. GILISSEN: No, that's sure. Thank you.

21 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

22 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

23 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

24 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

25 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

4 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

5 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

6 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

7 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

8 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

9 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

10 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

11 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

12 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

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14 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

15 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

16 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

17 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

18 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

19 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

20 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

21 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

22 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

23 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

24 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

25 [REDACTED] Pursuant to In-Court Redaction Order F502RED.

Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1300

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1301

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

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Witness: TW4-11 (Resumed) (Private Session)

Page 1302

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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8 [Open session]

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

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

11 MR. GILISSEN: Thank you. May I?

12 PRESIDING JUDGE VELDT-FOGLIA: You may.

13 MR. GILISSEN: Thank you very much. Thank you.

14 Q. So, Mr. Witness, you explain us today you were interviewed by a
15 man, a person known Osman Kryeziu, and you explain us the interview
16 you have, and you explained you have only this interview. Was
17 Mr. Kryeziu surprised with the statement you provide him with?

18 PRESIDING JUDGE VELDT-FOGLIA: For me, it's not -- no, no, wait.

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

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, about which
21 conversation are we talking in time? Because he has had more than
22 one conversation with this specific person.

23 MR. GILISSEN: I will quote the transcript, but he had only one
24 conversation with Mr. Kryeziu. There is the only time he was
25 interviewed during all the detention.

Witness: TW4-11 (Resumed) (Open Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Yes, but he was -- he gave
2 testimony that he also gave -- he also talked to him after the war.
3 And it was not specified in your question which of the two occasions
4 he referred to.

5 MR. GILISSEN: Okay.

6 PRESIDING JUDGE VELDT-FOGLIA: And thank you for the reference
7 in the transcript.

8 MR. GILISSEN: Yeah. I waited for the reference. And, of
9 course, I'm quoting the discussion -- in reality the interview he had
10 with Mr. Osman Kryeziu in the Kukes metal factory in 1999. It's the
11 today transcript, page 29, lines 11 to 14.

12 Q. And the question is: During this sole interview you have about
13 the reason why you were detainee in the former factory in Kukes in
14 1999, I would like to know if Mr. Kryeziu was astonished with the
15 statement and the answer you provide him with?

16 A. Yes.

17 Q. And what said Mr. Kryeziu? What does he say when he hear your
18 answer? He provide you with some comments or what was his reaction?

19 A. He reacted as per normal. He said he was surprised as to the
20 reasons I was inside.

21 Q. So does he seem to know that you were detained for one month?

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel -- please wait,
23 Mr. Witness.

24 What -- I don't understand the question well. Is your question:
25 Did he know that you were detained, that you had been detained for a

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 month?

2 MR. GILISSEN: [Microphone not activated]

3 PRESIDING JUDGE VELDT-FOGLIA: Yes.

4 Did Mr. Kryeziu know, Mr. Witness, that you had been detained
5 there for a month?

6 THE WITNESS: [via videolink][Interpretation] I don't know.

7 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Defence Counsel.

8 MR. GILISSEN: Thank you very much.

9 Q. And how long after this interview with Osman Kryeziu were you
10 released? Do you remember the time passed after this interview and
11 your release?

12 A. From what I can remember, it was two weeks later.

13 MR. GILISSEN: If, Your Honour, may I quote a document, SITF --

14 PRESIDING JUDGE VELDT-FOGLIA: Would you please inform me why
15 you would like to quote. I mean, that means that we will pull up the
16 exhibit. And then I can decide on it.

17 MR. GILISSEN: Yes, of course.

18 PRESIDING JUDGE VELDT-FOGLIA: And then we can give the
19 reference number to Mr. Court Officer and then we provide it to the
20 witness.

21 MR. GILISSEN: Yeah. In the statement I would like to read, the
22 witness was very accurate about the answer with this question. He
23 provide us -- he provides the investigators with a very accurate
24 information that didn't appear in the hearing till now.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. So with regard to the time

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Additional redactions applied pursuant to F579.

1 lapse between the interview and his release?

2 MR. GILISSEN: Yes, exactly.

3 PRESIDING JUDGE VELDT-FOGLIA: That's -- okay, very well. So
4 you would like to refresh the memory of the witness.

5 MR. GILISSEN: Absolutely. It's not a question to --

6 PRESIDING JUDGE VELDT-FOGLIA: Very well.

7 MR. GILISSEN: -- to create a problem or something like that.
8 It's really -- no, it's not a question of that.

9 PRESIDING JUDGE VELDT-FOGLIA: Please, if you can give the
10 reference to the Court Officer.

11 MR. GILISSEN: Yes, it's SITF00013047-SITF00013060 RED5. And
12 the Albanian translation is SITF00013075-SITF00013088 RED5, page 13.

13 In the English version and the Albanian version, it's page 13.

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

15 MR. GILISSEN:

16 Q. So there is no line in this document, but about the issue I
17 would like to raise, I can quote --

18 PRESIDING JUDGE VELDT-FOGLIA: Maybe you can -- yes, okay. But
19 I would say it has taken a while for the -- Mr. Witness, Defence
20 Counsel is now going to read an excerpt from a prior statement of you
21 in which you gave information regarding the time that passed between
22 your conversation or discussion with Mr. Kryeziu and your release, in
23 order to see if you then remember how much time passed by.

24 You have the floor, Defence Counsel.

25 MR. GILISSEN: Thank you very much. I want to quote something

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Additional redactions applied pursuant to F579.

1 not too long. And this is in the middle of the page, almost in the
2 middle of the page:

3 "He was very surprised when I told him he didn't comment. He
4 said, 'I don't understand why you are here.' He asked, 'During this
5 month had you been interviewed?' I said no, and then the following
6 day I went home."

7 And this is the last word, of course, that I would like to ask
8 to the witness to comment.

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, do you -- I would
10 make it more concrete.

