

Monday, 28 March 2022

[Open session]

[The accused entered court]

--- Upon commencing at 9.30 a.m.

PRESIDING JUDGE VELDT-FOGLIA: Court Officer, can you please call the case.

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

PRESIDING JUDGE VELDT-FOGLIA: Thank you.

Let us see. I will call the appearances.

Mr. Prosecutor, who is present for the SPO?

MR. MICHALCZUK: Good morning, Your Honours. Good morning, everyone. The Prosecution team is represented today by Silvia D'Ascoli, Associate SPO Prosecutor; Julie Mann, our case manager for today; Agathe Tregarot, she's our intern. And my name is Cezary Michalczuk, I'm the SPO Prosecutor.

PRESIDING JUDGE VELDT-FOGLIA: Thank you.

MR. MICHALCZUK: Thank you.

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

MS. PUES: Thank you, Your Honours, and good morning. And good morning, everybody. The participating victims are today represented by Brechtje Vossenbergh as co-counsel and by myself, Anni Pues, as counsel. Thank you.

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 Defence floor, you have the floor.

3 MR. VON BONE: Good morning, Your Honours. Defence is
4 represented by Mr. Betim Shala, my co-counsel; Fatmir Pelaj,
5 investigator and interpreter; and myself, Julius von Bone. And in
6 the courtroom today is also Mr. Mustafa.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And, for the record,
8 you are appearing before Trial Panel I.

9 Today we will hear the testimony of Defence Witness 300,
10 Mr. Ahmet Ademi.

11 Before that, I would like to address two issues and I would like
12 to give an oral order.

13 The first issue. The Panel notes that the SPO has disclosed
14 already, on Thursday, 24 March, the material that is intends to use
15 during its cross-examination of Witness 300. We also noted that the
16 Defence has already shared on Legal Workflow the documents that it
17 intends to use in the examination of Witnesses 300, 400, and 500, on
18 Wednesday, 23 March, pursuant to paragraph 34 of the Decision on the
19 Conduct of Proceedings. The Panel appreciates very much receiving
20 such documents in advance and we encourage this practice in the
21 future.

22 The Panel further notes that, in addition, the Defence sent an
23 e-mail yesterday, 27 March, at 11.40, indicating which items it
24 intends to use during such testimonies. The Panel reminds
25 Defence Counsel that the deadline for sending such documents via

1 e-mail is still five days before the commencement of the testimony of
2 the witness pursuant to paragraph 34 of the Decision on the Conduct
3 of Proceedings.

4 Very well. Next point is an oral order with regard to the
5 recently disclosed material by the SPO.

6 The Panel notes that the SPO has requested the Panel's leave to
7 use newly disclosed open-source material with Witness 300 in
8 cross-examination on Thursday, 24 March, via e-mail sent at ten
9 minutes to 5.00.

10 The Panel considers that the SPO has requested leave of the
11 Panel in accordance with paragraph 31 of the Decision on the Conduct
12 of Proceedings, and it has indicated why such material was not
13 previously disclosed. The Panel find that the SPO has shown good
14 cause for not disclosing it previously and takes into account that it
15 is open-source material.

16 The Panel therefore authorises the SPO to use such material
17 during the cross-examination of Defence Witness 300.

18 And this concludes the Panel's oral order.

19 The third point is the Panel notes, Defence Counsel, the order
20 of the witness testimonies for the months of March and April as
21 provided in your filing 361, indicating that this week, on 28 March,
22 Witness 300; 29 March, Witness 400; and 30 March, Witness 500 will be
23 heard.

24 The Panel would like to stress that the proposed order may vary,
25 of course, depending on the duration of each testimony. And the

1 Panel has decided with the oral order of 9 March - and reference for
2 the record is page 2525, lines 5 to 7 of the transcript of 9 March -
3 that this week, if possible, three witnesses will be heard, and it is
4 the intention of the Panel to use, in principle, the whole day in
5 court. And this means that if the testimony of the first witness
6 would finish earlier than 4.00 today, the second witness will be
7 called to give his testimony or a part of it, if possible, and
8 reasonable, also today. We will decide depending on the
9 circumstances.

