

Additional redactions applied pursuant to F541.

1 Thursday, 30 March 2023

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.47 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Court Officer, can you please call the case.

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 And our apologies for this not-anticipated delay, but here we
11 are.

12 First of all, I kindly ask the parties to indicate who is
13 present for today.

14 Specialist Prosecutor's Office, you have the floor.

15 MS. WYLER: Good morning, Your Honours. For the SPO today, we
16 have Line Pedersen, our case manager; Ebba Nermark, our legal intern;
17 Filippo De Minicis, Gaia Pergolo, and myself, Eva Wyler, as
18 Associate Prosecutors.

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

20 Victims' Counsel, you have the floor.

21 MR. LAWS: Good morning, Your Honours. I am Simon Laws,
22 Victims' Counsel in this case, together with my co-counsel,
23 Maria Radziejowska.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Defence Counsel, you have the floor.

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1 MR. GILISSEN: Good morning, Your Honour. So we are with
2 Mr. Mr. Shala by videolink, as yesterday. We have Leto Cariolou and
3 Mr. Hedi Aouini, co-counsel; we have some evidence review assistants,
4 Juliette Healy, Francisca De Castro, Judit Kolbe; and two interns,
5 Xhulia Tepshi and Camille Gosson. And myself, Jean-Louis Gilissen.
6 And, of course, of course, our Case Manager, Dzeneta Petravica.

7 Thank you very much.

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

9 Mr. Shala, does the connection work? Can you hear me?

10 Could you confirm that you hear me, Mr. Shala?

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

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 We will continue today with the testimony of the SPO Witness 07.
15 We will sit for three sessions, and that will, again, be the regular
16 schedule, so 09.30 till 11.00; 11.30 till 1.00; and then a break of
17 one and a half hour till 1400, so that means from 1400, half past
18 2.00, till 4.00. Very well.

19 Before we continue with the testimony of the witness, I would
20 like to give a number of directions regarding the use of time in
21 courtroom, as we discussed yesterday afternoon, to be clear on that,
22 because I think that is an important issuing and I don't want to have
23 any misunderstandings in that respect.

24 Parties and Victims' Counsel are expected to be ready to
25 continue with their questioning of the witness as soon as the other

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1 participants have completed their questioning.

2 Considering the Panel's sitting schedule and availability of the
3 courtroom, the testimonies of the witnesses scheduled within one
4 evidentiary block must be, in principle - and I don't have to explain
5 the reasons why - completed in that week.

6 That said, parties and Victims' Counsel can ask for more time to
7 prepare, if they need, and we will consider that request and,
8 depending on the circumstances, we may take a break, a longer break,
9 a longer lunch break, anticipated break, I mean. That's what we have
10 been doing in another case, too. There is always some flexibility in
11 that respect. And this is always subject to the time available and
12 the need to complete the witness within this week. That is how I see
13 it.

14 What parties and Victims' Counsel cannot expect is that we
15 adjourn the hearing midday and then we would proceed the next day.
16 We just don't have the time for that. But, for the rest, within
17 reasonable, we are, of course, ready to accommodate needs to confer
18 with the rest of the team, look for references, which is also helpful
19 when we are in court.

20 So I hope this is clear for everybody. Yes? Very well.

21 Madam Court Clerk, could you usher the witness in? Thank you.

22 And, for the record, I have done the presentation or I have
23 asked everybody to say who is present, but I see that I have not
24 mentioned -- not given the floor to the Registry.

25 So, please, you have the floor.

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1 MR. ROCHE: Thank you, Your Honour. I'm Ralph Roche from
2 Judicial Services Division on behalf of the Registry.

3 PRESIDING JUDGE VELDT-FOGLIA: My apologies for not including
4 you in the first round.

5 [The witness takes the stand]

6 PRESIDING JUDGE VELDT-FOGLIA: Good morning, Mr. Witness. Can
7 you hear me fine?

8 THE WITNESS: [Interpretation] Yes. Good morning to you all.

9 PRESIDING JUDGE VELDT-FOGLIA: Welcome to the
10 Specialist Chambers. I hope you had some rest.

11 THE WITNESS: [Interpretation] Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Today we will continue with your
13 examination by the parties and Victims' Counsel and the Panel, if
14 needed. It will depend on if they have questions. And I will first
15 give the floor to Madam Prosecutor.

16 Do you have any questions for the witness?

17 MS. WYLER: Your Honours, we don't have any further questions.
18 Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

20 And Victims' Counsel, I remember that yesterday you said that,
21 as things stood then, you hadn't anything to ask, but maybe that has
22 changed.

23 MR. LAWS: No, it hasn't, Your Honour. Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Defence Counsel, do you have any questions at this point?

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Questioned by the Trial Panel

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1 MR. AOUNI: Good morning, Your Honour. As a very logical
2 consequence, no further questions. Thank you.

3 Thank you, Mr. Witness.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, from the side of the
5 Panel, there is a question, maybe two, or maybe some. So I will give
6 the floor to one of my colleagues to pose that to you.

7 I see you nodding. Very well.

8 I know that on my left-hand side there is a question. You have
9 the floor.

10 JUDGE BITTI: Thank you.

11 WITNESS: TW4-07 [Resumed]

12 [Witness answered through interpreter]

13 Questioned by the Trial Panel:

14 JUDGE BITTI: Good morning, Mr. Witness. I have one question
15 about what you said yesterday, and it was at page 80, line 6. You
16 said the following:

17 "But also for us boys, perspectives were not the same."

18 What do you mean by that? And what do you mean by
19 "perspectives," and perspectives where? Thank you.

20 A. The perspective means that we were not working, we were
21 unemployed. My eldest brother was working with the police, and
22 sometime in 2006 or 2007, he quit, because he felt somehow unsafe.

23 JUDGE BITTI: Okay. So you link all of that to what happened to
24 your father?

25 A. Yes.

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Questioned by the Trial Panel

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1 JUDGE BITTI: Okay. All those perspectives are linked to
2 Kosovo. You are speaking about the perspectives in Kosovo?

3 A. Yes, in Kosovo.

4 JUDGE BITTI: How much time was your older brother working with
5 the police after the events concerning your father?

6 A. For six years. Or seven; I'm not sure.

7 JUDGE BITTI: And it was more difficult for the other brothers,
8 including yourself, to find work?

9 A. I was also to the police. My name came up that I had been
10 admitted, selected, but then later on it was removed, meaning my
11 name.

12 JUDGE BITTI: So actually you were barred from entering police
13 forces in Kosovo?

14 A. Something along those lines, like that. I mean, when your name
15 comes up as a selected -- so my name came up as a selected candidate.
16 My eldest brother saw it even, and then this was removed for some
17 reason publicly.

18 JUDGE BITTI: Okay. And all those consequences, you link them
19 to what happened to your father?

20 A. I'm not sure about this. It is possible, however, people who
21 knew each other.

22 JUDGE BITTI: Because your brother was in the police, so did he
23 tell you something about that?

24 A. No. He didn't have any such information.

25 JUDGE BITTI: So you were unemployed for how much time after the

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1 war?

2 A. I didn't work at all after the war, at all.

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

4 I have finished my questions.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 Mr. Witness, there are no more questions from the Panel, so that
7 means that we have reached the end of your testimony. I would like
8 to thank you for the efforts you have put in giving your testimony,
9 and I believe that it will be helpful for the Panel to find the
10 truth.

11 So I say thank you. I remind you not to discuss with anybody
12 your testimony as you have been giving it here at the Kosovo
13 Specialist Chambers, and I wish you a safe trip home.