11 Mr. Witness, do you recall now that you were released the day
12 after?

13 THE WITNESS: [via videolink][Interpretation] I do not remember.
14 Because I was released when the door was opened. When KFOR and NATO
15 entered Kosovo, that's when the door was opened, and that's when I
16 went out, got out. I do not recall anything else.

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have the
18 floor, if you like to follow up.

19 MR. GILISSEN: Just ask to the witness --

20 Q. Mr. Witness, do you remember having interview [REDACTED]?

21 A. I cannot remember. I remember there was one. I can't remember.

22 Q. Okay, thank you very much.

23 MR. GILISSEN: We can go to another topic, Your Honour.

24 Q. So, Mr. Witness, during your interview with the SPO in 2019, you
25 were shown some picture of people; correct?

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Additional redactions applied pursuant to F579.

1 A. Yes.

2 MR. GILISSEN: Yes. And I would like to ask the Court Officer
3 to show you a document, a picture, and I provide the Court Officer
4 with the number.

5 PRESIDING JUDGE VELDT-FOGLIA: Can you -- but can you indicate
6 to the Panel, without revealing too much about the content of the
7 question, but why you would like to show this document.

8 MR. GILISSEN: To show him to the -- the witness, to ask him if
9 he is able to recognise a person who is in the picture, or on the
10 picture.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay. And in what framework of
12 the allegations? In what context?

13 MR. GILISSEN: Yeah. Oh, it comes from a person who were
14 detained or who claimed to be detained in Kukes in the same time that
15 the witness, and I would like to know if is he able to recognise the
16 person.

17 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

18 Mr. Court Officer, please proceed.

19 MR. GILISSEN: So it's 059341-059350, page 10. Yes, this is the
20 picture.

21 PRESIDING JUDGE VELDT-FOGLIA: I would ask an open question,
22 Defence Counsel, please.

23 MR. GILISSEN:

24 Q. So, Mr. Witness, do you see the picture?

25 A. Yes.

Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 Q. Thank you. And do you recognise this person? Are you able
2 enough to say if you know the name of this person or some information
3 about this person?

4 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

5 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

6 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

7 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

8 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we have to go
9 into private. I would like to go into private.

10 Mr. Court Officer, please bring us into private.

11 [Private session]

12 [Private session text removed]

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Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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Witness: TW4-11 (Resumed) (Private Session)

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Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F579*

8 Defence Counsel, you informed us that you were almost done but
9 then we will have this small piece done after the --

10 MR. GILISSEN: Yes. And after that, it's over, that's sure.
11 Thank you.

12 PRESIDING JUDGE VELDT-FOGLIA: That's what I understood.

13 Mr. Witness, we will now have a break for one and a half hour,
14 till half past 2.00. And before I will ask to accompany you out of
15 the remote location, I will ask the Specialist Prosecutor's Office to
16 see where they stand for a possible next round.

17 Mr. Prosecutor.

18 MR. DE MINICIS: Your Honour, I guess it will depend on how this
19 last question on the pictures go. We may or may not have a question
20 or two concerning that. But, otherwise, I don't foresee having much
21 or anything at all.

22 PRESIDING JUDGE VELDT-FOGLIA: Okay. But it's just to --

23 MR. DE MINICIS: Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: A kind of an estimation --

25 MR. DE MINICIS: Yes.

1 PRESIDING JUDGE VELDT-FOGLIA: -- to inform the witness --

2 MR. DE MINICIS: Yes, I don't --

3 PRESIDING JUDGE VELDT-FOGLIA: -- how the afternoon is going to
4 look like.

5 MR. DE MINICIS: I don't expect having -- I mean, if I have
6 anything, it wouldn't take longer than ten to 15 minutes, but maybe
7 less than that.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Victims' Counsel, you will have the opportunity to ask any
10 questions.

11 MR. LAWS: Yes. As things stand, Your Honour, we have nothing
12 to ask. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Good.

14 Mr. Witness, we will continue, as I said, after 2.30, and I
15 foresee that we will finalise before the end of the working day in
16 court.

17 I hope you have a good lunch and I hope you will be able to rest
18 a little bit. Thank you very much.

19 Madam Court Officer, could you accompany Mr. Witness out.

20 [The witness stands down via videolink]

21 THE COURT OFFICER: [via videolink] Your Honours, the witness is
22 outside the room.

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

24 Before we break for lunch, I will ask Mr. Court Officer to
25 provide us with the ERN numbers that have been allocated to the items

Additional redactions applied pursuant to F579.

1 the witness has marked during the examination by the SPO.

2 MR. AOUNI: Your Honour, can we do this in public session?

3 We're still in private.

4 PRESIDING JUDGE VELDT-FOGLIA: Yes, that's a very good idea,

5 Defence Counsel.

6 Mr. Court Officer, could you bring us into public session,

7 please.

8 ~~{Open session}~~

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

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

11 Could you provide us, before we go for a break, with the ERN
12 numbers that have been allocated to the items the witness has marked
13 during the examination by the SPO.

14 THE COURT OFFICER: Thank you, Your Honour. On the 2 May 2023,
15 Witness TW4-11, during examination-in-chief, made markings on ERN
16 074390. That marked image has been allocated ERN REG00951, and it
17 has been uploaded by Court Management Unit into Legal Workflow.

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

19 We will see you at 2.30. I wish you a good lunch.

20 The hearing is adjourned.

21 --- Luncheon recess taken at 1.03 p.m.

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

23 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. And the
24 composition is the same for the SPO, the same for Victims' Counsel,
25 and the same for Defence.

Additional redactions applied pursuant to F579.

