

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 Tuesday, 23 November 2021

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Madam Court Officer, can you please call the case.

7 THE COURT OFFICER: Good morning, Your Honours. This is case  
8 KSC-BC-2020-05, The Specialist Prosecutor versus Salih Mustafa.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 I will call appearances.

11 Madam Prosecutor, please.

12 MS. D'ASCOLI: Good morning, Your Honours. The Specialist  
13 Prosecutor's Office today is represented by Prosecutor  
14 Cezary Michalczuk; Case Manager Julie Mann; Associate Prosecutor  
15 Filippo De Minicis; legal intern Agathe Tregarot; and myself,  
16 Associate Prosecutor Silvia D'Ascoli. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Victims' Counsel, please.

19 MS. PUES: Good morning, Your Honours. Good morning, everybody.  
20 The participating victims are today represented by  
21 Njomza Haxhibeqiri, my junior legal associate, and by myself,  
22 Anni Pues, as Victims' Counsel.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Defence Counsel, you have the floor.

25 MR. VON BONE: Good morning, Your Honours. Defence is

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1 represented by myself, Julius von Bone; my co-counsel Betim Shala;  
2 interpreter and investigator Mr. Fatmir Pelaj; and joining us by  
3 remote is Mr. Mustafa.

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

5 Mr. Mustafa, can you hear us rightly? Mr. Mustafa, does the  
6 connection work fine? Hmm. Apparently not.

7 THE ACCUSED: [Via videolink][Interpretation] Yes, Your Honour, I  
8 can hear you well.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well. For the record you  
10 are appearing before Trial Panel I.

11 Before continuing with the testimony of SPO Witness W04390,  
12 there are a couple of orders to be issued.

13 The first oral order is as follows.

14 The Panel recalls its direction at paragraph 35 of the Decision  
15 on the Conduct of Proceedings, that is filing 170, according to which  
16 at least 24 hours before the commencement of a witness testimony, the  
17 non-calling entity shall provided the Panel, the CMU, and the other  
18 entities, via e-mail, a list of documents they intend to use during  
19 their respective questioning of the witnesses. The Panel notes that  
20 the Defence submitted its initial list of documents potentially to be  
21 used with the witness of today on Sunday, 21 November 2021, at  
22 12 minutes past 9.00. This is, of course, in compliance with the  
23 Panel's aforementioned direction on the matter. The Panel recalls,  
24 however, that the Decision on the Conduct of Proceedings  
25 intentionally uses the formulation "at least 24 hours before the

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1 commencement of a witness testimony. And, accordingly, for any  
2 future witnesses whose testimony is scheduled to begin on a Monday,  
3 the non-calling entities, be it the Defence or the Victims' Counsel,  
4 or later during the Defence case, if any, the Specialist Prosecutor,  
5 are requested to circulate their respective lists of documents to be  
6 used during their respective questioning at the latest, at noon on  
7 the Friday prior to the testimony if you are starting on Monday.

8 This concludes the oral order.

9 I will issue a second oral order.

10 The Panel notes that the Selimi Defence request for access to  
11 confidential material in the present case, and then I give the  
12 following number, RAC001-F1, and the joinders submitted so far by the  
13 Defence of Krasniqi and Thaci, I will quote another number, RAC001-F2  
14 and F3 respectively. In order to efficiently rule of these requests,  
15 the Panel consider it is appropriate to receive consolidated  
16 responses, if any, the parties and the Victims' Counsel in the  
17 present case. Accordingly, pursuant to Rule 9(5)(a) of the Rules,  
18 the Panel varies the time-limits for responses, if any, which shall  
19 be filed within ten days from the last joinder, which for the moment  
20 is the Thaci joinder, filed on 22 November 2021.

21 The Registry is ordered to notify the parties and  
22 Victims' Counsel in case KSC-BC-2020-06 of the present oral order.

23 This concludes the second oral order.

24 And now is the moment to continue with the testimony of SPO  
25 Witness W04391.

Witness: W04391 (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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1           Madam Court Usher, can we please usher the witness into the  
2 courtroom.

3                                 [The witness takes the stand]

4           PRESIDING JUDGE VELDT-FOGLIA: Good morning.

5           Mr. Witness, good morning, and welcome back to the  
6 Specialist Chambers. Can you hear me?

7           THE WITNESS: [Interpretation] Yes, I can. Good morning.

8           PRESIDING JUDGE VELDT-FOGLIA: Did you have the possibility to  
9 rest a little bit?

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

11          PRESIDING JUDGE VELDT-FOGLIA: Okay, very well. Today we will  
12 continue with your testimony, and it's now the turn of the  
13 Defence Counsel to ask you some questions. I remind you that you are  
14 still under oath to tell the truth. Do you understand that?

15          THE WITNESS: [Interpretation] Yes.

16          PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, as indicated  
17 yesterday, you have one hour and 30 minutes for the witness  
18 questioning. So basically we would expect you to finish by the end  
19 of this session, if possible.

20          Please proceed.

21                                 WITNESS: W04391 [Resumed]

22                                 [Witness answered through interpreter]

23                                 Cross-examination by Mr von Bone:

24          Q.    [Microphone not activated] Good morning, Mr. Witness.

25          PRESIDING JUDGE VELDT-FOGLIA: Mic.

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1 MR. VON BONE:

2 Q. Good morning, Mr. Witness.

3 A. Good morning.

4 MR. VON BONE: Your Honour, I ask to go into private session.

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

7 ~~[Private session]~~ [Open session]

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.  
10 Defence Counsel, you have the floor.

11 MR. VON BONE:

12 Q. Mr. Witness, do you know a person with the name of

13 [REDACTED]

14 A. Yes.

15 Q. Could you tell us who he is.

16 A. He is from the village of [REDACTED]

17 Q. And does -- is he known by any other name?

18 A. I don't know.

19 Q. And apart from the fact that he is from the village of [REDACTED]  
20 how do you know him?

21 A. [REDACTED]

22 Q. Was he a member of the KLA?

23 A. I don't know.

24 Q. Do you know a person by the name of [REDACTED]

25 A. No.

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1 Q. You had -- you told us that you had contact with [REDACTED]  
2 is that correct?

3 A. Yes.

4 Q. Did you go ever with [REDACTED]

5 A. Yes.

6 Q. And, to be clear, was that the first or was that the second time  
7 that you went to [REDACTED]

8 A. With [REDACTED]

9 Q. I understand. Was that the first time that you went to  
10 [REDACTED]

11 A. [REDACTED] and I went to see him two -- twice or three times.

12 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you could be  
13 little bit more precise. Because when, where to, we didn't have a  
14 reference to the transcript. It's hanging a little bit in the air,  
15 which I think is a Dutch expression.

16 MR. VON BONE:

17 Q. The first time that you went to [REDACTED] how many days was  
18 this after you heard about the fact -- or how many days was this  
19 after the day that [REDACTED] was taken away from [REDACTED]

20 A. Two days.

21 Q. And on that first occasion that you went to see him, you went  
22 together with [REDACTED] Do I understand that correctly?

23 A. Yes.

24 Q. When you came to the house where you lived yourself, I  
25 understood that you heard that [REDACTED] had been taken away. And do  
you

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1 recall how many people were in your house at that time, staying?

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, for me it is not  
3 clear what you mean with "the house you were living." Because I have  
4 understood that there were two houses they were living in. So I  
5 would --

6 MR. VON BONE: [Microphone not activated].

7 PRESIDING JUDGE VELDT-FOGLIA: Excuse me?

8 MR. VON BONE: I'll rephrase it.

9 Q. You went to [REDACTED] Was [REDACTED] house -- how  
10 many people were staying at that moment in [REDACTED] house?

11 A. When I went back to the house, there was no one, because  
12 [REDACTED]

13 [REDACTED] was in the village of [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 staying there?

17 A. Yes, there were [REDACTED]

18 Q. Have you heard from anyone with what kind of vehicle [REDACTED]  
19 [REDACTED] was taken, taken away?

20 A. Yes.

21 Q. And what kind of vehicle was that?

22 A. It was a green 200 Mercedes.

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I have been  
24 hearing up till now, and I'm trying to give you some leeway, already  
25 four or five questions which have been put to the witness yesterday.  
And we know about the step-up questions, but this question, for

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1 example, has been asked yesterday and is in this wording in the  
2 transcript.

3 Please continue, but please take notice of my words.

4 MR. VON BONE:

5 Q. Do you know if [REDACTED] when he came to take [REDACTED]  
6 whether he was looking for any refugees?

7 A. It's not clear to me what the question is.

8 Q. Were there either in the -- in the house of [REDACTED] or were  
9 there either in the house where you were staying in [REDACTED] any  
10 refugees staying?