10 And the reason is that we want to try to avoid to fall short of
11 time at the end of the week.

12 Very well. After having said this, we can proceed. I see
13 Mr. Prosecutor standing.

14 Mr. Prosecutor, you have the floor.

15 MR. MICHALCZUK: Your Honour, just one issue before we start
16 with the witness.

17 By the end of each month, by decision of the Panel, the parties
18 are obliged to file the request for the admission of documents used
19 during the testimonies of their respective witnesses. And as we
20 started this month quite late with the first witness - last week -
21 and we are going to continue until the very end of this month with
22 the three remaining witnesses, could we -- and I'm making this
23 request jointly with the Defence with whom we agreed on that issue.
24 Could we request the permission of the Panel to file such submissions
25 by the end of next week -- sorry, not next week, by 8 March if

1 possible, by 8 March -- sorry, April. I'm a little bit confused with
2 the dates, yes.

3 PRESIDING JUDGE VELDT-FOGLIA: No, not a problem.

4 MR. MICHALCZUK: Next week, 8 March -- 8 April.

5 PRESIDING JUDGE VELDT-FOGLIA: I will give it one small thought
6 but I will come back on it, but it seems a very fair request. So let
7 me give it a little thought for the organisation. Yes?

8 MR. MICHALCZUK: Okay. Thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: Something else?
10 Defence Counsel.

11 MR. VON BONE: No, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.
13 Then we can now proceed with the testimony of Witness 300.
14 Madam Court Usher, could we please usher the witness in.

15 [The witness entered court]

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ademi, good morning.

17 THE WITNESS: [Interpretation] Good morning, Your Honour.

18 PRESIDING JUDGE VELDT-FOGLIA: Welcome to the
19 Specialist Chambers. Can you hear me fine?

20 THE WITNESS: [Interpretation] Yes.

21 THE INTERPRETER: Can the witness be asked to speak closer to
22 the microphone, please.

23 PRESIDING JUDGE VELDT-FOGLIA: Yes.

24 Mr. Ademi, can you speak more -- can you speak louder into the
25 microphone in order for the interpreters to hear you better.

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

2 PRESIDING JUDGE VELDT-FOGLIA: How are you?

3 THE WITNESS: [Interpretation] Good. Thank you. Good.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well. Mr. Ademi, today we
5 will start with your testimony. And you are called to testify in the
6 case of The Specialist Prosecutor versus Salih Mustafa to assist the
7 Panel to reach a verdict.

8 After you have taken your solemn declaration to tell the truth,
9 you will be asked questions by the Defence Counsel of Mr. Mustafa,
10 sitting on your right hand; the counsel representing the victims
11 admitted to the procedure, sitting on your left hand, that side; the
12 lawyers for the Prosecution, sitting next to the Victims' Counsel.
13 Do you see them on the right -- on your left hand?

14 THE WITNESS: [Interpretation] Yes, hi.

15 PRESIDING JUDGE VELDT-FOGLIA: And then, at the end, you may
16 also be asked questions by the Judges of the Panel. Have you
17 understood that?

18 THE WITNESS: [Interpretation] Yes.

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

21 Mr. Ademi, please listen carefully to each question, and if you
22 don't understand, feel free to ask for the question to be repeated.
23 We want you to tell the truth and to tell us what you saw, what you
24 heard, what you experienced, what you sensed. If you did not see or
25 hear or sense or experience it yourself, please tell us, and tell us

1 how you came to know it.

2 You may not remember all the details of the events, and that is
3 perfectly fine. Just tell us what you remembered. And it's not a
4 problem to say, "I don't know," "I don't remember."

5 I also remind you that you may object to provide your testimony
6 on issues that might tend to incriminate you, pursuant to
7 Rule 151(1) of the rules. You have that right.

8 Have you understood all that, Mr. Ademi?

9 THE WITNESS: [Interpretation] Yes. Yes, I understood.

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

11 I would like to give you also some practical advice for your
12 testimony, Mr. Ademi. And to begin with, everything that is said
13 here is translated and recorded, so it is important to speak, as I
14 already said, into the microphones, to speak clearly, and to speak at
15 a slow pace, because in that way the interpreters can translate
16 better. You should only start speaking when the person asking you a
17 question has finished. So even if you feel this eagerness to answer,
18 wait until the question is finished. And when is question is asked,
19 please count in your head up till five and only then give your
20 answer. And this pause of five seconds is essential to translate, to
21 hear, to translate and to record what you have said.

22 And if you have any questions, if you need a break, you can just
23 raise your hand, and then I will give you the floor and you can say
24 what your needs are.

25 Is that understood?

1 THE WITNESS: [Interpretation] Yes, it is.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well. As we must do with
3 every witness, I will now ask you to read your solemn declaration to
4 tell the truth. And I remind you that it is an offence, Mr. Ademi,
5 it is an offence within the jurisdiction of the Specialist Chambers
6 to give false testimony.