1 And I see that Mr. Shala is present.

2 You can hear me fine, Mr. Shala?

3 Am I the only one who didn't hear anything?

4 I didn't hear anything. Could you re-try, Mr. Shala?

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

7 PRESIDING JUDGE VELDT-FOGLIA: Now I can hear you too. Thank
8 you, Mr. Shala. Good.

9 So we are in the same composition. We can proceed with the
10 examination by the Defence.

11 And, Defence Counsel, would you have the lines for us of the
12 Albanian version that corresponds to the English version in order to
13 be translated by the interpretation booth?

14 MR. GILISSEN: Yes, Your Honour. I think it's exactly the
15 references I provide before. So it means page 27 --

16 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] I will
17 ask Mr. Court Officer to pull up -- if he may kindly pull up both the
18 English and the Albanian version so that we can compare while it's
19 being translated, also the English version.

20 So could you provide us, Defence Counsel, first, with the
21 English version.

22 MR. GILISSEN: Sure.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 MR. GILISSEN: So the document is 059351-TR-ET, Part 2. And we
25 can consider it could start from line 4 to 15.

Additional redactions applied pursuant to F579.

1 In the Albanian version, we can consider we could start from
2 line 17 to line 3. And, indeed, the problem is that in the Albanian
3 version, we change of page. We have the page 27 and the page 28.

4 PRESIDING JUDGE VELDT-FOGLIA: And on page 27 --

5 MR. GILISSEN: And I hope to be clear.

6 PRESIDING JUDGE VELDT-FOGLIA: Yes, we start -- page 27 we start
7 at line 17 --

8 MR. GILISSEN: Yeah.

9 PRESIDING JUDGE VELDT-FOGLIA: -- then and we proceed on page 28
10 till line 3.

11 MR. GILISSEN: Yeah. I hope I am clear. Thank you.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay, I will -- as soon as they
13 are there ...

14 I will now refer myself to the interpretation booth. Mr. or
15 Madam Interpreter, is this sufficient information to translate the
16 Albanian version?

17 THE INTERPRETER: Yes, Your Honour.

18 PRESIDING JUDGE VELDT-FOGLIA: Then please proceed whenever you
19 are ready.

20 THE INTERPRETER: Interpreter's note that now they will
21 interpret from line 17 on page 27 of the Albanian version.

22 "I will show you now another photo. I will show it to the
23 witness. This is Annex 1204366, EX10.

24 *[REDACTED] Pursuant to In-Court Redaction Order F502RED.*

25 100 per cent sure. Because, there, we couldn't see him very well.

Additional redactions applied pursuant to F579.

1 "Q. Have you seen this person before?

2 "A. No.

3 "Q. Do you remember if this person was together with you in
4 Kukes?

5 "A. No. I didn't see them. Apart from the two Romas, I don't
6 know anyone.

7 "Q. I'm asking you to sign the photos that have been shown to
8 you and to put today's date."

9 PRESIDING JUDGE VELDT-FOGLIA: To be honest, I was not able to
10 follow or to compare the translation we -- the interpretation we
11 received the whole time with the English text because I could not see
12 it on the screen.

13 So I would like to invite either the SPO and the Defence, if
14 they saw a discrepancy in the English text with regard to the
15 interpretation we received. And, in the meantime, I will compare it
16 with what we received on the -- I see the Defence Counsel standing.
17 Please.

18 And I will give later on the floor to the Specialist
19 Prosecutor's Office.

20 Please.

21 MR. AOUINI: If I may, Your Honour, no major discrepancy. Just
22 one point I notice is "we didn't see him" made by the interpreters.
23 And if we look at the page 27 at the line 7, the English transcript
24 said: "We didn't see each other very well there either."

25 That's the discrepancy I noticed.

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Does the SPO want to add
2 something to that or to confirm or?

3 MR. DE MINICIS: No, Your Honours. Nothing to add. We are also
4 of the same view.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. That is good.

6 Defence Counsel, does that give rise for you, when I will be
7 inviting the witness in, to pose further questions to the witness on
8 this point?

9 MR. GILISSEN: For me, it's okay. It is very clear. But I
10 think the -- we received the answer from the witness just before, I
11 think so.

12 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes, but we have now gone
13 into the interpretation because the text, the English text, could be
14 slightly different and can confirm that there's no reason for you to
15 make any further questions.

16 MR. GILISSEN: And I can try to rephrase the question. That's
17 sure.

18 PRESIDING JUDGE VELDT-FOGLIA: No, you don't -- if you say that
19 you're informed enough, then I don't think it's necessary. It
20 depends on you.

21 MR. GILISSEN: No, it's enough for me, in my opinion. Okay.
22 Thank you very much.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 I will now ask Madam Court Officer to bring the witness in.

25 THE COURT OFFICER: [via videolink] Your Honours, just before, I

1 note the document is on the screen. Just before the witness comes
2 in.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 MR. AOUINI: In the meantime, Your Honour, I'm sorry, I don't
5 see the answer with which Mr. Gilissen is satisfied in the transcript
6 before the break. It's not registered. There were "[Microphone not
7 activated]" and I don't see that the answer at that time was
8 transcribed.

9 Sorry to put that.

10 [The witness takes the stand via videolink]

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, welcome back. Can
12 you hear me fine?

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

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 As you were coming in, Defence Counsel just raised a question
16 with regard to the transcript. Before we will continue with the
17 examination, we will try to solve this issue.

18 So, Defence Counsel, we are going back to the moment just before
19 the break. Let me see.

20 Could you indicate, Defence Counsel, where in the transcript the
21 reply would be lacking of the witness?

22 MR. AOUINI: If I understand well, at page 72, line 8, was the
23 question of lead counsel Mr. Gilissen. And following that, until the
24 break, I believe, there was an exchange and no answer from the
25 witness was registered in the transcript.

Witness: TW4-11 (Resumed) (Open Session)

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Procedural Matters

Additional redactions applied pursuant to F579.

1 I stand to be corrected, but this is what I see in the
2 transcript here.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Let us ...