11 A. No. It was only [REDACTED] and I.

12 Q. The place in [REDACTED] where you were staying, what was the name  
13 of the neighbourhood?

14 A. [REDACTED] -- it was called [REDACTED]

15 Q. And is the location known by any other name than just that?

16 A. No.

17 Q. Have you heard of the name [REDACTED]

18 A. No.

19 Q. Do you know [REDACTED]

20 A. Yes.

21 Q. Did you speak with him about anything regarding [REDACTED]  
22 [REDACTED]

23 A. There are many [REDACTED] in our region, if you understand what I  
24 mean.

25 Q. Is there [REDACTED]



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1 A. Yes, there are three or four.

2 Q. Did you ever speak with any of those three or four about

3 [REDACTED]

4 A. No.

5 Q. When you went with [REDACTED] to meet [REDACTED] was that  
6 the first time that [REDACTED] went to [REDACTED] Not you, but

7 was it the first time that [REDACTED] went to [REDACTED]

8 A. Yes.

9 Q. And what did [REDACTED] ask [REDACTED]

10 A. He inquired about [REDACTED]

11 Q. And what was the answer that [REDACTED] gave?

12 A. He -- that he would be freed after he was interviewed.

13 Q. Did [REDACTED] tell you where he had taken him?

14 A. Not on that day.

15 Q. On which day was it that he told that, where [REDACTED] had taken  
16 [REDACTED]

17 A. The following day.

18 Q. And were you present there together with [REDACTED]

19 A. Yes.

20 Q. And at that time, did [REDACTED] tell you or [REDACTED]  
21 where he had taken [REDACTED]

22 A. In [REDACTED] and my presence, he said that he was a soldier, a  
23 KLA soldier, [REDACTED]

24 Q. And is the Gollak area the same as the [REDACTED] area, or  
[REDACTED]? Is

25 that the same?

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1 A. Can you repeat your question, please.

2 Q. My question is: Is the Gollak area the same as [REDACTED]

3 A. It was a branch of [REDACTED] It was Brigade 153.

4 Q. What do you mean when you say "it is a branch of [REDACTED]"?

5 A. I don't know how to explain it to you.

6 Q. Is [REDACTED] a village?

7 A. No, but that's what we call it.

8 Q. And where is that village [REDACTED] located?

9 A. [REDACTED] is not a village. It's just like Gollak that you mentioned

10 earlier.

11 Q. Do you mean that [REDACTED] is an area?

12 A. Yes.

13 Q. And is the [REDACTED] area the same as the Gollak area?

14 A. No. No, it isn't. I understand the question. Brigade 153 of  
15 Gollak was part of the [REDACTED] area. We call it a branch of  
[REDACTED].

16 Q. When you went the second time with [REDACTED] and he received  
17 the reply that he is in [REDACTED], did he specify where exactly  
[REDACTED]

18 [REDACTED] was? Did [REDACTED] specify where exactly [REDACTED] was?

19 A. No.

20 Q. And that second time when you were with [REDACTED] did [REDACTED]  
21 [REDACTED] or you ask any question where you exactly could find  
[REDACTED]

22 [REDACTED] Did [REDACTED] give any indication where he was?

23 A. No, he didn't. I asked him for the arrest warrant. I told him,  
24 "Can you please show me the arrest warrant?" While [REDACTED]  
answered,

25 "I had an order."

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1 Q. You spoke that you later went together with [REDACTED] to  
2 [REDACTED] is that correct?

3 A. Yes, on [REDACTED]

4 Q. And the meeting that you had at that time with [REDACTED] could  
you

5 indicate where exactly that that meeting took place?

6 A. Yes. It was on the [REDACTED]

7 Q. And was there any building nearby on that road?

8 A. No.

9 Q. Who made a request to see [REDACTED]

10 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think that  
11 yesterday we have gone through this, and Mr. Witness has explained  
12 that there have been several requests on the part of him and  
[REDACTED]

13 [REDACTED] So please -- or say, "You said in your transcript that you  
14 made a request," and then you give the follow-up question. So --  
15 because now we are doing the same questions again and he has answered  
16 them. And I will allow to you do follow-up questions, but please  
17 don't ask what he said yesterday in a question. Because then we have  
18 a second interrogation, and that's -- on the same issues, and I don't  
19 want that.

20 MR. VON BONE: I understand.

21 Q. I just want to make -- to ask the witness whether there was a  
22 separate request from [REDACTED] or a separate request from you, or  
23 whether that was -- was it coming from one and the same person?  
24 Could you tell that.

25 A. Both requests were made by me, the same person.

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1 Q. And to whom did you address that request?

2 A. To the KLA base in Zllash, Brigade 153.

3 Q. And was there anybody in particular that you addressed it to?

4 Any name that you addressed it to?

5 A. To the guard.

6 Q. And who was -- and what was the name of that guard, to be clear?

7 A. If I'm not mistaken, his name was [REDACTED] and his pseudonym was

8 [REDACTED] That was the first time.

9 Q. And do you know where exactly that base was?

10 PRESIDING JUDGE VELDT-FOGLIA: Which base, Defence Counsel?

11 MR. VON BONE: The base of the brigade.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. But please specify,  
13 because even for me, it's getting not clear.

14 MR. VON BONE:

15 Q. So, Mr. Witness, my question was: Do you know where the base of  
16 that Brigade 153 was?

17 A. Yes, I learned it.

18 Q. And did you learn it at that time or did you learn it  
19 afterwards?

20 A. No, at that time.

21 Q. And the request, did you hand it over yourself to [REDACTED]

22 A. Yes.

23 Q. And at which location was that?

24 A. At Zllash village, 153rd Brigade of the KLA.

25 Q. And do you know whether it was there that [REDACTED] was

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1 detained or that [REDACTED] was?

2 A. I knew. I had a feeling.

3 Q. Could you describe that location where you actually handed over  
4 that request to [REDACTED] Could you tell us where that was? How did  
it

5 look like? Can you describe that location for us.

6 A. Yes. There was a house surrounded by wire. In the middle,  
7 there was a ramp. I don't know how to -- a ramp. And at the ramp,  
8 there was a guard.

9 Q. And was there anything else than that house?

10 A. A soldier.

11 Q. I mean was there any other house next to that house.

12 A. Yes, a bit further down, yes.

13 Q. And how much further down is that in metres or in kilometres  
14 or ...

15 A. About 20 to 30 metres, 50 to 60 metres.

16 Q. What was the colour of that house, of the first house that you  
17 indicated? Not the second one which was further down.

18 A. I don't remember it now.

19 MR. VON BONE: Your Honour, we would like to request a document  
20 to be shown.

21 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please pull  
22 up the document as soon you have the reference.

23 MR. VON BONE: It is -- Prosecution's reference was 8 of the  
24 document. It is 20211122 KSC-BC-2020-05 and then W4391. And I  
25 believe the page number should be page 4.

Witness:W04391 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1804

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1           PRESIDING JUDGE VELDT-FOGLIA: But -- I see the SPO standing.

2           But for my understanding, when you said "8," are you referring to the  
3           list materials to be used in direct examination by the SPO?

4           MR. VON BONE: [Microphone not activated].

5                                 [Trial Panel and Court Officer confer]

6           MR. VON BONE: [Microphone not activated].

7           PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, you have the  
8           floor.

9           MS. D'ASCOLI: Thank you, Your Honours.

10           First of all, I wanted to ask for the same clarification because  
11           I understood it was document number 8 on the Prosecution list of  
12           documents, but then I can't find the correspondence with the ERN used  
13           by the Defence Counsel. So then I was wondering whether it was  
14           actually document 8 on his list.

15           PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you. But we will  
16           clarify it, I'm sure.

17           MR. VON BONE: [Overlapping speakers] ...

18           MS. D'ASCOLI: So can we please clarify [Overlapping  
19           speakers] ...

20           PRESIDING JUDGE VELDT-FOGLIA: I'm sure that there will be a  
21           clarification.

22           Defence Counsel, you have the floor.

23           MR. VON BONE: The reference number is 060699-060723-TR-AT.

24           PRESIDING JUDGE VELDT-FOGLIA: And number 7, if I understand.

25           MS. D'ASCOLI: Exactly, yes.

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1           PRESIDING JUDGE VELDT-FOGLIA: That's number 7 on the list of  
2 the SPO.

3           MR. VON BONE: [Microphone not activated].

4           PRESIDING JUDGE VELDT-FOGLIA: No, no sorry needed, just ...  
5 Please proceed.

6           MR. VON BONE: It should be, I think, page 4 of that document.  
7 I think it's page 4. It's the Albanian version, which is ...