7 Do you understand this?

8 THE WITNESS: [Interpretation] Yes, I do.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay. I've seen that you have
10 already given him the text. Please, Mr. Ademi, please read the text
11 provided to you.

12 THE WITNESS: [Interpretation] Okay.

13 Conscious of the significance of my testimony and my legal
14 responsibility, I solemnly declare that I will tell the truth, the
15 whole truth, and nothing but the truth, and that I shall not withhold
16 anything which has come to my knowledge.

17 WITNESS: AHMET ADEMI

18 [Witness answered through interpreter]

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Ademi. You are
20 now under oath to tell the truth. Yes? Very well.

21 Now, we can now begin, Defence Counsel, with the testimony of
22 Mr. Ademi, starting with you, Defence Counsel. You have estimated
23 two hours for your questioning, Defence Counsel, and, as usual,
24 please inform the Panel of any changes in this regard for planning
25 purposes.

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1 You have the floor.

2 MR. VON BONE: Thank you very much, Your Honour.

3 Examination by Mr. Von Bone:

4 Q. Good, Mr. Witness.

5 A. Good morning.

6 Q. Could you speak a little bit more into the microphone because
7 it's hard to hear you.

8 A. Okay.

9 Q. Thank you very much. Mr. Witness, I would like to go back to
10 the period of the conflict that was in Kosovo in 1998 and 1999. And
11 during the period of the war, could you indicate to us what you
12 actually were doing in that period of time?

13 A. Yes. During the war period, I worked with the Kosovo Red Cross.
14 From the age of 28 up to 1997 I worked there. In 1997, they
15 dismissed us from work and then we operated illegally, so we set up a
16 Red Cross office for Kosovo to help our population.

17 The Serbian Red Cross at that time, as I said, fired us in 1997.
18 Together with Professor Jusuf Dedushaj and other members, we opened
19 an office -- our own office for the Red Cross which operated in
20 Prishtine, I would say all over Kosovo.

21 Q. Okay. And within Prishtine, where in Prishtine did you,
22 together with Mr. Jusuf Dedushaj, set up these offices or places? So
23 where in Prishtine?

24 A. We had our office in a private home in the direction of Germia
25 neighbourhood, in the vicinity of the high school gymnasium. That's

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1 where we settled and set up our office for the Red Cross Kosovo then,
2 and we engaged in our activities.

3 Q. And that private home in or near Germia, was that your own
4 private home?

5 A. No. It was not my home. It belonged to an Albanian who allowed
6 us to use it for our activity as the Red Cross office.

7 Q. Where was your own house? Was that also within Prishtine; and,
8 if so, where in Prishtine was that?

9 A. My house was -- it belonged to me, but from where we worked, it
10 is about -- about 1 kilometre and 2, 300 metres away from where we
11 worked.

12 Q. And you said that the private house from which you operated was
13 in Germia. Could you tell us where Germia is in -- I understand it's
14 in Prishtine but I mean, is that north, east, south, west, or is it
15 in the centre? Where is that?

16 A. How could I say? I think it was in the south. I don't know how
17 to explain, but I think it was in the south.

18 MR. VON BONE: Just a practical issue, Your Honour. This thing
19 seems to be broken and I would like to have another one, if that is
20 possible.

21 PRESIDING JUDGE VELDT-FOGLIA: Of course, Defence Counsel. And
22 I think it will help all of us because there's a lot of noise coming
23 through the microphone. Is that better?

24 MR. VON BONE: Yes.

25 Q. And the private home that you were using, was that one of the

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1 offices; and, if so -- sorry. And if not, did you set up also
2 offices in other places, offices of the Red Cross?

3 A. Yes. We had another office in Dardania, which existed until
4 1998. It was there that the late doctor Shpetim Robaj worked. I
5 worked there, too, as his assistant. In Dardania neighbourhood,
6 there was another office near the school of -- a high school or
7 gymnasium, as we call it. So, actually, we had two offices in
8 Prishtine.

9 Q. And was there any differences in these offices or these -- these
10 offices that are you saying in Dardania and near the high school?
11 Were these also set up in private homes or were they set up in a
12 different structure?

13 A. From Dardania to the road that leads to Germia near the
14 gymnasium, it was a long way for us, because we had to work, so to
15 say, underground, if you like, so it was quite a distance for us to
16 go from one office to another. Sometimes we had some problems. We
17 had to be very careful.