14 I will ask Madam Court Usher to accompany you out of the
15 courtroom.

16 THE WITNESS: [Interpretation] Thank you. All the best to you as
17 well.

18 [The witness withdrew]

19 PRESIDING JUDGE VELDT-FOGLIA: Well, this is the end of the
20 examination of Witness 07.

21 Thank you, Madam Court Usher.

22 And we will now proceed with Witness 09 of the Specialist
23 Prosecutor's Office.

24 Madam Court Usher -- if there are no issues to raise. Madam
25 Court Usher ...

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1 [Trial Panel and Court Officer confer]

2 PRESIDING JUDGE VELDT-FOGLIA: We will first test a technical
3 issue and then we proceed, and we will do that in private session.

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

6 [Private session]

7 [Private session text removed]

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14 [Open session]

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

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

17 Madam Court Usher, can you usher the witness in. Thank you.

18 [The witness entered court]

19 PRESIDING JUDGE VELDT-FOGLIA: Good morning. Please, have a
20 seat.

21 THE WITNESS: [Interpretation] Good morning.

22 PRESIDING JUDGE VELDT-FOGLIA: Good morning to you, Mr. Witness.

23 THE WITNESS: [Interpretation] Good morning.

24 PRESIDING JUDGE VELDT-FOGLIA: And welcome to the
25 Specialist Chambers. You can hear me fine, I notice?

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1 THE WITNESS: [Interpretation] Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well. How are you, first of
3 all?

4 THE WITNESS: [Interpretation] I am fine. Thank you.

5 PRESIDING JUDGE VELDT-FOGLIA: And you're comfortable with your
6 coat on?

7 THE WITNESS: [Interpretation] Yes, I think I'm fine. Doesn't
8 bother me.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay, very well. Today we will
10 start with your testimony, Mr. Witness, and before we begin, I have
11 several remarks.

12 I will first begin with explaining the protective measures that
13 have been granted to you. Yes?

14 THE WITNESS: [Interpretation] Fine.

15 PRESIDING JUDGE VELDT-FOGLIA: The first protective measures
16 that has been granted to you is a pseudonym, and that means that I
17 will never mention your name here but I will only refer to you as
18 "Mr. Witness." I will do that to make sure that the public doesn't
19 know your name.

20 We have face and voice distortion, and that means that no one
21 outside the courtroom can see your face or hear your real voice when
22 you're speaking in the courtroom.

23 When you answer a question that will not reveal your identity,
24 we will do so in open session, which means that the public can hear
25 what is said in the courtroom.

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1 When you are asked to describe anything that relates to you or
2 to mention facts that can reveal your identity, we will do so in
3 private session, and I will say that explicitly when we are in
4 private session. And that means that there is no broadcast and that
5 no one can see and hear what is said in the courtroom.

6 If anything is said during open session that may identify you,
7 we will protect that information. Your testimony will be broadcast
8 with a delay, and we can remove any such information from the
9 broadcast that can be seen and heard by the public, and also from the
10 transcript of this hearing.

11 Are the protective measures I have just explained to you,
12 Mr. Witness, clear?

13 THE WITNESS: [Interpretation] They're all clear. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: You're called to testify before
15 the Specialist Chambers in the case of The Specialist Prosecutor's
16 Office against Mr. Shala to assist the Panel to reach a verdict.

17 After you have taken your solemn declaration to tell the truth,
18 you will be asked questions first by the Specialist Prosecutor's
19 Office - they are sitting in front of you with the purple robes; then
20 you will be asked questions by the lawyer representing the victims
21 admitted to participate in these proceedings; and then, on the other
22 side is sitting the team for the Defence, they are wearing the red
23 togas, and they are representing Mr. Shala. And at the end you will
24 be asked or may be asked questions by the Panel.

25 I see you nodding. I trust you have understood that.

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1 THE WITNESS: [Interpretation] Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: I would like to provide you with
3 some guidance for answering the questions that will be asked to you.

4 Please, listen carefully to each question, and if you don't
5 understand the question, ask it to be repeated and we will do so.

6 And for us, it is very important that you tell the truth so that you
7 tell us what you saw, what you heard, what you experienced yourself.

8 And if you did not see or hear it yourself but you found out in
9 another way, please tell us, and also please how it came to you.

10 Yes?

11 And you may --

12 THE WITNESS: [Interpretation] Understood.

13 PRESIDING JUDGE VELDT-FOGLIA: -- all the details of the events,
14 so if you don't remember, you don't know, please tell so.

15 THE WITNESS: [Interpretation] Fine.

16 PRESIDING JUDGE VELDT-FOGLIA: And what is also important is
17 that you try to answer the questions that are posed to you and that
18 you don't elaborate too much. If further clarification is needed,
19 follow-up questions will follow. And it will also help us to see
20 what part of your testimony can be done in public and what can be
21 done in private.

22 THE WITNESS: [Interpretation] All right.

23 PRESIDING JUDGE VELDT-FOGLIA: I see you have understood all
24 this.

25 There's also some practical advice I would like to give you with

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1 regard to giving your testimony, and that is the following:

2 What we say here, everything that what we say here is translated
3 by the interpreters in the interpretation booth and recorded, and so
4 it is important that you speak into the two microphones in front of
5 you, that you speak clearly, and that you also speak at a slow pace,
6 and this will allow the interpreters to translate everything.

7 Another thing that is important --

8 THE WITNESS: [Interpretation] Fine.

9 PRESIDING JUDGE VELDT-FOGLIA: -- that you should only start
10 speaking when the person asking you a question has finished the
11 question. Although if you already know what you want to answer,
12 please wait till it has finished because, if not, we get overlapping
13 speakers and then it's difficult to interpret and for the
14 stenographer to write everything down.

15 When a question is asked, please wait five seconds before giving
16 the answer, and this pause of five seconds is also very important for
17 us to hear all the translation.

18 If I raise my hand like this, that means that I ask you -- no,
19 if I do it; yeah? That means that you have --

20 THE WITNESS: [Interpretation] Sorry, fine.

21 PRESIDING JUDGE VELDT-FOGLIA: If I do like this, then it is my
22 request for you, please stop talking because I have to say something
23 and I don't want to interrupt you because then we have overlapping
24 speakers. So then I raise my hand, then you see it, and then you
25 know that I am asking you to stop.

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1 And if you have any questions --

2 THE WITNESS: [Interpretation] All right.

3 PRESIDING JUDGE VELDT-FOGLIA: -- if you have any questions, if
4 you need a break, or there's something that you want to tell the
5 Court, please raise your hand and then I will give you the floor and
6 you can discuss what's needed.

7 Understood all this?

8 THE WITNESS: [Interpretation] Yes.

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

10 Mr. Witness, is my understanding right that you don't speak
11 English but you do understand English?

12 THE WITNESS: [Interpretation] I do understand English.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. That means that during the
14 examination by the parties and Victims' Counsel, it may occur that I
15 will ask you to take off your headphones and I will ask Madam Court
16 Usher to usher you out of the courtroom in order to have a discussion
17 with regard to the content of your testimony or with regard to a
18 question that we don't want you to hear in order to avoid that you
19 are influenced by what is expressed in the courtroom.

20 THE WITNESS: [Interpretation] Okay.

21 PRESIDING JUDGE VELDT-FOGLIA: So I already give you a heads up
22 so you understand what's happening.

23 Very well. As I must do with every witness, I will now ask you
24 to read the solemn declaration to tell the truth, and I must say to
25 you that it is a crime within the jurisdiction of the

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1 Specialist Chambers to give a false declaration.