8           Yeah. It is indeed of this document, the Albanian document. I  
9 think it should be there on page 4.

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

12          MS. D'ASCOLI: Yes, if I can be of assistance. The original,  
13 the Albanian letter, is actually on the -- it's not on the AT  
14 document but is on ERN 060699 to 060723, RED1, page 4. Now we have  
15 on the screens the Albanian version at the English translation while  
16 the original is in the main document, in the actual [Overlapping  
17 speakers] ...

18          MR. VON BONE: Yes, it is this document that indeed we --

19          MS. D'ASCOLI: Yes.

20          MR. VON BONE: Thank you very much, Ms. Prosecutor.

21          The translated document that is here now on the screen does not  
22 correspond with this one.

23          PRESIDING JUDGE VELDT-FOGLIA: Do you have a reference number  
24 for Madam Prosecutor -- for Madam Court Officer to pull it up?

25          MR. VON BONE: Yes, I have it. That is SPOE001306. And I think

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1 this is the document. No, it isn't.

2 May I consult for a second.

3 PRESIDING JUDGE VELDT-FOGLIA: Of course. Please proceed.

4 Madam Prosecutor.

5 MS. D'ASCOLI: Yes. Maybe again I can be of assistance because  
6 I know what the Defence Counsel is referring to. I think he wants to  
7 call up the other English version. That is at SPOE00130686.

8 PRESIDING JUDGE VELDT-FOGLIA: Could that be the right reference  
9 number?

10 MR. VON BONE: [Microphone not activated].

11 THE INTERPRETER: Microphone, please.

12 MR. VON BONE: It runs from 85 until 87. However, it is on  
13 page 6 -- it's on the second and third page of that.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, is this of  
15 enough assistance for you to pull it up or not?

16 MR. VON BONE: So to be clear, it is SPOE00130686.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Prosecutor, for  
18 bringing in the reference.

19 MR. VON BONE: Thank you. [Microphone not activated].

20 THE COURT OFFICER: Your Honour, I'm having trouble finding it  
21 in both presentation queues, from the SPO and from the Defence.

22 MR. VON BONE: [Microphone not activated].

23 PRESIDING JUDGE VELDT-FOGLIA: Microphone, please,  
24 Defence Counsel. If not, the interpreters --

25 MR. VON BONE: The Albanian is good. And the English one is the



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1 reference that I just said. It is in our presentation queue  
2 number 9, item number 9.

3 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor.

4 MS. D'ASCOLI: I think it's item number 10 in the presentation  
5 queue notified by the Defence, and the full ERN range is SPOE00130685  
6 to SPOE00130687, RED1.

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer is looking in  
8 it as we speak.

9 MR. VON BONE: Yes, that is the document.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you --

11 MR. VON BONE: It's on the item list number 9 of the Defence.

12 PRESIDING JUDGE VELDT-FOGLIA: So on your item list it is?

13 MR. VON BONE: Number 9.

14 PRESIDING JUDGE VELDT-FOGLIA: Number 9. And that is for the  
15 record.

16 MR. VON BONE: That is the English version.

17 PRESIDING JUDGE VELDT-FOGLIA: And please we should not --

18 MR. VON BONE:

19 Q. Mr. --

20 PRESIDING JUDGE VELDT-FOGLIA: We should not overlap when we are  
21 speaking.

22 MR. VON BONE:

23 Q. Mr. Witness, I would like to us draw your attention to the  
24 Albanian document that you see on the screen.

25 MR. VON BONE: Maybe we can, just for the witness, blow that up

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1 and show it to him.

2 THE WITNESS: [Interpretation] Yes, I see it.

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, if you need any  
4 assistance, please indicate.

5 THE WITNESS: [Interpretation] Thank you.

6 MR. VON BONE:

7 Q. Mr. Witness, do you recognise this document?

8 A. Yes.

9 Q. Who wrote this document?

10 A. Up to the mid-part of it, it's [REDACTED] statement.

11 MR. VON BONE: I want to go to a paragraph of this document, and  
12 the line is on the -- what is it? The Albanian document. It is  
13 counting from above line 16.

14 PRESIDING JUDGE VELDT-FOGLIA: Starting with "Ne."

15 MR. VON BONE: Yeah, that is line number 1. And then we need to  
16 count.

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

18 THE INTERPRETER: Microphone, please.

19 PRESIDING JUDGE VELDT-FOGLIA: I see [Albanian spoken].

20 MR. VON BONE: I think it reads like [Albanian spoken].

21 Something like that.

22 The English equivalent of this passage for the Panel, I will --  
23 it is the halfway the second paragraph, starting with: "I went with  
24 [REDACTED] ..."

25 So the second paragraph. Then you have the third linija: "I

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1     went at ..."

2             Okay?

3     Q.    Mr. Witness, I will read the English translation of this  
4     particular part and then I want to have a question for you. I will  
5     read it slowly.

6             PRESIDING JUDGE VELDT-FOGLIA: For -- Defence Counsel --

7             MR. VON BONE: Yes.

8             PRESIDING JUDGE VELDT-FOGLIA: -- for my understanding, I cannot  
9     compare that the place in the Albanian version is the exact place as  
10    you will now be reading in English.

11            MR. VON BONE: Yes. Yes.

12            PRESIDING JUDGE VELDT-FOGLIA: So that should be confirmed or I  
13    would ask the interpretation booth to say if it is otherwise. But,  
14    yes, let us continue.

15            MR. VON BONE: In any event, Your Honour, I will read the  
16    English part. That is what I will read.

17    Q.    Mr. Witness, I will read for you the English part as I have it.

18            "I went at [REDACTED] house again and asked about him. He said  
19    he  
20    is doing well and he's healthy, and he is in [REDACTED]. I requested  
21    from  
22    him, [REDACTED] please don't place him in a basement, because you know  
23    well that he has been wounded twice.' He replied, 'Don't worry, I  
24    visited him last night and he is in good condition.'"

25            Mr. Witness, my question to you is: Do you recall that [REDACTED]  
replied, "Don't worry, I visited him last night and he is in good  
condition"?

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1 A. Yes, this is the statement [REDACTED] made.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think you  
3 should first ask if he was present or if he discussed it with  
4 [REDACTED]

4 [REDACTED]

5 MR. VON BONE: [Microphone not activated].

6 Q. Were you present when [REDACTED] said this to [REDACTED]

7 A. No.

8 Q. [Microphone not activated].

9 THE INTERPRETER: Microphone, please.

10 MR. VON BONE:

11 Q. And how do you know that this is what [REDACTED] replied to  
12 [REDACTED]

12 [REDACTED]

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, that was not the  
14 answer of the witness. He said that, "This is the statement of  
15 [REDACTED]

15 [REDACTED] He didn't say anything about knowledge.

16 MR. VON BONE:

17 Q. Mr. Witness, did [REDACTED] tell you that [REDACTED] replied this  
18 to

18 him?

19 A. Yes.

20 Q. And, to be quite clear, as it is written in this passage, it  
21 says: "... he said he is doing well and he is healthy, and he is in  
22 [REDACTED] ..."

23 Do you recall that [REDACTED] told you that [REDACTED] told him  
24 this?

25 A. Yes, I remember that.

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All redactions applied are pursuant to Orders F493, F509 and CRSPD107

1 Q. By the way, [REDACTED] says here that he - that is [REDACTED] -  
has

2 been wounded twice. Do you know where he was wounded twice,  
[REDACTED]

3 A. He was wounded by Serb forces in protests, in demonstration, in  
4 1978, 1979.

5 Q. In the next lines, I will read it to you. And the next lines on  
6 the Albanian version, it would be line 21 -- 22, excuse me, until 24  
7 in the Albanian version. I will read the next paragraph in the  
8 English version.

9 The next paragraph of this letter says:

10 "Again, after two days I met [REDACTED] from  
11 [REDACTED] I requested I could see him. He said that I could  
12 not."

13 My question to you is: Were you present at this particular  
14 moment that apparently [REDACTED] requested this?

15 A. No, I wasn't. No, I wasn't present there.

16 Q. And do you recall that [REDACTED] told you about this apparent  
17 meeting with [REDACTED]

18 PRESIDING JUDGE VELDT-FOGLIA: Sorry, the [REDACTED]

19 MR. VON BONE: Sorry.

20 PRESIDING JUDGE VELDT-FOGLIA: I don't understand what you mean.

21 MR. VON BONE: [Microphone not activated] Sorry.

22 PRESIDING JUDGE VELDT-FOGLIA: What did you intend to say?

23 MR. VON BONE: Sorry. I just scrap this because I'm one  
24 paragraph further.

25 Q. I want to read you the next paragraph, Mr. Witness. And that

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1 paragraph starts on line 22 up to line 24 in the Albanian version,  
2 but I will read the English translation of that.