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, has the witness
19 answered your question?

20 MR. VON BONE: No, he has not. So I will ask him again.

21 Q. My question was: These offices, were they also located in a
22 private home or were they in a different kind of building? You spoke
23 in Germia about the private home from an Albanian person. How did
24 you get the other offices?

25 A. In Dardania, it was the office of the Red Cross. It was also

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1 the International Red Cross located there, along with Kosovo Red
2 Cross. So there were some international staff and some Albanian
3 staff working there.

4 In Dardania, it was located in a home, a local home.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could we specify
6 more the time-frame in which we are talking -- in which the witness
7 is talking? Because I think it's unclear for now.

8 MR. VON BONE:

9 Q. Was the first private home in Germia -- the office in Germia,
10 was that the first one, so to speak, that you set up yourself?

11 A. The Germia office was the second that we set up after the
12 Dardania one, where the doctor and the other staff were settled. But
13 because they were short of space, they opened the other one, the
14 other office in Germia, to have more working space and to be in
15 better conditions to work.

16 Q. And you said that, in Dardania, it was until 1998 when
17 Dr. Shpetim worked there. And from when was that actually existing?
18 When did that start to come in existence in Dardania?

19 A. In Dardania? We set up it up in 1998, early 1998. But the late
20 Shpetim Robaj was dead because of a mine. With some other staff,
21 they met a mine and they got killed. So with Jusuf Dedushaj, we
22 agreed to open up the second office in Germia, in a private home.

23 PRESIDING JUDGE VELDT-FOGLIA: And when was that?

24 Sorry, Defence Counsel, but ...

25 THE WITNESS: [Interpretation] This happened in 1997 and 1998.

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1 PRESIDING JUDGE VELDT-FOGLIA: But when was the second office
2 set up?

3 THE WITNESS: [Interpretation] The second office was set up in
4 1998.

5 PRESIDING JUDGE VELDT-FOGLIA: When in 1998?

6 THE WITNESS: [Interpretation] In 1998 - how can I say? - the
7 beginning of March or April. But I can't remember accurately.

8 PRESIDING JUDGE VELDT-FOGLIA: That's fine. Thank you.

9 Defence Counsel, you have the floor.

10 MR. VON BONE:

11 Q. And was the office in Dardania, did that stop to exist or did it
12 continue to exist with other people working in it?

13 A. After the death of Dr. Shpetim Robaj, the office was closed and
14 we continued to operate in the other office, because life became very
15 difficult for us. It was very dynamic. And we worked with a reduced
16 staff in this office, the Red Cross office for Germia.

17 Q. Mm-hm, I understand. I just want to get back to the fact, what
18 was the reason that you said that "the Serbia Red Cross fired us."

19 Could you tell us a little bit more about that? Because ...

20 A. We were Albanians and, as such, they fired us in 1997, just
21 because we were Albanian. All of us, they fired all of us, and only
22 the Serbs were left there. We got together, some of us, and with
23 Jusuf Dedushaj, Professor Jusuf, we decided to set up those two
24 offices. The first one was closed, so we were left only with the
25 Germia one. Because the Serb Red Cross didn't -- we didn't want the

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1 Serb Red Cross to know what we were doing. As I said, they fired us.

2 Q. Mm-hm. And the -- was the Serbian Red Cross, did that continue
3 to operate?

4 A. The Serbian Red Cross continued to operate, and the Kosovo Red
5 Cross continued to operate up until 1999.

6 PRESIDING JUDGE VELDT-FOGLIA: There's no translation at the
7 moment.

8 THE WITNESS: [Interpretation] The Serbian Red Cross continued to
9 operate, whereas the Albanian Red Cross, that is the Red Cross of
10 Kosovo, continued to operate until 1999.

11 MR. VON BONE:

12 Q. And could you tell us, actually, why it was necessary to set up
13 a Kosovo Red Cross rather than the Serbian Red Cross would function?

14 A. As a staff, with Jusuf Dedushaj, we saw it fit to open the
15 Kosovo Red Cross so that we could meet the needs of the Albanian
16 population and help them with clothing, with medication, bedding, and
17 everything that you can help with.

18 Q. And was it not possible for the Albanian population to get this
19 material that you just said from the Serbian Red Cross?

20 A. We could not get -- they could not get supplied by the Serbian
21 Red Cross with clothing, blankets, milk for the children, and one of
22 the reasons for that was that they hated the Albanian population.