2 Do you understand that?

3 THE WITNESS: [Interpretation] It's clear.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well.

5 Madam Court Clerk, can you assist the witness with his solemn
6 declaration to tell the truth.

7 Mr. Witness, please read the solemn declaration to tell the
8 truth.

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

13 WITNESS: TW4-09

14 [Witness answered through interpreter]

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. You are
16 now under oath to tell the truth, and we can now begin the testimony
17 of Witness 09.

18 Madam Prosecutor, you have the floor.

19 MS. WYLER: Thank you, Your Honours.

20 Examination by Ms. Wyler:

21 Q. Good morning, Witness.

22 A. Good morning.

23 Q. I will start with a few questions about personal details and
24 details about your family.

25 MS. WYLER: And since this is information protected under the

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1 protective measures, I would ask the Panel to go into private
2 session.

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

5 [Private session]

6 [Private session text removed]

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1 [Private session text removed]

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14 [Open session]

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

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

17 Madam Prosecutor, you may proceed.

18 MS. WYLER: Thank you.

19 Q. How would you describe your father as a person up until the war?

20 A. I would describe my father as a very honest, sincere man. Very
21 affectionate to his family, to himself, friends, community, the
22 community, surrounded by friends, many friends.

23 Q. Thank you. Witness, you just told us that in 1998 you had
24 already left Kosovo but your family still lived in a village, in the
25 village you indicated. Did your family ever leave this village in

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1 1998?

2 A. In 1998, my family left that place.

3 Q. And what was the reason that your family left that place?

4 A. The reason was that some individuals in the area had went there,
5 asked for my father, wanting to take him with them, asking him to
6 surrender his weapons and then take him away.

7 Q. And since you were not there, as I understand, how did you learn
8 about this incident?

9 A. I was told by my family members through a phone call after a
10 certain time, after the incident. Because we didn't have a phone
11 line in the house, they left the house, went somewhere else, and
12 could make this call to inform me.

13 Q. You say some time after the incident. Do you roughly remember
14 how much time was between the phone call and the time they left?

15 A. To be honest, I don't remember the exact time.

16 Q. Did your father or the family members who told you about the
17 incident tell you anything about the people present on that day that
18 the incident happened?

19 A. Yes. They told me about them, but they didn't recognise all of
20 them.

21 Q. Can you tell us who they recognised that day?

22 A. My mother recognised a person by the name of Hamez. I don't
23 know his last name. I don't personally know him. My mother
24 identified him by the name of Hamez.

25 Q. You said that your family members didn't recognise all of the

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1 people present that day. Did they learn any names later on?

2 A. They learned the names of another one among these people at a
3 later stage because the person in question himself told to my father
4 that he was there on that day, because on that day of the incident,
5 nobody recognised him.

6 Q. And do you know where these people came from?

7 A. I don't understand the question. Where did they come from?
8 Sorry.

9 Q. The people that came that day and met with your family, did they
10 belong to a certain organisation?

11 A. Yes. Yes, they said that they were -- they were coming from the
12 Jabllanice headquarters. This is what I was told.

13 Q. And whose headquarters was that in Jabllanice?

14 A. The KLA headquarters in Jabllanice. So that they had received
15 an order from that headquarters. Hamez had said so. As reported,
16 relayed from my mother, they had an order from the headquarters of
17 Jabllanice to come there.

18 Q. So do I understand correctly that the people that met your
19 family that day were sent by the KLA headquarters in Jabllanice?

20 A. Correct. Correct.

21 Q. You said earlier - and I cite the provisional transcript page
22 19, lines 15 to 18 - that later on, your father learned about a
23 further name of a person that was present that day. What was the
24 name that your father learned?

25 A. The name that my father learned is Pjeter Shala.

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1 Q. And ...

2 PRESIDING JUDGE VELDT-FOGLIA: I see you're standing, Defence
3 Counsel. Is it on the content or on the transcript?

4 MR. AOUNI: I'm sorry, if I am mistaken, but I didn't hear that
5 the father learned. I saw "they learned." Can we clarify this,
6 please.

7 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think that for
8 next time, it's good that we usher the witness out because that would
9 help, for you, that we have an answer.

10 But, yes, Madam Prosecutor, could you please re-ask the question
11 just to have it clear.

12 MS. WYLER:

13 Q. At the same reference I made before in the transcript, you said
14 that "they learned about a further name," and you mentioned that that
15 name was Pjeter Shala. Who was it that learned about that name?

16 A. My father heard this name.

17 Q. And can you tell us in which circumstances your father learned
18 about that name?

19 A. My father learned his name there, when he was in Albania. He
20 learned this when he was abducted.

21 Q. And whom did he learn that name from, when he was in Albania?

22 A. He learned this from the person himself, who told him.

23 Q. Can you name the person he learned it from?

24 A. Pjeter Shala.

25 Q. Thank you. I will come back to what happened to your father in

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1 Albania in 1999 later on. I have a follow-up question still on the
2 year 1998.

3 Apart from your father, did you learn about Pjeter Shala's
4 participation in this incident from anybody else?

5 A. I have good contacts with my school friends there, and after the
6 war, I myself started to inquire who that person is and if that
7 person was there in the village where we lived.

8 Q. You just said you had friends there. Without giving us the
9 name, what is "there"?

10 A. *[REDACTED] Pursuant to In-Court Redaction Order F472.*

11 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

12 Q. Please don't mention the name of the village going forward since
13 we are in public session.

14 A. I apologise.

15 Q. So what exactly did your friends tell you?

16 A. I asked about whether Commander Ujku was there during the war,
17 and several of my friends confirmed that he was, indeed, there.

18 Q. And did you ask about his presence on a specific date or a
19 specific incident, or in general?

20 A. In general during the war, in general during war time.

21 Q. Then let me go back to my initial question, which was: Did you
22 learn about Pjeter Shala's participation in the very incident you
23 described before involving your family from anybody else?

24 A. No, I didn't ask anyone explicitly whether he was present there.

25 I was only interested to know whether he was in the village where we

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Additional redactions applied pursuant to F541.

1 lived.

2 Q. You referred to an incident later on in Albania. So did your
3 family ever leave Kosovo?

4 A. My family left Kosovo when the NATO air campaign started
5 together with the other -- the rest of the Albanian population in the
6 area.

7 Q. And while they were in Albania, did anything happen to your
8 father in 1999?

9 A. Yes. He was abducted by four persons and sent in a camp in
10 Kukes. This is what he told us.

11 Q. Before we get to a more detailed question about this incident
12 itself, I would like to know who your source of information was. Who
13 told you about the incident that happened to your father?

14 PRESIDING JUDGE VELDT-FOGLIA: Don't mention any names,
15 Mr. Witness.

16 THE WITNESS: [Interpretation] No.

17 From my father, my mother, and others.

18 MS. WYLER:

19 Q. And when did your father tell you about it?

20 A. My father told me about this when I went to Kosovo in 1999.
21 However, we had spoken on the phone on the day he was released and
22 went back home.

23 Q. Do you remember approximately -- or do you remember the month
24 and the year that phone call happened, the day he went back home?

25 A. Maybe approximately. However, I cannot give you an exact date.

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1 It was in May, end of May, June. I cannot know an exact date when
2 this happened.

3 Q. That's fine. It's been a long time. Thank you.

4 Now I'd like to focus on what your father has told you about the
5 incident in 1999. So you said he has been abducted. Did he tell you
6 more precise details about his abduction?

7 A. Yes. Yes.

8 Q. Please go ahead.

9 A. To start with the abduction, one of those four persons involved
10 in the abduction was recognised. My eldest brother recognised him.
11 The other persons involved were unknown. And then he was taken to
12 initially a small camp before going to Kukes. He was threatened on
13 the way, and then later on he was taken to Kukes where he stayed
14 until the day of his release.