3 Mr. Witness, I read to you what is further in this document. It  
4 reads:

5 "Again, two days later -- two days after I went at [REDACTED]  
6 [REDACTED] and asked what has happened with him, he said, Don't worry,  
7 nothing is going to happen to him."

8 Mr. Witness, did you hear from [REDACTED] or did [REDACTED]  
9 tell you that he went to, this time, the [REDACTED] and asked  
10 what had happened with him and that [REDACTED] replied, "Don't worry  
11 nothing is going to happen to him"?

12 A. I was present.

13 Q. So can you confirm, actually, what was being said by [REDACTED]  
14 Don't worry, nothing is going to happen to him?

15 A. Yes, [REDACTED] told us not to worry about it  
16 because nothing would happen to him. And he promised that if  
17 something happened to him, then [REDACTED] So  
18 these were the words that had [REDACTED] said. If you understand me.

19 Q. I will read you the next paragraph of this document, and that  
20 document in the Albanian version starts at line 25, starting with, I  
21 would say, "prape." And it goes up to 27, line 27.

22 Mr. Witness, I will read you the English version.

23 "Again, after two days I met [REDACTED] from  
24 [REDACTED] village, I requested if I could see him, he said I could  
25 not."

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1 My question is: Were you present at the moment of this request?

2 A. This is a request that [REDACTED] made. I was not there.

3 Q. And did [REDACTED] tell that you he met [REDACTED] and  
4 [REDACTED] and that he had requested to see him and that they  
5 said that he could not?

6 A. Yes, I remember. I remember it well when [REDACTED] came back  
7 crying and saying that they had not allowed him to see [REDACTED]

8 Q. Mr. Witness, could you see on the document from where you wrote  
9 the second part, if you are able to see that?

10 A. Yes. It's here. Perhaps I can read.

11 Q. Would you please read that? At least we know from where that  
12 is.

13 A. "I" --

14 PRESIDING JUDGE VELDT-FOGLIA: That's enough, I think. You  
15 don't have to read. It's just for us to indicate where you started.  
16 You don't have to read this letter.

17 Madam Prosecutor, I see you standing. Please, you have the  
18 floor.

19 MS. D'ASCOLI: Thank you, Your Honours. It was to say that on  
20 the screens we have only a little portion of the letter. So I just  
21 want to make sure that the witness is given the opportunity to have a  
22 look at the whole of the letter, which is three pages, because it  
23 might be that the part he means starts at a different part. You  
24 know, I just want to make sure that he has the full letter in front  
25 of him and that he can properly see and assess it. Because it's been

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1 a long time and ...

2 PRESIDING JUDGE VELDT-FOGLIA: A suggestion from me would now  
3 be -- maybe the Victims' Counsel was thinking the same. Maybe if  
4 there is no any other indication -- notes on it, the copy of the  
5 letter could be shared with the -- with Mr. Witness.

6 MS. D'ASCOLI: Your Honours, I think I have a clean copy, so let  
7 me ...

8 [Trial Panel confers]

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, Mr. Witness.

10 THE WITNESS: [Interpretation] Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: If you need anything or a break,  
12 please let us know.

13 THE WITNESS: [Interpretation] No, I'm okay. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you for the suggestions.

15 Mr. Witness, we will continue.

16 Defence Counsel, you have the floor.

17 MR. VON BONE:

18 Q. So could you indicate from where you wrote this letter or this  
19 document?

20 A. It's not clear to me.

21 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, do you mean that you  
22 don't know where you started?

23 THE WITNESS: [Interpretation] No. The question is not clear to  
24 me.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. Defence Counsel, could you



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1 rephrase the question, please.

2 MR. VON BONE:

3 Q. I understood that you wrote a part of this document, and I was  
4 wondering from which part you wrote this or whether you wrote it  
5 together with [REDACTED] Or how did this document ...

6 A. There is possibly another page. It's on the second page where  
7 it starts with the words: [REDACTED]

8 PRESIDING JUDGE VELDT-FOGLIA: For the record, is that 060703 in  
9 the upper part?

10 [Trial Panel and Court Officer confer]

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, the pages are  
12 double-sided. You have to flip it over and you see it on the back  
13 part. Is there something not clear for you?

14 THE WITNESS: [Interpretation] This is a statement that was  
15 written by both [REDACTED] and me.

16 MR. VON BONE:

17 Q. That is clear. I have no further questions on that.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness.  
19 Defence Counsel, can the document be put away?

20 MR. VON BONE: Yes.

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

22 Mr. Witness, you can give the document to Madam Court Usher  
23 because there will be no further questions on this document for now.  
24 Thank you.

25 THE WITNESS: [Interpretation] Thank you.

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All redactions applied are pursuant to Orders F493, F509 and CRSPD107

1 MR. VON BONE:

2 Q. One more question, Mr. Witness. You -- you just said - that's  
3 page 21, line 13 - [REDACTED] And I actually did  
4 not understand what you meant by that. Maybe you could explain us  
5 what you meant by that.

6 A. Yes, I can explain it. [REDACTED] -- so [REDACTED] and I  
7 went to see [REDACTED] and we pleaded with him to tell  
8 [REDACTED] to free [REDACTED] And [REDACTED] responded that nothing  
would

9 happen to him and then he continued, "If something happens to  
[REDACTED]

10 [REDACTED]

11 Q. Yes. And my question is: What does that mean [REDACTED]  
12 [REDACTED] Maybe you can explain that particular part, [REDACTED]  
13 [REDACTED]

14 [REDACTED]

15 [REDACTED] I don't know if you  
16 understand me.

17 Q. No. Could you explain that.

18 A. Well, [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 I don't know if I'm clear.

22 PRESIDING JUDGE VELDT-FOGLIA: I think that is very clear.

23 MR. VON BONE:

24 Q. Mr. Witness, apart from [REDACTED] that you  
25 received replies or information from, has there been any other person

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1 ever that told you or that you heard from what had happened to  
[REDACTED]

2 [REDACTED]

3 A. Yes, there are other persons too.

4 Q. And could you tell us which other persons that was that you  
5 heard that from yourself?

6 A. It was persons who had been freed from the prison of Zllash on  
7 19 April 1999.

8 Q. Thank you. And who in particular did you receive information  
9 from? Which person was that? Could you give the names of that  
10 person or those persons.

11 A. It was several persons, but I don't remember the names of them  
12 all. I remember [REDACTED] These are the names  
13 that I remember.

14 Q. And apart from these two people, were there other people at that  
15 time also present when they were speaking about that?

16 A. Yes, it was [REDACTED]

17 Q. I understand. And about the people who were released, were  
18 there other people there at that moment, too, who were released?

19 A. I don't remember quite well whether there were ten or seven or  
20 eight of them.

21 Q. [REDACTED] who of the two gave information about  
22 any particularities of [REDACTED] for example, where he was and  
23 how he was doing?

24 A. All the people who were freed gave the same statement.

25 Q. And what was that?

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1 A. It was that [REDACTED] was left behind in prison in Zllash.

2 Q. And did they say anything about his condition?

3 A. Yes.

4 Q. And could you tell us what they told you about this -- his  
5 condition? I mean [REDACTED] condition.

6 A. His health condition was horrible. Both legs were broken. Both  
7 arms were broken.

8 Q. And were you present at the moment that that was said? Did you  
9 hear that personally yourself?

10 A. Yes.

11 Q. And apart from that, were there any particularities other than  
12 the legs and the arms that were broken?

13 A. I have forgotten it. I don't remember it now.

14 Q. Did they say anything about whether [REDACTED] would be  
15 released?

16 A. No.

17 Q. And the people who you saw at that time [REDACTED]  
18 [REDACTED] in that -- did you see any marks or anything on them, any  
19 injuries --

20 PRESIDING JUDGE VELDT-FOGLIA: That question --

21 MR. VON BONE: I know.

22 PRESIDING JUDGE VELDT-FOGLIA: Yes. But then you can refer to  
23 the transcript, say what he has said, because he said that there were  
24 marks and scars.

25 MR. VON BONE: Yes.

1           PRESIDING JUDGE VELDT-FOGLIA: And then you can give your  
2 follow-up question. But no questions on things that have already  
3 been said.

4           I want to give you leeway, but please don't repeat questions.

5           MR. VON BONE: Yes. I will give the reference later.

6           Q. But you have told us that you saw marks and scars. On who did  
7 you actually see that?

8           A. On all the prisoners.

9           Q. And was one or the other having more marks that you noticed?

10          A. I don't remember it now individually.

11          Q. Did they eat at [REDACTED]

12          PRESIDING JUDGE VELDT-FOGLIA: That question has already been  
13 posed.

14          MR. VON BONE: Yeah, it's really a step-up question.

15          PRESIDING JUDGE VELDT-FOGLIA: But then you say, "In the  
16 transcript, that page, you said that you gave them food," and then  
17 you do your follow-up question. That's quicker and that doesn't make  
18 us repeat questions.