4 But in line 12 and 13, without reading it out -- or is that a
5 citation?

6 MR. DE MINICIS: I believe that is the citation, Your Honour.

7 PRESIDING JUDGE VELDT-FOGLIA: Okay. What I'm doing now is
8 going through the transcript to see if any answer was given,
9 because ...

10 I didn't see the reply either.

11 Mr. Prosecutor, have you ...

12 MR. DE MINICIS: No, Your Honour. The last answer of the
13 witness is, to my understanding, to Your Honour's question at
14 page 71, line 21.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes, very well.

16 Then, Defence Counsel, I think that the most practical way would
17 be to re-ask the question. And if I recall well, you had the
18 documents pulled up on the screen. So I would say that we pull up
19 the documents again and then you ask the same question. We repeat.

20 We just had them.

21 So, Mr. Court Officer, could you please pull up the two
22 documents we just had.

23 And then what we will do for this specific part, we will go into
24 private session.

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

Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 ~~[Private session]~~[Open Session] Reclassified Pursuant to F579

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

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 Defence Counsel, please proceed.

5 MR. GILISSEN: Yes. I think, Your Honour, the best is to repeat
6 the question I asked to the witness, to be clear, and to be sure not
7 to commit a mistake.

8 Q. Good afternoon, Mr. Witness. So we were talking about a
9 statement you provide and I quote an extract of your answer about the
10 man, the person we saw on the picture, and you see on the picture, I
11 quote your -- the extract of the statement. The question to you was:

12 "Do you recognise this man as having been with you in the time
13 you were in Kukes?"

14 And your answer was:

15 "I haven't seen him. Besides the two Roma, I didn't recognise
16 anyone else."

17 And my question is: Do you confirm your statement?

18 A. Yes.

19 Q. Thank you very much.

20 MR. GILISSEN: I think it's clear, and thank you for that. This
21 is the last question of the cross-examination. Thank you very much.

22 MR. DE MINICIS: Your Honour, if I may, before then we proceed.

23 I want to put on the record it would have been fairer if the
24 entire section that we read earlier on were to be read to the
25 witness, the part in which he said something else at the beginning.

Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 wounded in the room and one of these persons died.

2 Later on, we discussed an instance when Xhemshit Krasniqi came
3 into the room, inquired about the mattresses and inquired about your
4 injuries.

5 Do you recall having this discussion today, Mr. Witness? These
6 two distinct episodes.

7 MR. DE MINICIS: I think we lost the witness.

8 PRESIDING JUDGE VELDT-FOGLIA: At least we lost the connection.
9 I am sure that the -- that CMU is on it.

10 THE COURT OFFICER: Your Honours, we are reconnecting to the
11 remote location now.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 [Specialist Prosecutor confers]

14 THE COURT OFFICER: [via videolink] Hello?

15 PRESIDING JUDGE VELDT-FOGLIA: Hello? Is there somebody?
16 Madam Court Officer, are you there?

17 We will exercise a little bit of patience. I'm sure the
18 situation will be clarified very quickly.

19 We have had two and a half days of excellent connection, so I'm
20 still very proud of how it is technically proceeding.

21 THE COURT OFFICER: Thank you for your patience, Your Honours.
22 It has been re-established.

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

24 Mr. Witness, can you hear me?

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

Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you. We had a technical
2 issue, and we lost the connection with the remote location, so with
3 you, but it has been re-established so we can proceed.

4 And I will give now the floor back to Mr. Prosecutor and he will
5 continue with a few questions he has.

6 You have the floor, Mr. Prosecutor.

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

8 Q. Mr. Witness, so I wanted to ask you, there was this episode in
9 which there was shots fired, two persons bleeding and one of them
10 dying. And then later on we discussed about a time when
11 Xhemshit Krasniqi came into the room, asked about the mattresses,
12 asked about your injuries.

13 This episode of Xhemshit Krasniqi coming into the room, which
14 is, you said the only time that you saw Xhemshit Krasniqi, did it
15 happen [REDACTED]

16 [REDACTED]

17 A. Before that happened.

18 Q. Thank you.

19 MR. DE MINICIS: Now, Your Honour, can I please have on the
20 screen the picture that we were discussing earlier, and I will
21 provide the ERN. The ERN is 059341 to 059350, and it's the last page
22 of this exhibit.

23 PRESIDING JUDGE VELDT-FOGLIA: I nodded to Mr. Prosecutor, but
24 for the record, I gave my consent.

25 MR. AOUINI: The ERN should start from 41 if I'm not mistaken.

Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 MR. DE MINICIS: Yes, thank you. And the last page.

2 THE COURT OFFICER: [via videolink] Your Honours, if I can
3 interrupt. We are not receiving any evidence.

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

5 THE COURT OFFICER: [via videolink] Yes, now we see it. Thank
6 you.

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

8 MR. DE MINICIS:

9 Q. Mr. Witness, this is my last question or two. It concerns this
10 topic.

11 When we interviewed you in 2019, you -- and we showed you this
12 picture, you stated:

13 "It's possible that he may have been [REDACTED], but I can't be
14 100 per cent sure."

15 Then we continued and asked if you had seen him in Kukes. At
16 the time you said:

17 "I haven't seen him. Besides the two Roma, I didn't recognise
18 anyone else."

19 Now, today, besides the two Roma, you have also recognised other
20 two people in the picture, and they were [REDACTED]
21 [REDACTED]; is that correct?

22 A. Yes.

23 Q. Now, earlier on today --

24 MR. DE MINICIS: And, Your Honour, I'm referring to page 71 of
25 the transcript.

Re-examination by Mr. De Minicis

Additional redactions applied pursuant to F579.