15 Q. You said that your brother recognised one of the persons. Do
16 you know the name of the person he recognised?

17 A. Yes, I do.

18 Q. Can you please name it.

19 A. Yes. His name is Bashkim Lama.

20 Q. And you also said that your father has been threatened on the
21 transport. Do you know how he was threatened?

22 A. He was threatened to be killed. They were talking among
23 themselves and asking who would kill him, and he replied, "My sons
24 have recognised one of you so do whatever you want."

25 Q. And was he asked to do anything else while on this transfer to

Witness: TW4-09 (Open Session)

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Additional redactions applied pursuant to F541.

1 either this camp or to Kukes?

2 A. I don't understand the question. I'm sorry.

3 Q. Do you remember any further details about that transfer or
4 whether he was asked to do something during this transfer to Kukes or
5 the camp he was brought to?

6 A. This is what I remember him telling me about what had happened
7 until he went there. Maybe something else happened, but I don't
8 remember now. Until he got there.

9 Q. Thank you. Did your father ever tell you what has happened
10 after he arrived in Kukes?

11 A. Yes, he told me. On one occasion, he told me because I couldn't
12 hear what he was telling me often. But he told me that he was
13 mistreated brutally there, with cruelty.

14 Q. I am aware that this must be difficult for you to talk about,
15 but could you give us, if you have more details, about how he was
16 treated in Kukes?

17 A. He said that they were beaten up with rubber batons, iron bars,
18 wooden batons. They would cut them with knives. Beat him up until
19 he would lose consciousness.

20 Q. Was this a single incident that he and others apparently were
21 beaten or this happened more than once?

22 A. No, this happened on several occasions.

23 Q. Did your father ever tell you who took part in these beatings?

24 A. Yes. He would always take three persons whom he could identify
25 positively, with 100 per cent certainty.

Examination by Ms. Wyler

Additional redactions applied pursuant to F541.

1 Q. Can you please provide the names.

2 A. Yes, yes. Pjeter Shala, Sabit Geci, and the other one was - I'm
3 sorry - Krasniqi, Xhemshit Krasniqi. My father always told about
4 these three persons.

5 Q. Was your father ever interrogated while he was detained in
6 Kukes?

7 A. They did interrogate him briefly about who the spies are, about
8 the people, but not a lengthy, thorough interrogation.

9 MS. WYLER: Your Honours, for one question, may we move into
10 private session.

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

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

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

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

17 MS. WYLER: Thank you.

18 Q. I refer to page 25 of the provisional transcript, lines 6 to 7.
19 Witness, you said: "They were beaten," and "they were cut with
20 knives."

21 Has your father ever told you about other people being detained
22 in Kukes?

23 A. He did tell that there were seven, eight, nine. I don't
24 remember, but I know he told about this. To be honest, I was not
25 really interested in other people. I was interested in my father.

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Additional redactions applied pursuant to F541.

1 But he did tell that there were other people there as well.

2 Q. Since we are in private session, you can safely mention their
3 names, if your father ever told you names of people --

4 A. Yes.

5 Q. -- he was being detained with.

[Private Session]

6 [Private session text removed]

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Examination by Ms. Wylér

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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3 [Open session]

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

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

6 Madam Prosecutor, you may proceed.

7 MS. WYLER: Thank you.

8 Q. Witness, you mentioned - and I refer to page 25 of the
9 provisional transcript, line 16 - that your father has been
10 mistreated by Pjeter Shala. Did your father ever tell you whether he
11 also spoke to Pjeter Shala while he was detained in Kukes?

12 A. Yes. Pjeter Shala opened this topic, initiated this discussion,

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Examination by Ms. Wyler

Additional redactions applied pursuant to F541.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Additional redactions applied pursuant to F541.

1 [REDACTED]

2 [REDACTED]

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9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. How did you learn about your father 's release?

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Examination by Ms. Wylér

Additional redactions applied pursuant to F541.

1 A. I learned about the release of my father from my mother. She
2 called me the day he was released.

3 Q. Did you only speak to your mother on that day?

4 A. I spoke to my mother first and then with my father shortly. I
5 asked him how he was. He said that he was doing well. It was just a
6 short phone call; three, four minutes, it lasted.

7 Q. And to the best of your knowledge, when your father told you
8 that he is well, was this the truth?

9 A. I did not believe him, to tell you the truth, but I didn't want
10 to dwell on it.

11 Q. I would like to ask you some questions what you yourself
12 observed on him, if anything.

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor --

14 MS. WYLER:

15 Q. When did you see --

16 PRESIDING JUDGE VELDT-FOGLIA: -- I'm mindful of the time. It's
17 getting near to 11.00, so I think that it is good that, for these
18 questions, we start after the break, if that goes well with your
19 examination.

20 MS. WYLER: It goes very well. Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: Before we wrap up, there is a
22 formality we have to -- an important formality we have to take care
23 of, and that is to assign the number to the map that has been given
24 two numbers by Mr. Witness.

25 THE COURT OFFICER: Yes, Your Honour, the map that was just

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Examination by Ms. Wyler

Additional redactions applied pursuant to F541.

1 marked by the witness will receive number REG00944 and will shortly
2 be uploaded into Legal Workflow.

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

4 We will have a break now from 11.00 until 11.30, and then we
5 will continue, Mr. Witness, with the examination by the Specialist
6 Prosecutor's Office.

7 I will ask Madam Court Usher if she will be so kind to usher you
8 out of the courtroom. Thank you.

9 THE WITNESS: [Interpretation] Thank you.

10 [The witness stands down]

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

12 The hearing is adjourned for half an hour.

13 --- Recess taken at 10.59 a.m.

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

15 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. And, yes, we can
16 proceed where we left it.

17 Madam Court Usher, could you please usher the witness in. And,
18 in the meantime, I will do the appearances. I see the same
19 composition for the Specialist Prosecutor's Office, and I see
20 nodding.

21 MS. WYLER: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: Very well. Victims' Counsel,
23 same thing. Thank you.

24 Defence Counsel also.

25 Mr. Shala, can you hear me? May I also hear your voice.

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Examination by Ms. Wylér

Additional redactions applied pursuant to F541.

1 THE ACCUSED: [Via videolink][Interpretation] Yes, I can hear you
2 very well.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 [The witness takes the stand]

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

7 THE WITNESS: [Interpretation] Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then we will continue
9 with the questioning by the Specialist Prosecutor's Office, and I
10 will give the floor, Mr. Witness, to Madam Prosecutor.

11 You have the floor.

12 MS. WYLER: Thank you.

13 Q. Witness, before the break, you talked about the phone call you
14 had with your father, and I'm referring to the provisional transcript
15 at page 30, lines 19 to 21.

16 A. Yes.

17 Q. When did you see your father the next time after this call on
18 the day of his release?

19 A. The first time I saw my father after the events was in 1999, in
20 December 1999.

21 Q. Was your father in any way different than before his abduction?

22 A. Quite different.

23 Q. In what way?

24 A. He used to be strong physically, and he had lost a lot of weight
25 and appeared weakened.

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Examination by Ms. Wyler

Additional redactions applied pursuant to F541.

1 Q. You're talking about his physical condition. Is there anything
2 else you observed on him from a physical --

3 A. Yes, I'm talking about his physical appearance, condition.

4 Q. Is there anything else you observed regarding his physical
5 conditions?

6 A. He had, here, on his face, a mark, a gash. The moment when I
7 saw him, I saw that on his face. And a day later, he recounted what
8 happened and showed me other marks, burns from cigarettes. He was
9 showing me part of his leg where he had pain.