23 Q. And when you set up the office in -- by the way, just let me ask
24 one question.

25 You said Dr. Shpetim, he died at some point. Do you actually

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1 recall when he died? If you can.

2 A. Dr. Shpetim Robaj, in the morning, in 1998, set off with his
3 staff to help the population --

4 PRESIDING JUDGE VELDT-FOGLIA: Witness?

5 Defence Counsel, your question was when.

6 MR. VON BONE: That's right.

7 PRESIDING JUDGE VELDT-FOGLIA: Yes. Mr. Ademi, please answer
8 the question when. We don't need the whole story. Just answer what
9 the Defence Counsel is asking you. And that's also a more general
10 remark.

11 MR. VON BONE:

12 Q. So let me repeat my question, Mr. Witness.

13 My question to you was: Do you recall when Dr. Shpetim actually
14 died? And with "when," I mean the year or the month, whatever you
15 can recall.

16 A. Shpetim Robaj passed away in 1998. As for the month, I can't
17 remember exactly which month it was.

18 Q. Okay. Coming back to the Kosovo Red Cross that you set up, how
19 would you get medical supplies? From whom would you receive your
20 medical supplies?

21 A. We received medical supplies through donations. There was a
22 fund called Homeland Calling, and we had a pharmacy nearby from where
23 we get the medication. We would get medical supplies from other
24 donors as well.

25 Q. And once you would have these medical supplies, how would these

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1 medical supplies then be distributed?

2 A. Once we would get the medical supplies -- at the time, there was
3 seven of us working. We would distribute those supplies in various
4 areas.

5 Q. And could you tell us in which areas that would be, to name a
6 few or a number of examples; if you recall?

7 A. We distributed the medication in the Drenica area, Llap area,
8 Gollak area, and Karadak, and Gjilan.

9 Q. And could you say -- if we speak about Drenica area, taking
10 Prishtine as a point of reference, could you locate Drenica, the
11 Drenica area? Is that north, east, south, west? Which direction is
12 it?

13 A. Drenica ... I don't know how to explain it. I think it is in
14 the western part or northern part, if I'm not mistaken. To the
15 north.

16 I find it difficult to explain things in terms of north, east,
17 west, south.

18 Q. Okay. And I understand that. I just want to try one more --
19 one other one.

20 The Gjilan area, which area would be that? Taking position
21 from -- from Prishtine, which direction would that be, or towards
22 which village or town would that be?

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

24 MR. VON BONE: Yes.

25 PRESIDING JUDGE VELDT-FOGLIA: Just for my understanding.

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1 Gjilan area. When did -- did the witness mention that?

2 MR. VON BONE: Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Oh, yes, now I see it.

4 Thank you. Thank you. Please continue.

5 THE WITNESS: [Interpretation] Gjilan town is in the direction of
6 the border with Serbia; Medvegje, Presheve, and Bujanovc towns.

7 MR. VON BONE:

8 Q. Thank you very much. That distribution to these areas, how
9 would that go in practice? Would people come or would you go there;
10 and, if so, how would these supplies arrive there?

11 A. The distribution of supplies was very difficult for us. Some of
12 the supplies would be distributed by ourselves and some would be
13 picked up by population. These supplies included medication,
14 foodstuffs, milk for children. If the locations were nearby, we
15 would go with backpacks full of supplies and distribute those
16 supplies in the villages.

17 Q. And would it be also possible that you give it to certain people
18 in order that they would go in a particular direction and bring it
19 there? So what I'm trying to say is would you have the help of
20 people who would distribute them for you in those areas?

21 A. There were designated persons who would come to get the supplies
22 from us and distribute those supplies further on in villages, towns,
23 and so forth.

24 Q. I understand. Now, you say that it was very difficult to
25 distribute them. First of all, let's get this in time. And was

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1 there a particular time that it became more and more difficult to
2 distribute these supplies; and, if so, which period of time was that?

3 A. The most difficult time-period was when we would go out on the
4 ground and we had no means to carry the supplies in good order. And
5 this included both 1998 and 1999, when we were faced with many
6 difficulties.

7 Q. And could you tell what was the exact difficulty to -- what made
8 it so difficult to get these materials to the arrival place?

9 A. It was difficult for us because, as Kosovo Red Cross, we
10 operated clandestinely. We had to distribute these supplies, but we
11 did it underground. Had we been caught or detected by the Serbian
12 police or army, we would be ill-treated. That's why we had to
13 operate clandestinely.