19          MR. VON BONE:

20          Q. You said in your statement here that food was given to these  
21 people. Did they all eat?

22          A. Yes, it's true.

23          Q. And could they all eat?

24          A. Yes, because none of them had eaten anything for two days.

25          Q. Did you notice if anyone had problems with eating?

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1 A. No, I don't remember.

2 Q. Did you notice if anybody had problems moving the limbs?

3 A. No, I don't remember.

4 PRESIDING JUDGE VELDT-FOGLIA: We are approaching 11.00,  
5 Defence Counsel.

6 MR. VON BONE: [Microphone not activated] I'm nearing the end  
7 of --

8 PRESIDING JUDGE VELDT-FOGLIA: Mic, please.

9 MR. VON BONE: Sorry. I am nearing the end, Your Honour. There  
10 is one thing that I would like to cover. I think it will take maybe  
11 ten minutes or so, and I wonder whether that is possible to cover  
12 that -- might be a little bit problematic for the witness.

13 PRESIDING JUDGE VELDT-FOGLIA: What do you mean with  
14 "problematic"? Do we have to --

15 MR. VON BONE: Well, it is a --

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, could you take off  
17 your headphone for a moment?

18 MR. VON BONE: It's just that --

19 PRESIDING JUDGE VELDT-FOGLIA: Is it something delicate that  
20 you --

21 MR. VON BONE: Yes, it is something delicate, Your Honour. That  
22 is, I think, the most delicate part of the entire thing of

23 [REDACTED] That's why I wonder whether we rush in that or --

24 it's about the burial and the uncovering. That is the last part.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. We will -- oh,

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1 Victims' Counsel, you have the floor.

2 MS. PUES: Yes, if that is the case, there is a -- my suggestion  
3 would be to cover it now so that the witness then has the chance to  
4 have a break and recollect himself before anything else, given that  
5 we haven't exactly been rushing through the session today.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your suggestion.

7 Madam Prosecutor, is there something you would like to add in  
8 this respect?

9 MS. D'ASCOLI: Thank you, Your Honours. We agree with that  
10 suggestion also, because in this way, during the break I could really  
11 focus on whether any re-examination is needed at all and then be  
12 done. So I think I would also welcome that suggestion.

13 Thank you.

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

15 I will confer with CMU to see how the interpreters follow-up on  
16 this.

17 [Trial Panel and Court Officer confer]

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I will ask the  
19 witness to put on the headphones again and then you can proceed with  
20 this ten minutes of further questioning.

21 MR. VON BONE: Thank you, Your Honour.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we will continue for  
23 another ten minutes and then we will have a break. Okay?

24 THE WITNESS: [Interpretation] That's okay.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

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1 Defence Counsel, please proceed.

2 MR. VON BONE:

3 Q. Mr. Witness, I want to speak about the burial of [REDACTED]  
4 and that is the day that he got his final resting place in [REDACTED]  
at

5 the [REDACTED] That particular day. And that day, I take it as a  
6 reference day. You went there one time earlier than that particular  
7 day. My question is: Did you ever tell anybody that you went there  
8 that day before?

9 A. No.

10 Q. And on the day that [REDACTED] got his final resting place  
11 in [REDACTED] it was also the day that his body was exhumed. Now --

12 A. Yes.

13 Q. -- was it on that day -- on that day that he was exhumed and  
14 taken to [REDACTED] you were present at that time. Did you do  
anything  
15 or did you participate in any action in order to uncover and exhume  
16 that body?

17 A. Your question is not clear to me.

18 Q. Well, in order to get the body above ground, obviously you need  
19 to dig in order to reach the body. Did you dig?

20 A. Yes.

21 Q. And were you the only one who was digging or were there more  
22 people who were digging?

23 A. No, there were other people as well.

24 Q. And who were they?

25 A. They were [REDACTED]



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1 [REDACTED] and a couple of other people, but I

2 don't remember exactly how many.

3 Q. The body at the moment that it was uncovered, was [REDACTED]

4 wearing anything other than clothes?

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I don't

6 understand the question. I ...

7 MR. VON BONE: If I specify, then I don't think it's a good

8 idea.

9 PRESIDING JUDGE VELDT-FOGLIA: I will let you continue. But the

10 question is unclear. You don't wear -- you wear clothes. But I

11 think I know what you mean.

12 MR. VON BONE: Well --

13 PRESIDING JUDGE VELDT-FOGLIA: You may even say --

14 MR. VON BONE: -- let me -- let me --

15 PRESIDING JUDGE VELDT-FOGLIA: I can give you a suggestion.

16 MR. VON BONE: Sure, Your Honour.

17 PRESIDING JUDGE VELDT-FOGLIA: Can you take off your headphones.

18 Sorry for that.

19 MR. VON BONE: [Microphone not activated].

20 PRESIDING JUDGE VELDT-FOGLIA: You could say was he covered --

21 MR. VON BONE: [Microphone not activated] [Overlapping

22 speakers] ... a necklace --

23 PRESIDING JUDGE VELDT-FOGLIA: Was he covered with something?

24 Is that what you want to go to?

25 MR. VON BONE: No. I'm trying to discover whether he has, for

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1 example, some rings, a necklace, an earring or anything else that he  
2 was wearing.

3 PRESIDING JUDGE VELDT-FOGLIA: I think you can then say if he  
4 was jewelry.

5 MR. VON BONE: Well, it's broader than that, I think. That is  
6 exactly what I'm trying to find out in the most general way without  
7 giving a specific -- specific thing that I want to tell the witness.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes.

9 MR. VON BONE: That is why.

10 PRESIDING JUDGE VELDT-FOGLIA: Yes, I see. But it was just  
11 not -- the way you ask it --

12 MR. VON BONE: No. So --

13 PRESIDING JUDGE VELDT-FOGLIA: -- it confuses the witness, and I  
14 see where you want to go to.

15 MR. VON BONE: His accessories --

16 PRESIDING JUDGE VELDT-FOGLIA: Maybe was he wearing any  
17 accessories.

18 MR. VON BONE: Yeah.

19 PRESIDING JUDGE VELDT-FOGLIA: Now, please continue.

20 MR. VON BONE:

21 Q. Do you know if other than -- excuse me.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, he has to put on  
23 the headphones. [Microphone not activated].

24 THE WITNESS: [Interpretation] Thank you.

25 MR. VON BONE:

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1 Q. Was [REDACTED] wearing any accessories that you know or that  
2 you saw?

3 A. No, he wasn't wearing anything else. He was just covered in a  
4 blanket.

5 Q. If I might give you some examples. I'm trying to look at things  
6 that sometimes people wear. Sometimes people wear a necklace or a  
7 ring or these kinds of things or ...

8 A. No, he didn't have anything like that.

9 Q. Do you recall if [REDACTED] was wearing a watch?

10 A. No.

11 Q. You mean you do not recall or he was not wearing a watch?

12 A. I don't recall.

13 Q. Thank you. Do you know if there was anybody taking pictures at  
14 that time?

15 [REDACTED]

16 Q. Did you know that -- do you know that person or did you know  
17 that person?

18 A. Yes, I know [REDACTED]

19 Q. And how did that person arrive on that location?

20 A. [REDACTED] notified the OSCE at the time, and they sent  
[REDACTED]

21 Q. Do you know how many pictures --

22 THE INTERPRETER: Interpreter's note: The pronoun in Albanian  
23 is not clear whether it's him or her.

24 THE WITNESS: [No interpretation].

25 MR. VON BONE:

1 Q. Was this a man or a woman that you are talking about?

2 A. [REDACTED]

3 Q. Thank you. Do you know how many pictures were taken? How many  
4 photographs were taken?

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

6 Q. Did you ever see those photographs?

7 A. No, never.

8 Q. [Microphone not activated].

9 PRESIDING JUDGE VELDT-FOGLIA: Please, mic.

10 MR. VON BONE:

11 Q. When the body was taken out of the grave, did you at that time  
12 see any markings on the body of [REDACTED]

13 A. Yes, I did.

14 Q. And where exactly was that?

15 A. He had two broken legs, both his arms were broken, and at the  
16 back there were bullet-holes.

17 Q. And where at the back was that?

18 A. On his chest.

19 Q. Do you mean on his -- you mean on his back side, actually, at  
20 the height of his chest? Is that what you mean? Or was it in the  
21 chest?

22 A. No. On his back, the back part of the chest, back part of the  
23 ribcage, where his lungs are.

24 Q. And did -- how could you see that?

25 A. Because we turned him around to look at him.

Witness:W04391 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1827

Cross-examination by Mr. Von Bone

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 Q. Was there any other place that you found such wounds?