10 Q. Apart from his physical condition, did he change also in his
11 character?

12 A. He was the person he used to be character-wise, but he was
13 broken. Physically, he was weak.

14 Q. When you say "he was broken," how did you notice that he was
15 broken?

16 A. I could notice it because often I would find him just pondering
17 on things, thinking, lost in thoughts.

18 Q. And just to have it clear on the record, you didn't see your
19 father between the date of his release and December 1999; is that
20 correct?

21 A. That's correct. I did not see him before that.

22 Q. In what way, if in any, did your father's abduction and what he
23 experienced during his detention in Kukes affect you and your family?

24 A. It did largely affect our lives. We never thought that one day
25 we would be mistreated in that way, because the family never deserved

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Examination by Ms. Wyler

Additional redactions applied pursuant to F541.

1 that. If we talk about contribution to Kosovo, we gave more
2 contribution than many who were in the Kukes camp. And this was very
3 difficult for us to get in terms with.

4 Q. I understood that you said, in plural, that you were all
5 mistreated. Can you elaborate a bit more on this.

6 A. With the mistreatment of my father, we, as a family, were also
7 mistreated, because of the contribution we had given before the war.
8 My mother was [REDACTED] Pursuant to In-Court Redaction Order F472. She
worked for seven years [REDACTED] Pursuant to In-Court Redaction Order
F472.

9 without receiving any pay for her work, and she did this for Kosovo,
10 so that Kosovo could benefit. My sister too.

11 Q. You spoke about your sister and your mother. What was the
12 impact for yourself, if any?

13 A. I was upset and disappointed by the actions that were undertaken
14 by several persons in Kukes. I did not expect something like that.
15 As I said, as a family, we contributed to the Albanian community in
16 the area we lived in ways we could, be it in sports, in education,
17 with our exemplary behaviour. And we never complained in the area
18 where we lived. But these persons who did this were from a different
19 area. Because the area where we lived, there were fighters for
20 freedom, there are martyrs, and we respect them, and we see them in
21 high regard. We wanted to be part of them, but because of what
22 happened to my father, we could not join them. And everybody who
23 lives in the area where we lived know this.

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

25 MS. WYLER: We don't have any further questions, Your Honours.

Witness: TW4-09 (Private Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 I tender the witness. Thank you.

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

3 Mr. Witness, the Specialist Prosecutor's Office has finished for
4 now your questioning, and we will proceed with Victims' Counsel.

5 Victims' Counsel, you have the floor.

6 MR. LAWS: Thank you, Your Honour.

7 Your Honour, I want to deal with one short matter in private
8 session, if I may, please.

9 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could we
10 please go into private session, please.

11 [Private session]

12 [Private session text removed]

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Witness: TW4-09 (Private Session)

Page 992

Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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Witness: TW4-09 (Private Session)

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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8 [Open session]

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

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

11 Victims' Counsel, you have the floor.

12 MR. LAWS: Thank you, Your Honour.

13 Q. Mr. Witness, for the period that your father was detained in
14 Kukes, were you aware that he had been abducted and was being held at
15 that time?

16 A. I knew.

17 Q. And I wanted to ask you how you felt at that time about what was
18 happening to your father.

19 A. I was deeply concerned, worried, sleepless nights, looking for
20 help in any direction, trying to find my father. These were very
21 hard, difficult days, those 12, 13, or 15 days. I don't remember now
22 exactly how many.

23 Q. Thank you. So far as the effects on your father were concerned,
24 you've told us about the physical effects that you saw, and you've
25 used the word, I think, "broken" to describe him. I wanted to ask

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 you specifically about the psychological effects on him, and whether
2 you noticed any changes in that regard.

3 A. Yes, I noticed. He was more lucid. He -- obedient. It wasn't
4 his nature or the nature of his reactions or how he would behave. He
5 was smarter, we say.

6 Q. I'm going to ask for your help with understanding this because
7 it may be that it's not easy to translate.

8 Was your father, in your assessment of him, affected
9 psychologically by his detention in Kukes?

10 A. He was in a very difficult psychological state. He was
11 constantly in a pensive mood. Sometimes he would look at something
12 without reacting - I noticed this - which was not the case before.

13 Q. Were you aware of any changes to his sleep and to how he was in
14 the night?

15 A. I only heard about this from my mother; that he would shout in
16 his sleep at nights, mention names, wake up abruptly. This would
17 happen often.

18 Q. Was your father able to work again after his release from Kukes?

19 A. Before the war, he always did physical work around the house,
20 and after his release he was not able to do that anymore.

21 Q. Did he have paid employment after his release from Kukes?

22 A. No.

23 Q. Economically, how did that affect the family?

24 A. This was a very difficult situation, living conditions after the
25 war. I helped my family, provided for them, until they were able to

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Questioned by Victims' Counsel

Additional redactions applied pursuant to F541.

1 provide for themselves, find a job.

2 Q. We don't need to know any of the details or what country you
3 were living in, but we've heard you had moved to another country and
4 set up a business; is that right?

5 A. Yes.

6 Q. And you were in a financial position then to assist the family?

7 A. At that time I did not have a business. I mean, when my family
8 needed support, I was employed in a company.

9 Q. And you supported them, did you then, from your income, is that
10 what you're saying, as a employee?

11 A. I used my income. I would work there 20 hours and support,
12 assist my family.

13 Q. And for how long did that economic support from you continue,
14 please, Mr. Witness?

15 A. Only me? I was alone until 2002 and then my youngest brother
16 joined me and helped me. Later on, my third brother came, and
17 lastly, the eldest brother joined us.

18 Q. They were able to join the business that you had established in
19 another country?

20 A. Yes, later on.

21 Q. And I just wanted to know for how long you were giving money to
22 the family, to your mother and other siblings.

23 A. Until 2008, everything I earned here, I sent it back to Kosovo.

24 Q. Yes, thank you very much, Mr. Witness.

25 MR. LAWS: I have no other questions.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

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

2 Now I turn to the Defence Counsel. Are you ready to proceed
3 with the cross-examination?

4 MR. AOUINI: Thank you, Your Honour. Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: I will inform the witness.

6 Mr. Witness, I will now give the floor to the Defence Counsel to
7 ask you some more questions.

8 Defence Counsel, you have the floor.

9 MR. AOUINI: Thank you, Your Honour.

10 Cross-examination by Mr. Aouini:

11 Q. Good morning, Mr. Witness.

12 A. Good morning.

13 Q. As introduced at the beginning of the hearing by madam, the
14 Presiding Judge, I am the counsel for Defence -- one of the counsel
15 for the Defence of Mr. Shala, and I will be asking you a couple of
16 questions to clarify certain points and certain topics. Is that
17 clear?

18 A. It is clear.

19 Q. Thank you.

20 MR. AOUINI: Your Honour, with your leave, I would like to
21 proceed in the following manner, if you agree. I will put some
22 references on four specific points from the transcript and ask the
23 witness to confirm, and then use one document for the interests of
24 efficiency to deal with those four specific points with the same
25 document, same section.

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Seems very organised. Thank you.

2 MR. AOUINI: Thank you, Your Honour.

3 Q. Mr. Witness, you spoke earlier this morning about the incident
4 in 1998; correct?

5 A. Correct.

6 Q. So you said that you were not in Kosovo and you learned about
7 this incident sometime after, and that's at page 18, line 22, of
8 today's transcript; correct?

9 A. Correct.

10 Q. You also told us that your father learned the name of
11 Pjeter Shala in relation to this incident when he was abducted in
12 Kukes, and that is at page 21, lines 7 to 12.