14 Q. Mm-hm. And was it actually controlled? Was it possible in that
15 period of time that, by military police or the army -- sorry, by the
16 military or the police, that people would be -- that those -- that
17 people would be more hesitant to go with these supplies somewhere?
18 What kind of danger would they possibly meet?

19 A. Our volunteers who operated on the ground and we ourselves had
20 difficulties. We didn't have means of transport to distribute the
21 supplies to certain points because we were always scared of the
22 Serbian police. That's why we would take the supplies secretly,
23 trying not to be seen by the police forces so that they wouldn't know
24 what we were carrying, all those supplies for the population;
25 medication, foodstuffs, diapers, milk, and so forth. So we always

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1 took this risk with us. So there was not a single time that we would
2 distribute supplies without fear.

3 Q. And would people actually be checked in that period of time?

4 A. Yes, they were checked. The population were checked on the
5 roads, on the streets. I was always stopped, checked, interrogated
6 in the middle of the street, and beaten.

7 Q. Sir, do you recall the NATO bombings of 1999?

8 A. In 1999, if I'm not mistaken, the air-strikes began on the 23rd
9 or 24th. It was approximately around that date that the air-strikes
10 began. In March.

11 Q. And speaking about that time, did it become, after the NATO
12 strikes, even more difficult to get the supplies to the intended
13 place of arrival?

14 A. Of course, it became more difficult with the commencement of the
15 NATO air-strikes because the Serbian forces became more aggressive,
16 more furious. And, for us, it became more difficult to go out and
17 operate on the ground.

18 Q. You said that the Serbian forces became more aggressive and more
19 furious. How would you notice that? Or how could that be noticed?

20 A. It could be noticed immediately. After the beginning of the
21 air-strikes, the Serbian police and military forces, they became
22 angry, why NATO is bombing, and they began to see us as an aggressor.
23 And that's why they became more aggressive towards our population.
24 They began to beat people, to offend them, to use offensive language
25 against them.

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1 Q. And apart from that, what would you hear from the people about
2 that. When you would be working in your -- in your office, would
3 people tell you about it, what happened to them?

4 A. Usually the population, after the starting of the air-strikes,
5 did not come to the offices of the Red Cross. They were afraid
6 because there was a police point near the Red Cross offices, and
7 that's why the population was scared to come to our offices to get
8 supplies.

9 Q. Okay.

10 A. And it is true that we heard various stories from them about
11 them being beaten and scared.

12 Q. Mm-hm. And you said there was a police point which was near the
13 offices. What would you actually experience when you would need to
14 pass such a police point?

15 A. At that time, after the beginning of the air-strikes, I, for
16 example, had to go passing yard after yard to get to the Red Cross
17 offices. We didn't dare go out in the main street because of the
18 Serbian police forces, so we had to use this sort of route to get to
19 our office, to go backyard after backyard, and reach our offices.
20 I'm talking about the period after the air-strikes.

21 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

22 MR. VON BONE: Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: -- is that an answer to your
24 question? I thought it was related to the police point.

25 MR. VON BONE: My question was indeed, and I think it has been

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1 answered that it was very difficult to reach as the gentleman will to
2 go from backyard to backyard to reach his office, so that I think --

3 PRESIDING JUDGE VELDT-FOGLIA: "What would you actually
4 experience when you would need to pass such a police point?"

5 MR. VON BONE:

6 Q. Did you ever pass or did you ever need to go through such a
7 police point; or, if not, why would you avoid it?

8 A. We had to avoid it because if we used that route, they would
9 stop you, they would search you, take your things. They would beat
10 you and they could also kill you. That's why we had to take this
11 other route in order to avoid the police check-point that was there.

12 Q. And in Prishtine, were there many of these types of
13 check-points?

14 A. Yes, there were.

15 Q. Okay.

16 A. There was one at the technical school, as we call it. There was
17 another one at the road leading to the Llap mosque, as we call it.
18 There were many check-points, in various locations, police
19 check-points.

20 Q. And would that make it more difficult to supply the materials to
21 the people who were needing those materials?

22 A. Of course, it made it more difficult. We had to take smaller
23 roads to avoid the main ones where the Serbian forces were stationed.
24 So we had to take longer routes to reach the destinations where we
25 had to bring our supplies.

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1 Q. And you said that you had no means of transportation. Do you
2 mean that most of these things would go simply by walking there with
3 supplies --

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you ask a
5 question without already formulating the answer. And I've also
6 noticed that we have had already some leading questions. So try not
7 put your answer in your question.