2 A. [REDACTED]

3 [REDACTED]

4 Q. And where were those?

5 A. Below the knee.

6 Q. And about the head of [REDACTED] were there any marks on the  
7 head or on the skull or on the eyes, teeth?

8 A. No. I don't remember.

9 MR. VON BONE: I have two last questions, Your Honour.

10 Q. Did you ever work in [REDACTED]

11 A. Yes.

12 Q. Did you ever speak with [REDACTED] about what had happened to  
13 [REDACTED]

14 A. Yes. In the year 2000, early 2000s, I asked him what happened.  
15 [REDACTED] said, "I had an order."

16 Q. And did he tell he -- who he got that order from?

17 A. No.

18 Q. And did you believe him?

19 A. Yes.

20 MR. VON BONE: We have no further questions.

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

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

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

25 [Open session]

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

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

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

3 Mr. Witness, we are now going to have a break. I will ask  
4 Madam Court Usher to usher you out, and we will see each other again  
5 at 12.00, so we take 15 minutes more. Yes? I hope you can have a  
6 moment of rest now. Please.

7 THE WITNESS: [Interpretation] Thank you.

8 [The witness stands down]

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I see are you  
10 standing.

11 MR. VON BONE: [Microphone not activated].

12 PRESIDING JUDGE VELDT-FOGLIA: Okay, good.

13 Then we will break and we will resume at 12.00.

14 The hearing is adjourned.

15 --- Recess taken at 11.11 a.m.

16 --- On resuming at 11.59 a.m.

17 PRESIDING JUDGE VELDT-FOGLIA: First appearances. I see the SPO  
18 in the same composition.

19 Madam Prosecutor.

20 MS. D'ASCOLI: Yes, Your Honours, we are in the same composition  
21 as earlier.

22 PRESIDING JUDGE VELDT-FOGLIA: Very well.

23 Victims' Counsel, that counts for you to, I see.

24 MS. PUES: Yes, same here. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: And, Defence Counsel, I see the

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 same team.

2 MR. VON BONE: No changes, yes.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. And  
4 Mr. Mustafa is connected with us via videolink. Very well.

5 Can you hear us fine?

6 THE ACCUSED: [Via videolink][Interpretation] Yes, Your Honour.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well.

8 About the schedule for today and tomorrow, depending on what's  
9 going to come -- no. I will first ask another question.

10 Pursuant to the rules and our decision on the conduct of  
11 proceedings, I may allow -- we may allow for redirect examination, if  
12 necessary.

13 Madam Prosecutor, do you wish to proceed with the redirect  
14 examination?

15 MS. D'ASCOLI: Thank you, Your Honours. No re-direct  
16 examination needed.

17 Thank you.

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

19 Victims' Counsel.

20 MS. PUES: Your Honours, no, thank you. We are not asking any  
21 further questions. Thanks.

22 PRESIDING JUDGE VELDT-FOGLIA: Good. So that remains here.

23 Then, very well. It's only the Panel left that will be asking  
24 questions to the witness.

25 Then we will now proceed with this witness. And, of course, we

Witness: W04391 (Resumed) (Open Session)

Page 1830

Questioned by the Trial Panel

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 will end his testimony and what I would like to do is to end it  
2 before lunch and because there is no re-direct and rejoinder, I  
3 foresee that it will be before the normal -- it could be a little bit  
4 later than 1.00. Let us see. Or maybe not. But I want to finish it  
5 before lunch. That is my main point. Good.

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

7 [The witness takes the stand]

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

9 THE WITNESS: [Interpretation] Thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you have been asked  
11 several questions by the Specialist Prosecutor's Office and by the  
12 Victims' Counsel and by the Defence Counsel. I ask you to bear with  
13 us some more. Also the Panel would like to ask you some additional  
14 questions, and this will allow us to gain more clarity about the  
15 testimony you have already given.

16 Questioned by the Trial Panel:

17 PRESIDING JUDGE VELDT-FOGLIA: So, Mr. Witness, my first  
18 question. Yesterday in the transcript - and for the record, it is  
19 1736, lines 5 till 10 - you said that the following day after the  
20 three KLA soldiers had come looking for [REDACTED] you went  
21 looking for [REDACTED]

22 My question is --

23 [Trial Panel confers]

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



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Questioned by the Trial Panel

All redactions applied are pursuant to Orders F493, F509 and CRSPD107

1                                   ~~[Private session]~~ [Open session]

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

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

4           For the record, I repeat that yesterday you said that you went  
5 looking -- they came -- you went looking for [REDACTED] the day  
6 after you heard that three KLA soldiers had taken him with them.

7           And my question to you is: Why were you afraid that something  
8 could have happened to him?

9           A. I had a feeling that something would happen in relation to him.

10          PRESIDING JUDGE VELDT-FOGLIA: And that feeling, could you  
11 elaborate more where that was based on?

12          A. I don't know what the reason was for them to take him.

13          PRESIDING JUDGE VELDT-FOGLIA: And had it to do with whom had  
14 taken [REDACTED]

15          A. Yes.

16          PRESIDING JUDGE VELDT-FOGLIA: And if I make it more concrete,  
17 was it because it were -- but those are my words, because it were  
18 soldiers from the KLA?

19          A. Yes.

20          PRESIDING JUDGE VELDT-FOGLIA: Could you explain to us why you  
21 were afraid from KLA soldiers in that period of time? In this  
22 specific circumstance. I don't mean in general, but in ...

23          A. I only wanted to go and find [REDACTED] and to ask him why they  
24 had inquired about him.

25          PRESIDING JUDGE VELDT-FOGLIA: But why were you afraid that --

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Questioned by the Trial Panel

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 no, I will say it in a different way.

2 Were you told on any occasion -- had you come to know that the  
3 way they took him away had been done in a violent or aggressive way?  
4 Was that the reason that you were afraid that something might have  
5 happened to him?

6 A. Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: And who gave you that  
8 information?

9 A. About his abduction?

10 PRESIDING JUDGE VELDT-FOGLIA: Yes, that it -- if I understood  
11 you well, I thought you said that you were informed that it had gone  
12 in a violent or aggressive way.

13 A. Yes, yes.

14 PRESIDING JUDGE VELDT-FOGLIA: And what did they tell you about  
15 how this abduction went?

16 A. [REDACTED] told me about the abduction.

17 PRESIDING JUDGE VELDT-FOGLIA: And what did he exactly say?

18 A. He said that [REDACTED] had been taken by [REDACTED] with two  
other

19 soldiers who had put him into a car.

20 PRESIDING JUDGE VELDT-FOGLIA: And did [REDACTED] say anything  
21 about [REDACTED] going into the car unvoluntarily?

22 A. Yes. He had asked [REDACTED] why they were taking him, and  
[REDACTED] had

23 told him, had replied, that they wanted him for an interview.

24 PRESIDING JUDGE VELDT-FOGLIA: But did [REDACTED] tell you that  
25 [REDACTED] didn't want to go in the car?

Witness:W04391 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1833

Questioned by the Trial Panel

All redactions applied are pursuant to Orders F493, F509 and CRSPD107

1 A. No, he didn't want to go with them.

2 PRESIDING JUDGE VELDT-FOGLIA: Good. Thank you for that.

3 A. You're welcome.

4 PRESIDING JUDGE VELDT-FOGLIA: I would like to go now with you  
5 to the barn you have been telling us about. And, for example, in the  
6 transcript of yesterday, that was page 1744, lines 6 till 8, and  
7 page 1747, lines 23 till 25.

8 My first question is: How did you find that barn where you said  
9 that [REDACTED] was held, according to you?

10 A. By inquiring about it, together with [REDACTED]

11 PRESIDING JUDGE VELDT-FOGLIA: Could you say something more  
12 about that inquiring?

13 A. Yes. I found the [REDACTED] ID card in the barn.

14 PRESIDING JUDGE VELDT-FOGLIA: That was not my question. My  
15 question was: How did you know - sorry for not being clear. How did  
16 you know that -- why did you go to that barn and not another barn?

17 A. We looked for it in many houses until we got there.

18 PRESIDING JUDGE VELDT-FOGLIA: So if I put it in my words - and  
19 please correct me if I'm wrong - you went from -- you visited several  
20 houses and then you would look around if you could find any  
21 indications that [REDACTED] had been there. Is that what  
22 you're trying to say?

23 A. Yes, yes.

24 PRESIDING JUDGE VELDT-FOGLIA: Very well. Could you describe  
25 the barn you just talked about? Could you describe that?

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Questioned by the Trial Panel

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 A. It was about 20 or 30 metres away from the KLA headquarters.

2 PRESIDING JUDGE VELDT-FOGLIA: And could you describe the barn  
3 itself? Not the distance. I would like to know how the barn looked  
4 like.