13 Do you confirm that?

14 A. Can you please ask the question again.

15 Q. The question is this: You told us that your father learned the
16 name "Pjeter Shala" when he was abducted, and he learned it directly
17 from Pjeter Shala.

18 A. Yes.

19 MR. AOUINI: The extra reference to the direct source from
20 Pjeter Shala is at page 19, line 15, but we received the confirmation
21 from the witness.

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: TW4-09 (Open Session)

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 [REDACTED]

2 [REDACTED]

3 Q. Thank you, Mr. Witness. Do you remember giving a statement to
4 the SPO investigators around this time of the year last year?

5 A. I certainly don't remember having stated that.

6 Q. Do you remember being interviewed by the SPO investigators, the
7 SPO, our colleagues' investigators, last year?

8 A. Yes, yes.

9 Q. Mr. Witness, do you remember giving different information about
10 the source of the knowledge about the name Pjeter Shala or the timing
11 of the knowledge of the name Pjeter Shala during that interview?

12 A. Can you please give me again the translation of the question. I
13 didn't understand it correctly.

14 Q. Did you say during that interview with the colleague from the
15 SPO something different about the timing that your father learned
16 this name Pjeter Shala?

17 A. I didn't say that. I said then as I'm saying now: He himself.

18 MR. AOUINI: Madam President, with your leave, we would like to
19 call up the prior statement of the witness. It is at ERN --

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
21 Officer.

22 MR. AOUINI: It is ERN 105290, at page 11 in English, and lines
23 3 to 8 as a first passage.

24 THE INTERPRETER: Interpreter's correction: Page 42, line 20,
25 should read: "I would certainly remember if I gave one."

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 MR. AOUINI: It's page 11 in the English. Do you have it? I'll
2 give you the Albanian in a moment. So it is page 12, lines 1 to 13,
3 please, more precisely, 3 to 13.

4 Q. I'll read to you a passage, Mr. Witness.

5 "It was later. So in Kosovo, I just stayed a couple of weeks.
6 But it was later on that my father found out about the names.

7 "So you learned these names from your father after you -- was it
8 after 1999 or before you went back to Kosovo? Sorry, I didn't
9 understand."

10 Line 8:

11 "A. It was after 1999."

12 Do you remember this passage, Mr. Witness?

13 A. Was it number 7; right?

14 Q. Sorry, which number 7?

15 A. The question.

16 Q. Yes. And the answer would be number 9.

17 A. Yes.

18 Q. Do you agree with me that was specifically about the name
19 Pjeter Shala -- excuse me, let me ask the question, please.

20 A. Yes.

21 Q. Do you confirm that this was about the incident of 1999 -- 1998
22 and about Pjeter Shala? That is my question.

23 A. Yes.

24 Q. Do you confirm that you returned for the first time after the
25 war in December 1999?

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could we clarify
2 about what names we are talking? Because, for the record, we all
3 have read this statement, but I think for the witness it must be
4 difficult, but also for us to understand what you want to elicit. We
5 need some context.

6 MR. AOUINI: Absolutely, Your Honour. I agree with you.

7 Let's move one page before. So page 10 in English, the last
8 portion of questions and answers. Exactly. In the Albanian as well,
9 we have to move one page above. Exactly there. Thank you very much.

10 I'll read another portion for clarity, Your Honour.

11 Q. "So about the other names, it was later, so at the time they
12 didn't know them, but later my father knew some of the other names."

13 Line 14:

14 "Q. And do you recall today which other names your father
15 learned who were part of that group?

16 "A. He mentioned the name of Shala, Pjeter Shala. It was
17 Mal Pipi. I don't know what his real name was, but that's how he was
18 called, Mal Pipi.

19 "Q. I understand. Do you remember when your father, so, first
20 of all, did you learn these names personally, directly from your
21 father? Was it your father who told you these two names,
22 Pjeter Shala and Mal Pipi, or did you learn it from somebody else?"

23 Line 23:

24 "A. It was from my father, directly from him."

25 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would have

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 added also line 10, because, there -- and 11:

2 "And does any other name with regard to these KLA members who
3 attacked your family house come to mind in relation to that
4 incident?"

5 Because then we have the location and now we have only been
6 talking about names and sources. But I think that for the witness,
7 it is relevant to know to what episode we are referring to.

8 So we're talking about the attack to the house, Mr. Witness.

9 And now I will give it back to Defence Counsel.

10 THE WITNESS: [Interpretation] Yes, yes.

11 MR. AOUINI:

12 Q. He confirmed it on a question.

13 So, Mr. Witness, what we understand here is that your father
14 learned himself, found out, about this name after the war, not only
15 after the war, but after your visit in December 1999, and that's when
16 he told you.

17 Do you confirm this understanding?

18 A. My father told me this name of this person at the time when I
19 went to Kosovo.

20 Q. This statement mentions that your father found out at that time
21 and then told you about it. Do you agree with me?

22 A. Yes. My father told me his name.

23 MR. DE MINICIS: Your Honours, if I may.

24 THE WITNESS: [Interpretation] I was --

25 MR. DE MINICIS: And I hate interrupting, but perhaps the

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Additional redactions applied pursuant to F541.

1 witness can remove the headphones.

2 PRESIDING JUDGE VELDT-FOGLIA: I think that he has to leave at
3 this point.

4 Madam Court Usher, could you usher the witness out of the
5 courtroom.

6 Mr. Witness, we will ask you to leave for a moment. Thank you.

7 THE WITNESS: [Interpretation] All right, thank you.

8 [The witness stands down]

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

11 MR. DE MINICIS: So I think counsel is being a bit selective in
12 the parts of the previous statement that he's putting to the witness
13 because there are parts of the statement in which the witness
14 specifically talks about what his father told him the information
15 that he received when he was in Kukes.

16 So I think perhaps by proceeding this way the witness may get
17 confused. Counsel is reading some parts of the statement to the
18 witness but not what comes later, so the witness should be perhaps
19 refreshed with the entirety of his evidence with respect to what he's
20 told SPO Prosecutors recently, his interview, and then questioned
21 about it. Because there's more, specifically at page 24, and I don't
22 think that counsel is taking this into account in his questioning at
23 the moment. And what is said at page 24 is entirely consistent with
24 what he stated today.

25 PRESIDING JUDGE VELDT-FOGLIA: You mean page 24 of the prior

Additional redactions applied pursuant to F541.

1 statement?

2 MR. DE MINICIS: That's correct, Your Honour.

3 MR. AOUBINI: I am sorry, Your Honour. This is not correct. And
4 my learned colleague will have an opportunity to redirect examine if
5 he wishes. I did not put anything that is not correct. I
6 specifically read out the statement and sought an explanation from
7 the witness. I don't see how this is out of context.

8 I confirmed with him this was the incident, and I'm specifically
9 talking about the names, the identification of the names, and the
10 timing that that happened. This is an audio recording transcript.
11 There is the words, verbatim words of the witness. My colleague
12 thinks it's not incompatible. We might disagree, and he has an
13 opportunity to put questions afterwards.

14 PRESIDING JUDGE VELDT-FOGLIA: I see that Mr. Prosecutor is
15 standing, and then I will tell what I think.

16 MR. DE MINICIS: I just wanted to -- I was referring -- for the
17 record, Mr. Aouini told the witness: "Mr. Witness, do you remember
18 giving different information about the source of the knowledge about
19 the name Pjeter Shala, or the timing of learning that name during the
20 interview?"

21 PRESIDING JUDGE VELDT-FOGLIA: Where are you now? Sorry.

22 MR. DE MINICIS: I'm sorry, at page 42, lines 24 and following.

23 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait.