8 Please proceed.

9 MR. VON BONE:

10 Q. So my question was: You had no means of transportation, so how
11 would you ensure that you get the supplies to its destination?

12 A. We didn't have transport. There was a colleague. He had a
13 vehicle. He was the only one who had a vehicle and would come and
14 get the supplies and distribute it with his vehicles. But the rest
15 of us, the volunteers, we would distribute the supplies carrying them
16 on our backpacks, passing through hills and forests, so that we could
17 get the supplies to the villages.

18 Q. Going to areas, would that be done in the day-time, or in the
19 evening, or the night-time? When would be the best opportunity then
20 to distribute those?

21 A. Before the air-strikes, we would do that during the day as well.
22 We would usually distribute the supplies during the day and up until
23 evening. And then in the evening, we would go back to our houses.

24 Q. And after the air-strikes? My question was: And how was that
25 after the air-strikes?

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1 A. The situation after the NATO air-strikes was very difficult. We
2 had to carry on our backs the backpacks, heavy backpacks with
3 supplies, and distribute them to the population. A backpack would
4 weigh 30 to 40 kilograms. And these backpacks would be taken to the
5 points, the distribution points, where the population was most in
6 need.

7 Q. And did you ever have trouble with -- yourself with Serbian
8 police concerning distribution of material?

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, did we get an
10 answer to after the air-strikes when it was distributed?

11 I didn't hear that. I heard a testimony about the weight of the
12 backpacks. But your question was after the air-strikes when --
13 wasn't it? So ...

14 MR. VON BONE: It's true --

15 PRESIDING JUDGE VELDT-FOGLIA: So I would like to --

16 MR. VON BONE: -- it is more difficult at least. But I will ask
17 the question again.

18 Q. My question was: Could that still be done in the day-time or
19 would that be done in a different time then, after the air-strikes,
20 the distribution?

21 A. We did also during the daylight. It happened to me personally,
22 in Shala village, Drenas commune or municipality, I was carrying some
23 40 kilograms on my backpack, and I was walking towards my
24 destination. Then I was seen by the Serb forces. They shot at us.
25 I was afraid, so I threw away my backpack and I rolled over down the

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1 hill and I broke my hip.

2 And so with great difficulty, I -- I mean, I walked about
3 15 minutes until -- in the vicinity of the village, I went to a
4 private home and I took my position there.

5 We did have great difficulties, indeed.

6 Q. Yes. And once again --

7 PRESIDING JUDGE VELDT-FOGLIA: No, Defence Counsel.

8 MR. VON BONE: Yes [overlapping speakers] ...

9 PRESIDING JUDGE VELDT-FOGLIA: No, but I'm going to talk to the
10 witness.

11 Mr. Ademi, when a question is asked to you, please try to answer
12 the question. Yeah? Because what now is happening is that -- we are
13 grateful for your testimony, but, at the same time, you're telling a
14 lot of things that are not directly related to the questions that the
15 Defence Counsel is asking you.

16 So if you are asked, if you are asked if after the air-strikes,
17 yeah, when you -- if you would not be doing it only during the
18 day-time but also at other moments, please answer that question.
19 Yeah? We were talking about time. During the day, during the
20 evening, during the night.

21 So now I will give the floor back to the Defence Counsel to ask
22 the questions. But try to pay attention to that, please.

23 MR. VON BONE:

24 Q. So --

25 A. Thank you.

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1 Q. So could you finally answer that question then. What would be
2 the best time or -- after the air-strikes to actually supply those --
3 do those, make those undertakings, those routes? Which part of the
4 day or night would that be done?

5 A. We could do that during the day but also at night. Most of them
6 we did during the day, but sometimes we continued until the night.

7 Q. And you just spoke about something that happened to you, that
8 you were with a backpack - I'm not sure where I read it - but ...

9 PRESIDING JUDGE VELDT-FOGLIA: Page 23, line 8 and 9.

10 MR. VON BONE: Yes, yes.

11 Q. You just spoke about what happened to you in the Shala village.
12 And did these kind of things also happen to your co-workers who were
13 in the office in Germia? Did they tell you about that or did you
14 hear from them similar stories?

15 A. Yes, I did. But I, as I said, had this unfortunate incident,
16 but thank God nothing happened to my colleagues. They faced
17 difficulties, of course.