1 Q. When we showed you this picture, similarly to what you stated to
2 the Prosecution at the time, you stated --

3 PRESIDING JUDGE VELDT-FOGLIA: Line.

4 MR. DE MINICIS: We're 71 -- well, starting at 70, actually.

5 PRESIDING JUDGE VELDT-FOGLIA: Mm-hm.

6 MR. DE MINICIS:

7 Q. You stated:

8 "I don't know his name."

9 But then you continued: "But I've heard that he was a

10 [REDACTED]

11 PRESIDING JUDGE VELDT-FOGLIA: Line 15.

12 MR. DE MINICIS: Line 15.

13 Q. Then there was an exchange, the Presiding Judge asked you a few
14 questions, and eventually the Presiding Judge asked you:

15 "Okay. But you're saying -- and I think we've been discussing
16 this, but you say that he," this man in the picture, "was with you in
17 the room where you were being held. He was one of the persons that
18 was with you. Is that what you are saying?"

19 And you answered: "Yes."

20 Now, because of what you told in 2019 to the Prosecution that
21 you could not recognise this man, I think that there has been some
22 confusion here. Today in the courtroom, what is your testimony? Was
23 this man in the picture detained with you in Kukes in the same room
24 at the time as you told the Presiding Judge?

25 MR. AOUNI: This is leading, Your Honour. He has to put the

Further Cross-examination by Mr. Gilissen

Additional redactions applied pursuant to F579.

1 two options.

2 PRESIDING JUDGE VELDT-FOGLIA: No, it's not leading at all. Or
3 maybe it's -- it is a closed question, but it is a question that I
4 will allow for seeing the history of today's questioning.

5 MR. DE MINICIS:

6 Q. The question is if you recognise this man today as being
7 somebody you've seen before.

8 A. After I saw him on the picture, I remembered that I've seen him
9 also in the room there, but he wasn't there for a long time.

10 MR. DE MINICIS: Thank you, Your Honour. No further questions.

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

12 Victims' Counsel already informed us that there were no
13 questions, and I see no movement on that side of the table.

14 Defence Counsel, would you like to ask further questions, as
15 following up on what has been said in re-direct?

16 MR. GILISSEN: Yes, thank you very much, Your Honour. Just one
17 question about the same kind -- the same issue as Mr. Prosecutor say.
18 The witness told us "[REDACTED]." And the transcript
19 has been quoted by my dear and learned friend.

20 Further Cross-examination by Mr. Gilissen:

21 Q. I just have to ask who did you hear this from? Who did you hear
22 this information that [REDACTED], hear this
23 from?

24 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, if I'm not
25 wrong, I remember that this question has been posed and that he has

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 replied to it. He told that he -- when he was there. But you want
2 to know from whom? Is that your question?

3 Please.

4 MR. GILISSEN: Yes, this is the question.

5 Q. From whom did you hear this from?

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, do you recall from
7 whom you heard that [REDACTED]?

8 THE WITNESS: [via videolink][Interpretation] I heard this in the
9 room when they were talking amongst themselves, whomever knew him.
10 [REDACTED]

11 MR. GILISSEN: That's very clear, and that's all. Thank you
12 very much.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 Mr. Witness, you have been asked questions by the Specialist
15 Prosecutor's Office and by the Defence. Now it's the turn for the
16 Panel, for the Judges to ask you some questions. We hope that we can
17 gain some more clarity with regard to what you have said today and
18 yesterday, and with regard to prior statements you have given.

19 Yes. We are -- yes, we are in private session and we have to
20 remain in private session due to the nature of the questions which
21 could reveal the identity of Mr. Witness.

22 Questioned by the Trial Panel:

23 PRESIDING JUDGE VELDT-FOGLIA: Yes. Mr. Witness, yesterday you
24 told us that you were in the camp, that you were told by two people
25 when you were in the camp to come with them and you were brought to

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 some kind of factory in Kukes. And this is the provisional
2 transcript, page 1187, lines 5 till 10.

3 And the question is: Could you explain to the Panel why you
4 went with them, why did you go with them?

5 A. Yes, I went because I was told that I had to give an interview.

6 PRESIDING JUDGE VELDT-FOGLIA: Did you feel obliged to go?

7 A. No. They just said, "You have to come with us to give a
8 statement."

9 PRESIDING JUDGE VELDT-FOGLIA: So you didn't feel obliged. Did
10 you feel threatened?

11 A. No.

12 PRESIDING JUDGE VELDT-FOGLIA: No. What I'm trying to
13 understand is why you went along with them, why you just didn't stay
14 in the camp. I mean, if you were under no obligation to come with
15 them, why should you go?

16 A. I accepted because I didn't know what sort of statement, what
17 questions, so I felt obliged to go.

18 PRESIDING JUDGE VELDT-FOGLIA: Oh. So you did feel obliged.
19 Were you under the impression that you could have said, "No, no, I'm
20 not coming, I'm staying here"?

21 A. No, I didn't think of saying I'm going to stay put. But as soon
22 as they said I had to go with them, I just went along with them and
23 we went there by car.

24 PRESIDING JUDGE VELDT-FOGLIA: But do you understand the gist of
25 my question, that I'm trying to understand why you went with them?

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 Was there a kind of pressure?

2 A. No. No pressure whatsoever.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay.

4 Defence Counsel, you have the floor.

5 MR. AOUINI: Very sorry, Your Honour. Just to ask whether we
6 can do this in public.

7 PRESIDING JUDGE VELDT-FOGLIA: I considered it but I was not
8 sure what he was going to say in this respect. But now that we know
9 what he has said, it could have been done, but it was not clear
10 before. So it will be at a later point, we will revise everything
11 and we can always see what can be brought into public. That's an
12 exercise that is pending for all transcripts.

13 And as a further clarification, we were also talking about the
14 camp, so just wanted to be sure. But I appreciate that we're all
15 thinking of the public and the private.