24 MR. DE MINICIS: Of the transcript of today, of today's
25 transcript. Your Honour --

Additional redactions applied pursuant to F541.

1 PRESIDING JUDGE VELDT-FOGLIA: Okay. No, no, no, no --

2 MR. DE MINICIS: -- I'm sorry, I should be more precise.

3 PRESIDING JUDGE VELDT-FOGLIA: So 42? Wait --

4 MR. DE MINICIS: 42.

5 PRESIDING JUDGE VELDT-FOGLIA: -- 42?

6 MR. DE MINICIS: 42.

7 PRESIDING JUDGE VELDT-FOGLIA: And then line?

8 MR. DE MINICIS: Line 24.

9 PRESIDING JUDGE VELDT-FOGLIA: Yes.

10 MR. DE MINICIS: Different information. I take issue with the
11 fact that he gave different information to the SPO, Your Honour. I
12 don't think the witness, on basis of his statement, gave us different
13 information at the time.

14 PRESIDING JUDGE VELDT-FOGLIA: I didn't want to interrupt you,
15 Defence Counsel, but the approach, I think, that could have been
16 another one, was to put the statement to him, yeah, and then --
17 because here we already had a conclusion and I didn't want to
18 interrupt you so I let it go but I saw this happening. Because it is
19 an interpretation on beforehand. So then normally what you could do
20 is to take up the prior statement, show to the witness and say,
21 "Look, on page 11 of the prior statement, in row 4, you say, 'It was
22 later on that my father found out.'" And then, yeah, the question is
23 more specific.

24 Anyway, what we think about it will come later. What are the
25 two questions you want to put? No, no. But now, to make it

Additional redactions applied pursuant to F541.

1 concrete, because we have to continue, what are the questions you
2 want to put to Mr. Witness?

3 MR. AOUINI: I'm done. I asked him the questions. But, Your
4 Honour --

5 PRESIDING JUDGE VELDT-FOGLIA: No, no. But this is my question,
6 now it's my question to you, because I want to give you the floor to
7 ask what you need for your cross-examination.

8 MR. AOUINI: We want to do our best, Your Honour. Yesterday I
9 read the statement and then I said something opposite or different,
10 and I was told to ask the question first. This is what I did today.
11 So I'm trying to follow the guidance to the best of my ability.

12 PRESIDING JUDGE VELDT-FOGLIA: No. My guidance is not that you
13 have to imply, that you already have to put your conclusion in the
14 question. No, I would never guide you in that way.

15 But what I do want to do, what I want to do is - and that is my
16 question - what are the questions you want to put to Mr. Witness now?
17 Because that is important because for me it's not completely clear.

18 What do you want to know from him?

19 MR. AOUINI: Madam President, we have in the statement, and I
20 think everyone can see, so the father found out later, after 1999, in
21 this portion of the statement, that the father doesn't know
22 Pjeter Shala from his work in the police, and that at the bottom of
23 the page, this Pjeter Shala he inquired about comes from Croatia.

24 Those are the questions. If you want to ask them, Madam
25 President, you can do it. But we're happy to do it as well.

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Additional redactions applied pursuant to F541.

1 start off with "Do you confirm, did your father know ..." We don't
2 want to have the answer in the question.

3 MR. AOUINI:

4 Q. Mr. Witness, did your father name -- did your father know the
5 name Pjeter Shala or the person Pjeter Shala, or Ujku, from his work
6 as a police officer? Yes or no, if you can.

7 A. Never before.

8 Q. Thank you. Mr. Witness, you told us earlier that you made some
9 investigations or inquiries, and I'll give -- just a moment to give
10 the reference, about the person nicknamed Ujku. And that is at page
11 21, lines 18 to 20 of the transcript of today.

12 My question is: Did you learn any information -- what
13 information did you learn when you inquired about where this
14 Commander Ujku came from?

15 A. Some people told me that he was there. However, in the village
16 where my family lived, he was. One person said that he came from
17 Croatia to here. He was there -- he fought the war there. One
18 person told me this.

19 Q. Thank you, Mr. Witness.

20 MR. AOUINI: I'll move on from this document for the moment,
21 Your Honour.

22 PRESIDING JUDGE VELDT-FOGLIA: I'm just checking the reference,
23 but please proceed.

24 MR. AOUINI:

25 Q. Mr. Witness, you told us that you learned that your father was

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 abducted after the war, at page 22, line 23, to page 23, line 10, but
2 I think, with my learned colleague from the victims, you gave us
3 another detail that you knew that your father was abducted when he
4 was abducted at that time.

5 Can you confirm this detail, you knew that your father was
6 abducted shortly after he was abducted in Albania; correct?

7 A. From my mother, yes.

8 Q. Thank you. What was your reaction or, more specifically, your
9 action from abroad when you learned that? Did you contact anybody to
10 seek information or help?

11 A. I started making contact with some acquaintances, people I knew
12 and people who knew my father, knew about his character, who he is.
13 But I was unsuccessful in these attempts to contact people.

14 Q. Do you know somebody by the name Sali Ceku?

15 A. I do know him.

16 Q. Can you tell us what is your relationship with him?

17 A. *[REDACTED] Pursuant to In-Court Redaction Order F472.*

18 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

19 THE INTERPRETER: Interpreter's correction: *[REDACTED] Pursuant*
20 *to In-Court Redaction Order F472.*

21 MR. AOUINI:

22 Q. Did you have any contact with this person in relation to your
23 father's kidnapping?

24 A. No, I did not.

25 Q. You mentioned earlier today at page 24, line 8, Bashkim Lama.
Since when do you know -- do you know this person personally,

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 Bashkim Lama?

2 A. No, I do not know him.

3 Q. Do you know any of his brothers?

4 A. No.

5 Q. Did you try to contact anybody from the entourage or family of
6 Bashkim Lama when you learned that he was involved in your father's
7 abduction?

8 A. Yes.

9 Q. How? In what way did you try to make contact?

10 A. I tried to inform him that his brother was involved in the
11 abduction, and that whatever happens to my father, I would seek
12 answers in his family.

13 Q. My question was in what way? Is it by phone, by other means,
14 that you tried to contact this person?

15 A. Through the phone. I sent somebody over to inform his family.

16 Q. Do you have the name of this brother?

17 A. No, I don't have the name.

18 Q. What was the response, Mr. Witness?

19 A. No answer.

20 Q. Okay. I'm moving to another topic.

21 Did your father tell you anything after you met him about a
22 journalist or an investigator named Mike or Michael?

23 A. No.

24 Q. Did your father at any point tell you anything about a yellow
25 house?

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 A. Never.

2 Q. Did your father mention anything about a yellow Mercedes?

3 A. You mean my father had a yellow Mercedes? Was that the question
4 or what?

5 Q. No. When your father told you about the incident and what
6 happened to him in Albania, his abduction, did he mention a yellow
7 Mercedes?

8 A. Yes, yes. No. Not to me, never.

9 Q. So the "no" is that he didn't mention, just for the clarity of
10 the transcript.

11 A. He never mentioned such a thing, meaning a yellow Mercedes. I'm
12 hearing this for the first time.

13 Q. Again, Mr. Witness, did your father mention, when he told you
14 about these incidents and what happened to him in Albania, the name
15 Gani Shehu?

16 A. No.

17 Q. Do you know somebody by the name Blerim Isufaj?

18 A. Blerim Isufaj, I don't know him personally.

19 Q. Do you know the relationship of your father with him?

20 A. Good ones. Never had any issues with him. But I personally did
21 not know him.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, for our
23 understanding, could you give some background with regard to these
24 questions so that we understand what we are listening to.