5 A. There was a house above it, the basement of which was a barn.

6 PRESIDING JUDGE VELDT-FOGLIA: And have you been also in the  
7 house above?

8 A. Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: And how could you go -- get into  
10 the house?

11 A. The upper floor was demolished.

12 PRESIDING JUDGE VELDT-FOGLIA: Mm-hm.

13 A. The basement, that is the barn.

14 PRESIDING JUDGE VELDT-FOGLIA: Yes. Let me put my signature  
15 here because I didn't go into private session. But what you said  
16 before is being taken away from the broadcast and the transcript of  
17 the proceedings.

18 But, yes. So the upper floor was demolished. And to get inside  
19 the house, yeah, how could you get inside the house?

20 A. The upper floor was in ruins and there was a door to the barn on  
21 the other side. We entered the barn and we saw some blankets.

22 PRESIDING JUDGE VELDT-FOGLIA: And to go to the house above the  
23 barn -- because you went upstairs, I understand. Did I understand  
24 that well?

25 A. No.

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Questioned by the Trial Panel

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1           PRESIDING JUDGE VELDT-FOGLIA: Okay. Demolished. Yes?

2       A.    It was a double-storey structure.

3           PRESIDING JUDGE VELDT-FOGLIA: But you didn't go upstairs?

4       A.    The upper floor, which had been used as a residence, as a  
5 dwelling, was burned down. The basement of that structure was a  
6 barn.

7           PRESIDING JUDGE VELDT-FOGLIA: But was the roof still on the  
8 structure?

9       A.    No. And I don't remember it precisely.

10          PRESIDING JUDGE VELDT-FOGLIA: And this construction, where was  
11 it situated? Was it -- please.

12       A.    In the village of Zllash.

13          PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you  
14 please pull up the SPO witness statement, 077828-TR-ET, Part 2,  
15 Revised RED3, on page 5.

16          Could you explain to us how far the barn was from where you  
17 later on find [REDACTED] buried?

18       A.    The barn was about 300 or 400 metres away from the grave. I'm  
19 not sure about 300 or 400, but about that distance.

20          PRESIDING JUDGE VELDT-FOGLIA: And was it -- was the barn  
21 situated downhill, uphill, in a meadow?

22       A.    It was located near where the KLA headquarters was located.

23          PRESIDING JUDGE VELDT-FOGLIA: Then I would like to bring you to  
24 line 22 of your statement. Let me see. No, that is not right.

25          I'm going to look up something because I think that the

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Questioned by the Trial Panel

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 reference is not okay. Yes, that's what I was looking for. Thank  
2 you. Thank you.

3 Here you said that:

4 "The grave was in a meadow below, and the house was a bit  
5 uphill."

6 Does that refresh your memory about how it was?

7 A. Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will go to --  
9 thank you, Madam Court Officer. That suffices.

10 We have been discussing today, this morning and also yesterday,  
11 I understand, for you very delicate issues, and we discussed that you  
12 saw [REDACTED] when he was exhumed, that his legs and arms were  
13 broken. And I refer to the transcript of yesterday, 1745, lines 3  
14 and 4, and 1775, line 23.

15 Did -- before you went there, did somebody tell you about --  
16 that the legs and arms of [REDACTED] were broken? Did somebody  
17 already tell you that?

18 A. Not to me personally. And I don't remember it because 22 years  
19 have passed.

20 PRESIDING JUDGE VELDT-FOGLIA: I will ask Madam Court Officer to  
21 pull up the document, the statement 077828-TR-ET, 24 August 2020,  
22 Part 1, page 8. And then we go to line 21.

23 That you heard "from a UCK soldier [REDACTED] who lives in  
24 [REDACTED] that [REDACTED] arms and legs were broken during his  
detainee."

25 Does -- can you confirm that that happened, that that happened,

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Questioned by the Trial Panel

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 that you were told that?

2 A. This is that he told [REDACTED]

3 PRESIDING JUDGE VELDT-FOGLIA: Here it said that you heard from  
4 a soldier. But you said, "No, that's not what I meant to say. I  
5 meant to say that this soldier told" [REDACTED] Is that what  
6 you're saying?

7 A. Yes, he told [REDACTED] not me. And I apologise because I don't  
8 remember everything.

9 PRESIDING JUDGE VELDT-FOGLIA: That is, of course, not a  
10 problem. You give your testimony on what you remember, and we try to  
11 clarify what you said before in order to try to have no  
12 misunderstandings.

13 And did [REDACTED] tell this to you, what this [REDACTED]  
14 [REDACTED] told you?

15 A. I don't remember.

16 PRESIDING JUDGE VELDT-FOGLIA: You don't remember, but you  
17 stated this to the SPO. To the SPO, you said, "I heard it from a  
18 soldier." And now you say, "It was [REDACTED] to whom it was said."  
19 And now my question to you would be: Is -- do you remember when it  
20 was told -- when [REDACTED] told you this? Because if not, you  
21 would not have known.

22 A. Probably I have forgotten. Perhaps he told me but I have  
23 forgotten.

24 PRESIDING JUDGE VELDT-FOGLIA: Then if you have forgotten, I  
25 won't ask you when. Okay. Very well.

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Questioned by the Trial Panel

*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1           You said yesterday in the transcript, and that is page 1745,  
2 line 10 and 11, that [REDACTED] stayed for two or three days  
3 [REDACTED]

4 [REDACTED] Did he tell you what happened to him in detention?

5 A. Yes, he told me.

6 PRESIDING JUDGE VELDT-FOGLIA: Could you tell us what he told  
7 you.

8 A. He told us that they had been beaten, they had been ill-treated,  
9 and that he had been broken both his arms and legs. That's why he  
10 had not been freed.

11 PRESIDING JUDGE VELDT-FOGLIA: Did he tell you what happened to  
12 himself, to Mr. -- to Mr. [REDACTED] Did he tell you what happened  
13 to him?

14 A. Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: Could you tell the Panel what he  
16 told you?

17 A. He told us how the KLA had beaten him.

18 PRESIDING JUDGE VELDT-FOGLIA: And did he tell you who had  
19 beaten him?

20 A. He didn't tell us any names. I don't remember any names.

21 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you  
22 pull up 060723-TR-ET, Revised, Part 1, page 38, lines 12 and 13.

23 There, you tell the Specialist Prosecution Office, did he  
24 describe what happened to him, himself, [REDACTED]

25 And then you say yes.

And then the question is: "Do you remember what he told you?"



Witness:W04391 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1839

Questioned by the Trial Panel

All redactions applied are pursuant to Orders F493, F509 and CRSPD107

1           And then you say: "He explained the same situation, how  
[REDACTED]

2           had beaten him up and what he'd done to him. Everything."

3           And my question is: Was -- did he you that he was beaten by  
4           [REDACTED] And who is [REDACTED] What is his second name?

5           A. [REDACTED] was his first name, [REDACTED] was his last name.

6           PRESIDING JUDGE VELDT-FOGLIA: And did [REDACTED] tell you  
7           something more about the role of [REDACTED]

8           A. I don't remember. I've forgotten.

9           PRESIDING JUDGE VELDT-FOGLIA: Thank you. I would -- I have now  
10          a question on the woman who -- no, I will say it differently.

11          Do you know if [REDACTED] was living together, in the  
12          time we are discussing now, so 1997/1998, if he was living -- 1999,  
13          together with a woman?

14          A. No, I don't know that.

15          PRESIDING JUDGE VELDT-FOGLIA: No? You don't know of anybody  
16          who was in his life as a partner in that period?

17          A. No, I don't.

18          PRESIDING JUDGE VELDT-FOGLIA: And had [REDACTED] did he  
19          have problems with anyone that would recall revenge?

20          A. I don't know.

21          PRESIDING JUDGE VELDT-FOGLIA: Do you remember if there was a  
22          moment in time that you heard about the possible death of [REDACTED]  
23          [REDACTED] Before you found the grave.

24          A. No.

25          PRESIDING JUDGE VELDT-FOGLIA: I will ask Madam Court Officer to

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*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 pull up a document, a statement of you, that is 077828-TR-ET, Part 1,  
2 page 7, lines 6 till 10.

3 And there, you say:

4 "Later when the Serb offensive started, the people from the UCK  
5 camp in Zllash escaped and [REDACTED] came together with his  
6 soldiers to [REDACTED] I met him there and asked him about [REDACTED]  
7 because I heard some rumours that he's dead ..."

8 And here you say that you had heard rumours. And I am -- I  
9 would like to know if you can recall, now that you have read this,  
10 when you heard those rumours.

11 A. Yes, now I remember. Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Do you remember when you heard  
13 that, when you heard those rumours?