16 Very well. Mr. Witness, we go to the next question.

17 Yesterday you told us that you were interrogated once at the
18 factory in Kukes, and that is the provisional transcript page 1222,
19 lines 19 and 20. We have already discussed on several occasions
20 about what -- about the reasons why you were held, but I would like
21 to know about what they interrogated you. And could you tell us some
22 more about that? What kind of questions did they ask you?

23 A. The judge asked me questions, where I had worked, what my job
24 had been, and where I had been during the war, and what I had done at
25 that time.

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Yes. And what did you tell the
2 judge about what had you done during the war; do you remember?

3 A. Yes, I do remember.

4 PRESIDING JUDGE VELDT-FOGLIA: Could you elaborate some more
5 about that.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 This is what I told the judge.

13 PRESIDING JUDGE VELDT-FOGLIA: And was there a reason why you
14 told this to the judge?

15 A. The reason was only because he asked me and I wanted to tell him
16 about what I had done during the war.

17 PRESIDING JUDGE VELDT-FOGLIA: And did you think that they --
18 and with "they" I mean the judge who was interrogating you and the
19 people who held you there at the factory. Did you think that they
20 suspected you of being a spy?

21 A. I do not know. It is possible. But I do not know. Do not
22 know.

23 PRESIDING JUDGE VELDT-FOGLIA: But did you tell them that you
24 weren't a spy?

25 A. Yes. I told him in those words where I had been and what I had

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 done during the war.

2 PRESIDING JUDGE VELDT-FOGLIA: Okay. I would like to call up
3 the statement 059351-TR-ET, Part 2, and then we are talking about
4 page 21, line 12, and 22 and 23. And for the Albanian version that
5 would be also page 21, line 17, and then it's also on page 22, lines
6 6 and 7. But we cannot have all three of them pulled up.

7 Mr. Court Officer, in this case I kindly ask you to pull up 22,
8 yes, lines 6 and 7. Yes.

9 Mr. Witness, you told -- you say -- you have said in your -- at
10 an earlier occasion:

11 "I told the judge in this incident that I wasn't a spy ..."

12 [REDACTED]

13 [REDACTED]

14 And you repeated that to the judge. You said -- they asked you:

15 "Can you explain what was your purpose in telling him this?"

16 And "him" is the judge. In this case, you call him "the KLA
17 prosecutor" in line 15.

18 And you said:

19 "... to tell them that I -- to tell him I wasn't -- that I
20 hadn't been a spy, a spy of the army, a spy of the KLA ..."

21 So I ask you again, was there a reason for you to tell that you
22 were not a spy?

23 A. Yes. The reason was that I wanted to confirm that I wasn't a
24 spy, that I was clean.

25 PRESIDING JUDGE VELDT-FOGLIA: But had they given you the

Witness: TW4-11 (Resumed) (Private Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 impression that they thought otherwise?

2 A. No, but I was thinking myself that that could be a problem.

3 PRESIDING JUDGE VELDT-FOGLIA: I will leave it there,

4 Mr. Witness. Thank you.

[Private Session]

5 [Private session text removed]

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Witness: TW4-11 (Resumed) (Private Session)

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Witness: TW4-11 (Resumed) (Private Session)

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1 [Private session text removed]

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15 [Open session]

16 [Trial Panel and Court Officer confer]

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

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

19 We have finalised the questioning by the parties. We have done
20 some questioning in private by the Panel, and we will continue with
21 some more questions by the Panel in private.

22 So, Mr. Court Officer, can you bring us back into private,
23 please.

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

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

Witness: TW4-11 (Resumed) (Open Session)

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Additional redactions applied pursuant to F579.

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

2 You have the floor.

3 JUDGE BITTI: Thank you, Madam Presiding Judge.

4 Mr. Witness, now go to another topic, and it's about the moment
5 where you were detained. I would like to inquire with you how many
6 persons were detained with you.

7 Yesterday at page 70 of the provisional transcript, line 18, you
8 stated that when you arrived in the room, you saw seven to eight
9 persons in that room where you were detained.

10 My first question is the following: Did those seven or eight
11 persons that were there when you arrived in that detention room
12 remain the same during your time of detention there?

13 A. No.

14 JUDGE BITTI: Okay. Were some people released from that
15 detention room during the time you were detained and did other
16 detainees come?

17 A. No. A couple left. I didn't notice any others. Perhaps there
18 were some before me being there. I do not know.

19 JUDGE BITTI: Just a clarification. There were seven or eight
20 who were present when you arrived?

21 A. Yes.

22 JUDGE BITTI: I would like to -- on that issue, I would like to
23 refresh your memory with the statement you gave to the SPO, and
24 that's 059351-TR-ET, Part 3. This is page 17, lines 8 to 9. The
25 Albanian version will be given later. I'm sorry about that.

Witness: TW4-11 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 And you stated -- actually it was stated to you:

2 "You mentioned in your earlier statement that while you were in
3 the detention, some new prisoners arrived whilst some of the original
4 group left."

5 Do you remember saying that, that actually some new prisoners
6 arrived in the detention room whilst some of the original group left?

7 Do you remember saying that?

8 Mr. Witness, do I have to repeat my question?

9 THE COURT OFFICER: Your Honours --

10 JUDGE BITTI: Ah, the -- yes, it's --

11 THE COURT OFFICER: -- we've lost the connection. We are
12 reconnecting.

13 JUDGE BITTI: Okay.

14 THE COURT OFFICER: [via videolink] Your Honours, we can see you
15 now and hear you again.

16 JUDGE BITTI: Okay. Maybe I will -- Mr. Witness, you seem a bit
17 tired, so it will not last for very long. And thank you for your
18 patience.

19 I will repeat my question. In the statement to the SPO,
20 apparently you said that when you were in detention, some new
21 prisoners arrived whilst some of the original group left.