25 MR. AOUINI: Yes, and I can provide this in the presence of the

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Additional redactions applied pursuant to F541.

1 witness, in general terms.

2 These are mentions and names from the main person, main
3 testimony, that is submitted to you for admission, and we are -- here
4 we have an opportunity to check the presence of some of the details
5 in the way -- I don't want to use "the story," but the incidents and
6 the development of events happened and actors, places or objects are
7 mentioned. We tried to explore that with the present witnesses, and
8 that would help the assessment of what is in the statement of the
9 main statements we need to assess at the end.

10 These are the purposes we are talking about.

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

12 MR. AOUINI:

13 Q. So thank you very much, Mr. Witness. I'm moving to my last
14 series of questions.

15 Do you remember having a number of contacts with the SPO
16 personnel prior to meeting them for an interview?

17 A. In what period of time, if I may ask?

18 Q. [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 PRESIDING JUDGE VELDT-FOGLIA: No, I --

22 THE WITNESS: [Interpretation] That's enough.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. I would not mention dates.
24 If you like to mention dates to refresh the memory, we can go into
25 private session, as you wish.

Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 MR. AOUINI: I think the witness said that there is no need.

2 It's dates of notes, not --

3 PRESIDING JUDGE VELDT-FOGLIA: We don't want to have dates of
4 possible evidence here in the court.

5 MR. AOUINI:

6 Q. Without specific dates, do you remember having phone calls or
7 contacts?

8 A. In relation to?

9 MR. AOUINI: Your Honour, shall I submit the document? Because
10 I intend to read a small portion of it.

11 PRESIDING JUDGE VELDT-FOGLIA: Very well. Yes, proceed, please.

12 MR. AOUINI: It is ERN 106493. It's a one-pager.

13 Your Honour, since we're not displaying it publicly, I may give
14 the opportunity for the witness to read the last paragraph and just
15 confirm the content. It could be very straightforward. And then
16 tender this into evidence as an exhibit.

17 PRESIDING JUDGE VELDT-FOGLIA: No. I prefer to go into private
18 session and that you read out and then we discuss it; yes?

19 MR. AOUINI: Of course.

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

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

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

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

25 Defence Counsel, please proceed.

Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 MR. AOUINI: Thank you, Your Honour.

2 Q. Mr. Witness, I'll read the last paragraph, number 4, for you,
3 okay? We're in private session.

4 "[REDACTED] stated that his father's last will will be to take
5 this

6 matter to the end. [REDACTED] and other family members do not have
7 any other

8 interest except justice and the truth. [REDACTED] stated they do not
9 want to

10 falsely accuse other people or anything. They just want the truth."

11 Mr. Witness, this is still valid today, or isn't it?

12 A. It still stands if -- if no other persons or names are mentioned
13 by the accused.

14 PRESIDING JUDGE VELDT-FOGLIA: Could the witness clarify this
15 answer? I don't think that I grasped it.

16 THE WITNESS: [Interpretation] Yes. Allow me to read it again,
17 please, once more.

18 PRESIDING JUDGE VELDT-FOGLIA: In the meantime, I would like to
19 correct what I said before. We don't want dates in public, not -- we
20 want dates in this courtroom. We need dates in the courtroom. Just
21 to rectify for the record.

22 MR. AOUINI:

23 Q. Could you clarify your answer, Mr. Witness. We didn't --

24 A. Yes. I wanted to say that persons who are not involved in this
25 case should not be apprehended.

MR. AOUINI: It's sufficient for us, but you sought the
clarification.

PRESIDING JUDGE VELDT-FOGLIA: Very well.

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Additional redactions applied pursuant to F541.

[Private Session]

1 [Private session text removed]

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Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 [Private session text removed]

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[Open Session] *Reclassified Pursuant to F541*

15 MR. AOUINI: Your Honour, just a moment to confer with my
16 colleagues. This might be the end of the cross-examination.

17 [Specialist Counsel confer]

18 MR. AOUINI: Your Honour, we have no further questions. Just to
19 thank the witness. That's all.

20 Mr. Witness, faleminderit.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you, Defence
22 Counsel.

23 [Specialist Prosecutor confers]

24 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I will now go and
25 see if there is a need for a second round of questioning of you, and

Cross-examination by Mr. Aouini

Additional redactions applied pursuant to F541.

1 I will first turn to the Specialist Prosecutor's Office to see where
2 they stand on this.

3 Very well. Madam Prosecutor, do you wish to ...

4 Defence Counsel, I see that you're standing and you're asking
5 for the floor.

6 MR. AOUINI: I am extremely sorry. Just to correct something on
7 the transcript. Maybe we need a question to clarify it. It's at
8 page 52, line 18. It seems that the answer has been recorded as the
9 opposite of what the witness said. "I do know him" or "I do not know
10 him."

11 PRESIDING JUDGE VELDT-FOGLIA: "Do you know somebody by the name
12 Salih Ceku," and then line 18, "I don't know him."

13 MR. AOUINI: I'm not the only one on the team to have heard "I
14 do know him." So just to clarify.

15 PRESIDING JUDGE VELDT-FOGLIA: Please, you have the floor.

16 MR. AOUINI:

17 Q. Mr. Witness, do you know Sali Ceku or don't you know Sali Ceku?

18 A. I do know Sali Ceku as Sali Ceku, but I do not know him
19 personally. *[REDACTED]*

20 Q. Very clear. Thank you very much.

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

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

24 ~~[Open session]~~

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

Witness: TW4-09 (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 Questioned by the Trial Panel:

2 JUDGE BITTI: Mr. Witness, it will be quick. I have some
3 questions just for clarification.

4 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

5 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

6 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

7 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

8 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

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13 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

16 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

17 *[REDACTED] Pursuant to In-Court Redaction Order F472.*

18 Thank you very much, Mr. Witness.

19 THE WITNESS: [Interpretation] Thank you.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we have reached the
21 end of your testimony. I see you nodding.

22 THE WITNESS: [Interpretation] Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: I want to thank you for all the
24 efforts you have put in giving your testimony, and it will be of help
25 for the Panel to find the truth, so thank you very much.

Witness: TW4-09 (Open Session)

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Questioned by the Trial Panel

Additional redactions applied pursuant to F541.

1 THE WITNESS: [Interpretation] Thank you too.

2 PRESIDING JUDGE VELDT-FOGLIA: You should not discuss anything
3 what you have given in -- what you have testified on before the
4 Specialist Chambers with anybody else, and I conclude to say that I
5 wish you a safe trip home.

6 And Madam Court Usher will accompany you out.

7 THE WITNESS: [Interpretation] Thank you very much. I wish you
8 good work.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 [The witness withdrew]

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

12 Is there anything that the Specialist Prosecutor's Office would
13 like to raise with the Panel? No.

14 MS. WYLER: Nothing from our side. Thanks.

15 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel?

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

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.
18 Defence Counsel, would you like to discuss anything with the
19 Panel?

20 MR. AOUNI: Nothing from our side. Thank you very much for
21 your time and patience.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 Then, if there is not anything to raise anymore, there is
24 neither anything that the Panel wants to raise, so that means that we
25 will resume 1 May, on Monday, in the morning, at 9.30. And I want to

Additional redactions applied pursuant to F541.

1 thank the parties and Victims' Counsel, and also the attendance of
2 the Registry. And I want to thank the interpreters and the
3 stenographer, and our security, yes, for their assistance today.

4 The hearing is adjourned.

5 --- Whereupon the hearing adjourned at 12.47 p.m.

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