14 A. After the KLA came to [REDACTED] village.

15 PRESIDING JUDGE VELDT-FOGLIA: And can you pin-point that in  
16 time?

17 A. No, I can't. I've forgotten.

18 PRESIDING JUDGE VELDT-FOGLIA: And yesterday we looked at the  
19 death certificate of [REDACTED] That is the transcript page 1763,  
20 line 10. And on that certificate is a date, [REDACTED]

21 Do you know who put that date, who gave that date for the  
22 certificate?

23 A. No, I don't know. [REDACTED] went to register the death, but I  
24 don't know.

25 PRESIDING JUDGE VELDT-FOGLIA: So my question was: Who did

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1 that? You say, "I don't know." And do you know why that date was  
2 chosen?

3 A. I don't know.

4 PRESIDING JUDGE VELDT-FOGLIA: Yesterday in the transcript,  
5 page 1747, line 22, you were asked how [REDACTED] found the grave of  
6 [REDACTED] And I did not really see an answer to that question.  
7 You told us a lot, but not exactly how he found it.

8 So I ask it again. How did [REDACTED] find the grave?

9 A. I stated yesterday and I will tell you again. Perhaps [REDACTED]  
10 was told where the grave is, but for the sake of our security and the  
11 security of the people who told him, [REDACTED] said that he had  
12 dreamt about it.

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

14 THE INTERPRETER: Microphone.

15 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you  
16 pull up 060723-TR-ET, Revised, Part 2, page 3 -- page 9, lines 4 to  
17 14.

18 There, two persons are named: [REDACTED] Do  
19 you know what they told [REDACTED] about the case of [REDACTED]

20 A. No, I don't remember. I've forgotten.

21 PRESIDING JUDGE VELDT-FOGLIA: Because you say in your SPO  
22 witness statement:

23 "... they told [REDACTED] they told [REDACTED] about the case of  
24 [REDACTED] But publicly they never dared to say anything."

25 And do you know what they were afraid of?

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Questioned by the Trial Panel

All redactions applied are pursuant to Orders F493, F509 and CRSPD107

1 A. They were afraid of the KLA. They didn't want to tell.

2 PRESIDING JUDGE VELDT-FOGLIA: And what is it -- but maybe I'm  
3 repeating myself now. But what is it that they didn't want to say?

4 A. To say where the grave was. That they told [REDACTED] where the  
5 grave was.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you. We already discussed  
7 the SPO -- there have been some questions about the exhumation of  
8 [REDACTED] and I will just ask you two questions.

9 My first question is: When the body of [REDACTED] was  
10 exhumed, did you see that his hands were cuffed or tied?

11 A. No. His hands were not tied.

12 PRESIDING JUDGE VELDT-FOGLIA: And it was discussed this  
13 morning, but for my clarity, how many times did you go to the place  
14 where [REDACTED] was buried the first time?

15 A. Two times.

16 PRESIDING JUDGE VELDT-FOGLIA: And did you inspect his body the  
17 first time you went there?

18 A. No. The first time we did not inspect his body. We just  
19 identified him, that he was [REDACTED] and then we covered him  
20 again.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you. In the transcript  
22 yesterday, page 1749, line 22, you said that you recognised [REDACTED]  
23 [REDACTED] from the [REDACTED]

24 And my question is: Was [REDACTED] or  
25 not?

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1 A. Yes, [REDACTED]

2 PRESIDING JUDGE VELDT-FOGLIA: This morning in the transcript,  
3 that's the realtime transcript, so not the official pages, but that  
4 is page 35, line 7, you told us that you have been working in the  
5 [REDACTED]

6 And my question is: How did you find that work in [REDACTED]

7 A. I was employed there in 1995.

8 PRESIDING JUDGE VELDT-FOGLIA: But how did you get that job?  
9 Did you see an advertisement somewhere or you heard from somebody  
10 or ...

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 there.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your explanation.

25 Then, Madam Court Officer, could you pull up statement

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1 060723-TR-ET, Part 2, page 24, lines 4 till 8. Hmm. No, this is not  
2 the good statement. No. I will flip -- I will skip this. It must  
3 be the statement of 6 June 2019.

4 Sorry, Mr. Witness. I want to find the good reference and I'm  
5 under the impression that this is not a good reference. Okay?

6 A. It's okay.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 I will skip it for now because I don't want to keep you waiting.  
9 Did you report the case of [REDACTED] to UNMIK?

10 A. Not me, but [REDACTED] did.

11 PRESIDING JUDGE VELDT-FOGLIA: And did Mr. [REDACTED] know  
12 that you reported the case to UNMIK?

13 A. Yes, he knew.

14 PRESIDING JUDGE VELDT-FOGLIA: And how did you know that he  
15 knew?

16 A. Every time I gave a statement to UNMIK, [REDACTED] when he met  
17 me,  
18 would say, "You are all doing this in vain. You can't do anything to  
19 me."

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And did you feel  
20 threatened?

21 A. Yes. Because of those words, yes.

22 PRESIDING JUDGE VELDT-FOGLIA: Yesterday in the transcript,  
23 page 1764, lines 4 and 5, you spoke about the fear and the stress you  
24 are living still now. What do you fear the most?

25 A. We are afraid that something will happen to us, as has to some

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1 witnesses. That somebody will threaten myself and [REDACTED]

2 PRESIDING JUDGE VELDT-FOGLIA: And from who are you afraid?

3 A. From the accused.

4 THE INTERPRETER: Interpreter's note: The accused, in plural.

5 PRESIDING JUDGE VELDT-FOGLIA: And if you say "the accused" in  
6 plural, could you be more specific? I can help you by saying accused  
7 in other cases before this court?

8 A. Yes. Some of [REDACTED] friends, for example, can incite someone  
9 to threaten us. Or something like that.

10 PRESIDING JUDGE VELDT-FOGLIA: But you said "accused." Who do  
11 you mean with "accused"?

12 A. I accused [REDACTED] or as we are here in the case of Salih  
Mustafa.

13 PRESIDING JUDGE VELDT-FOGLIA: I'm going -- I will put the  
14 question in order to be clear. Are you afraid of the accused in this  
15 case, of Mr. Mustafa?

16 A. Yes.

17 PRESIDING JUDGE VELDT-FOGLIA: And, yes, thank you for this.

18 I received -- we will leave this point. I received a possible  
19 reference of what we were discussing before. I will ask Madam Court  
20 Officer to pull it up to check. And that is 060723-TR-ET, Part 2,  
21 page 23, lines 3 and 4.

22 Just for my clarification, you were working with [REDACTED] in  
the

23 [REDACTED]?

24 A. Yes. I was working with [REDACTED]

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. That's what I wanted to

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1 confirm.

2 Is there something what you would like to share with this --  
3 with the Panel what we have not been discussing yet?

4 A. No.

5 PRESIDING JUDGE VELDT-FOGLIA: And I will look at my -- yes,  
6 please.

7 A. I don't know.

8 PRESIDING JUDGE VELDT-FOGLIA: I will look at my colleagues to  
9 see if there are further questions.

10 [Trial Panel confers]

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, thank you very much.  
12 We've reached the end of your testimony, and I can see and  
13 acknowledge that it has been very demanding for you. I would like to  
14 thank you for the efforts you put in giving your testimony because I  
15 believe that you have been of great help to try -- to help the Panel  
16 to try to find out what has happened back then. So thank you very  
17 much.

18 THE WITNESS: [Interpretation] You're welcome.

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

21 [Open session]

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

23 PRESIDING JUDGE VELDT-FOGLIA: I also see that it now is very  
24 demanding for you, and I thank you for the efforts you put in giving  
25 this testimony.



*All redactions applied are pursuant to Orders F493, F509 and CRSPD107*

1 I wish you a safe journey home, and I remind you that you should  
2 not discuss your testimony with -- that you have given with anybody  
3 else.

4 I will now ask Madam Court Usher to usher you out of the  
5 courtroom. And I thank you again for your testimony.

6 [The witness withdrew]

7 PRESIDING JUDGE VELDT-FOGLIA: We have finished the testimony of  
8 Witness W04391. Is there something, Madam Prosecutor, you would like  
9 to raise at this moment in time?

10 MS. D'ASCOLI: No, nothing, Your Honours. Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: And the Victims' Counsel.

12 MS. PUES: Nothing from our side. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: And the Defence Counsel.

14 MR. VON BONE: Nothing, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: If there is nothing else to raise  
16 for today, we will resume tomorrow with the testimony of witness from  
17 the SPO W04390.

18 I thank the parties and the Victims' Counsel for their  
19 attendance, and, as always, always, the interpreters, the  
20 stenographer, the people from the audio-visual booth, and security.

21 The hearing is adjourned until tomorrow morning, 9.30.

22 --- Whereupon the hearing adjourned at 12.56 p.m.

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