22 Did you remember saying that, that while you were detained, some
23 prisoners were leaving but others came?

24 A. Yes.

25 JUDGE BITTI: Okay, thank you. And do you remember if there was

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 actually a turnover in that detention room? How many people, do you
2 remember, how many people were leaving while others were coming?

3 A. No, I cannot remember.

4 JUDGE BITTI: Okay. Thank you very much. I have a last
5 question on this topic.

6 You said that in that room, you were, at the moment you arrived,
7 including yourself, eight or nine. Were you at any point of time
8 during your detention in that room more than eight or nine?

9 A. No, no. No. We were not that many. That was the approximate
10 number.

11 JUDGE BITTI: Okay. Thank you very much.

12 I go now to another topic, which is a topic related to what you
13 said concerning the Romas who were detained with you.

14 You said at page 1219, line 6 to 13, of yesterday's transcript:

15 "The Roma brothers would go out to do work."

16 Maybe that cannot be done. I wanted to try but ...

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

19 MR. DE MINICIS: Your Honour, if I may. We did check
20 yesterday our brief ...

21 ~~{Private session}~~ [Open Session] *Reclassified Pursuant*
to F579

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

23 MR. DE MINICIS: We did check our brief yesterday and we did
24 not -- we did not find any redactions to the -- to these prisoners,
25 to the Roma brothers. I just wanted to clarify that.

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: That we did not discuss it
2 yesterday. Sorry, I didn't understand. I'm sorry --

3 MR. DE MINICIS: No, no, I'm sorry. Our position remains that
4 the Roma brothers are not protected witnesses, and we are not aware
5 of reasons why their identities should remain protected in these
6 proceedings as victims of these crimes, or alleged victims, as things
7 stand now.

8 PRESIDING JUDGE VELDT-FOGLIA: The idea would more be that the
9 witness would be telling about his presence, his -- in the room and
10 that maybe could be identifying in some way. But let us -- if it is
11 possible to -- if we can disclose it at a later time, then we will do
12 it. But thank you.

13 JUDGE BITTI: Okay. Thank you.

14 Maybe I can do the beginning in private session and then when I
15 will ask more general questions about the condition of the Romas,
16 then we can go into public session.

17 So you said, page 1219, lines 6 to 13:

18 "The Roma brothers would go out to do work."

19 And you then said:

20 "They would clean the courtyard and then would come back to the
21 room."

22 My first question is the following, Mr. Witness: Was it only
23 the Romas who were asked to do that work?

24 A. Yes.

25 JUDGE BITTI: Could you explain me why. Why were only the Romas

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 asked to do that work?

2 A. I myself don't know.

3 JUDGE BITTI: Did the Romas have a special treatment in that
4 detention centre?

5 A. No. During the time I was there with them, they didn't.

6 JUDGE BITTI: Because yesterday at page 1220, line 6, you said:

7 "The Roma brothers were beaten the most with rubber batons."

8 Could you explain to us why they were beaten the most?

9 A. I don't know. I don't know either what the reason was.

10 JUDGE BITTI: When the guards or other people were coming in the
11 room where you were all detained, were the Romas addressed in a
12 different way than the other detainees?

13 A. No.

14 JUDGE BITTI: Okay. Thank you very much. I will go now to
15 another topic, and I'm approaching to the end of my questions, and
16 it's a topic which was touched upon yesterday, where you said that --
17 and at page 1222, lines -- and it starts on line 2. You said:

18 "All of us who were there in the room were beaten, one by one,
19 without any discrimination."

20 But at the same time, on page 1220, you said that you were
21 facing the wall. I have a question with regard -- and that,
22 therefore, you could not recognise the people who were beating the
23 detainees. With regard to the beatings inside the room, did you hear
24 your co-detainees screaming or complaining while they were beaten?

25 I guess it broke again.

Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer.

2 THE COURT OFFICER: It's frozen.

3 PRESIDING JUDGE VELDT-FOGLIA: It's frozen, okay.

4 Thank you, Mr. Court Officer. I see that the connection has
5 been restored.

6 Mr. Witness, bear with us a little bit more. We're almost
7 there. Can you hear me fine? Yes. I see you nodding.

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

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

10 Please, you have the floor.

11 JUDGE BITTI: Thank you.

12 You could not see or recognise the people who were beating your
13 co-detainees. Did you hear the screams or the complaints of your
14 co-detainees when they were beaten in the room?

15 A. Some of them, yes.

16 JUDGE BITTI: Did you hear the sound of people being beaten?

17 A. Yes.

18 JUDGE BITTI: Okay. Thank you very much. I will go now to my
19 last topic, so it's a few minutes now. It's about what happened
20 outside --

21 [Trial Panel confers]

22 JUDGE BITTI: Yes, let's try to go into public session.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, can you bring
24 us into public session, please.

25 ~~[Open session]~~

Witness: TW4-11 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

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

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

3 Please, you have the floor.

4 JUDGE BITTI: Thank you, Madam Presiding Judge.

5 Mr. Witness, I will now speak about what happened outside the
6 room where you were detained.

7 Yesterday, page 1222, lines 19 to 24, you said -- or you were
8 asked:

9 "Were you taken outside the room for interrogation?"

10 "Yes, only once.

11 "Who else amongst the people that we have discussed today was
12 taken out for interrogation?"

13 "Yes, they would take us from the room and bring us to somewhere
14 else."

15 My first question is: Do you know what happened to your
16 co-detainees when they would be taken out and brought somewhere else?

17 A. No, I didn't know anything.

18 JUDGE BITTI: Did you hear people, like, screams or complaints?

19 A. No. Outside the room, I did not hear anything.

20 JUDGE BITTI: What did you see on them when they would come back
21 from those interrogations outside?

22 A. I could not see or notice anything because it was dark. It was
23 at night.

24 JUDGE BITTI: I will, in order to refresh your memory, refer to
25 a document, and I will give the reference. It's document

Witness: TW4-11 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 SITF00013047, and it goes until -60, and I will ask the page 13 to be
2 put on the screen, which is SITF00013059.

3 This is what you said [REDACTED]. And I will just quote what you
4 said and I will ask you if you remember that and if this refreshes
5 your memory.

6 "When I was interviewed I know that I kept hoping they would
7 interview me at day-time as the thought of being interviewed during
8 the night was scary as the other people were who interviewed at night
9 the way they came back was not to be envied."

10 And then you were asked: "Why?"

11 "They were beaten so severely they were almost about to drop,
12 they were beyond beaten."

13 Do you remember that, Mr. Witness?

14 A. Yes, I do remember.

15 JUDGE BITTI: So is that correct? Were they coming back in a
16 way which was not to be envied?

17 A. Yes, that's how it was. But we could not see them at night
18 because it was dark. We could only hear them talking amongst each
19 other.

20 JUDGE BITTI: But I guess to say that "the way they came back
21 was not to be envied" and "they were beaten so severely they were
22 almost about to drop," that, I guess, you must have seen something
23 either during the night or during the following morning. Am I
24 correct or not?

25 A. Yes. Only in the morning we could see, if anything.

Witness: TW4-11 (Resumed) (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 JUDGE BITTI: So then they were in such a state that you were
2 afraid of seeing them in that state; is that correct, Mr. Witness?

3 A. Yes, that's true.

4 JUDGE BITTI: Okay. Does that mean -- just to have a few more
5 details. Does that mean that they had scars, that they had blood on
6 them, or could they stand up?

7 Could you describe a little bit.

8 A. I did not see any blood, but they did feel pain on their bodies.
9 I didn't see any blood.

10 JUDGE BITTI: Did you see marks on their face or on their
11 bodies?

12 A. On their faces, no. As for their bodies, I could not see.

13 JUDGE BITTI: Could they stand up?

14 A. Yes, in the morning, yes.

15 JUDGE BITTI: Okay. Thank you very much for your patience,
16 Mr. Witness.

17 I have finished with my questions, Madam Presiding Judge.

18 Thank you so much.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

20 I look at my right-hand side. Do you have any questions? No.

21 Do you have questions?

22 Mr. Witness, I will give the floor to Judge Mikula at my far
23 right-hand side.

24 JUDGE MIKULA: Mr. Witness, could you estimate the time between
25 three events you've mentioned: The shot you heard, escorting injured

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Questioned by the Trial Panel

Additional redactions applied pursuant to F579.

1 men to the room, and the presence of the doctor? These three events
2 were mentioned many times in the transcript, but I will quote three
3 parts. It's page 12, line 12; page 10, line 23; page 20, line 18 of
4 the provisional transcript.

5 Thank you.

6 A. I cannot remember, but it was in the meantime, not very far
7 apart from each other.

8 JUDGE MIKULA: Mm-hm. And one additional question.

9 How did you recognise that the persons were medical doctors?
10 And if you saw some medical intervention.

11 A. As usual, he was wearing a white coat, and he bandaged his
12 wound. I don't know what exactly he did.

13 JUDGE MIKULA: Thank you very much.

14 Thank you, Madam Presiding Judge.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 So, now, Mr. Witness, we have reached the end of your testimony,
17 and I would like to thank you for the efforts you have put in giving
18 your testimony. I am sure that it will assist us in order to find
19 the truth. So, again, thank you very much.

20 Madam Court Officer will escort you out. And I will -- I need
21 to remind you that you should not discuss the testimony you have
22 given here in this court with anyone.

23 Have a good afternoon.

24 [The witness withdrew via videolink]

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

Additional redactions applied pursuant to F579.

1 please assist with us disconnecting the videolink.

2 THE COURT OFFICER: The connection to the remote location has
3 been terminated, Your Honours.

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

5 Before I will give the floor to the parties and Victims' Counsel
6 if they would like to raise any matters with the Panel, I inform you
7 that tomorrow we will make use of the day in court we have at our
8 disposition for some oral orders we will be issuing. So tomorrow at
9 2.00 we will be in court again, so the hearing will be adjourned till
10 tomorrow at 2.00, in order for us to be able to issue some oral
11 orders on different matters that are pending before this Panel. Yes?

12 Very well. Then, Specialist Prosecutor's Office, is there
13 anything you would like to raise with the Panel?

14 MR. DE MINICIS: No, thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, you have the
16 floor.

17 MR. LAWS: Yes, please, thank you, Your Honour.

18 It's a proposal that I've discussed with my colleagues in the
19 SPO and with the Defence team, and it's a proposal for streamlining
20 the procedure in relation to presentation queues.

21 In case 06, an oral order was made on 13 April of this year, and
22 in the transcript for that case, it is page 2813, lines 17 to 21.
23 And the order was simply this: That the parties and participants
24 were to only upload material additional to the calling parties' list
25 on their presentation queues.

Additional redactions applied pursuant to F579.

1 And what it really comes down to is this, that at the moment we
2 have a system in this case where a presentation queue is made by the
3 calling party and then we largely or very often mimic that and
4 reproduce it, which means that it is much more difficult to see what
5 new information is going to be relied on in the case. It will make
6 life, I think, easier for everybody, including the Panel.

7 So that's the proposal that I have, that that be added to Your
8 Honours' list of oral orders for tomorrow, if it finds favour with
9 the Panel.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.
11 Defence Counsel.

12 MR. GILISSEN: No observation, Your Honour. No observation.

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

14 Then I thank the parties and Victims' Counsel for their
15 attendance. And I also want to thank the interpreters and the
16 stenographer and the audiovisual booth and the security for their
17 assistance today.

18 The hearing is adjourned until tomorrow at 2.00.

19 --- Whereupon the hearing adjourned at 3.58 p.m.

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