18 Q. And what kind of difficulties would they face?

19 A. Difficulties related to travel, to having to carry these
20 backpacks which were heavy with supplies and, you know. They had
21 difficulties to go to certain places.

22 Q. Did it happen that things were actually confiscated from these
23 people?

24 A. To my knowledge, no, they couldn't. They didn't carry
25 something, let's say, important, like -- other than medication, milk,

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1 diapers, humanitarian aid. I don't think that these things were
2 confiscated from them. Maybe yes, but I don't remember.

3 Q. When you spoke earlier about the distribution, you spoke also
4 about the -- that it would go to the Gollak area. Was there a
5 particular area in the Gollak area that it would go to?

6 A. In Gollak, there were people and volunteers working there. And
7 the volunteers took the people and -- to various areas, Kecekolle and
8 other places, Llukar. They accompanied the people to these other
9 places that I mentioned.

10 Q. And after the air-strikes, did you notice that the people would
11 -- would be going on the move from their houses from Prishtine?

12 A. Yes. There was a displacement of population. People were
13 displaced from one neighbourhood to another, from one place to
14 another. For example, in my neighbourhood, the population grew there
15 number because of other displaced people coming and settling there.
16 So the number grew.

17 And people were scared of police attacks, being maltreated by
18 the police.

19 Q. And was there other occasions that you were maltreated by
20 police?

21 A. As I said earlier, this happened once when they caught me and
22 beat me up and took away 50 marks that I had on me. So they beat me
23 up, they took the marks, Deutschmarks, and asking me, "Why are you
24 carrying Deutschmarks when you are in Serbia? We don't use
25 Deutschmarks here. We have the Serbian currency."

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1 So that's it.

2 Q. Do you recall when this was? Was this before or was this after
3 the air-strikes? When was that, in time?

4 A. This happened before the NATO air-strikes.

5 Q. And could you tell us what exactly happened at that time?

6 A. Yes. They beat me, maltreated me, took away my -- the money I
7 had on me. And then they let me go, and I went on my way and
8 continued my work.

9 Q. Did you get actually any help from the International Committee
10 of the Red Cross? Was there any contact between your Kosovo Red
11 Cross and the International Red Cross?

12 A. As Kosovo Red Cross, we were not officially recognised by the
13 International Red Cross, because there was, in the meantime, the Serb
14 Red Cross in Kosovo. But now and again, we received donations and
15 supplies, like bandages, medication, diapers, for the population.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, allow me to
17 interrupt you.

18 Mr. Prosecutor, you were standing before. Do you still want to
19 have the floor?

20 MR. MICHALCZUK: No, Your Honour. I just wanted at some point
21 to request the counsel to ask more clear questions. For example, the
22 question was: What happened at that time? And it was not clear
23 whether the question was about what happened at that time to the
24 witness or what happened at that time in Prishtine, after NATO
25 started their strikes. But it was not super clear. But the answer

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1 was given in the context of what happened to the witness, so I think
2 this is water under the bridge.

3 PRESIDING JUDGE VELDT-FOGLIA: I allowed the question because I
4 understood it that it was a follow-up question on the answer before,
5 but ...

6 MR. MICHALCZUK: If this was Your Honour's understanding, this
7 is then fine. Thank you.

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

9 MR. VON BONE:

10 Q. When the NATO air-strikes happened, did you -- could you stay in
11 the house where you were living yourself?

12 A. Yes, I lived there, but with difficulty. At one moment, police
13 forces came there and they maltreated my wife and my 4-year-old son.
14 And out of fear, I climbed up to the roof. And from there, I could
15 see what was going on. I could see them beating my wife and my
16 family. And from that time onwards -- and my son isn't feeling very
17 good, because of the trauma.

18 Q. And I understand that this was after the NATO air-strikes.
19 Could you tell us how long after the air-strikes this was; do you
20 recall that?

21 A. As far as I know, it was sometime by the end of March of 1999, I
22 think. Or maybe the middle of March. I can't be very accurate.

23 Q. But you are sure -- are you sure it was after the air-strikes?

24 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you take off
25 your headphones, please. Can you take off ...

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1 Mr. Ademi, please take off your headphones. Thank you.

2 Mr. Prosecutor, you have the floor. And I see your question
3 coming.

4 MR. MICHALCZUK: Your Honour, the issue was on page 28 of the
5 transcript we can see that to the question when it happened, that
6 beating of the wife and the child of the witness, the answer in line
7 6 to 7 is that: "As far as I know, it was sometime by the end of
8 March of 1999, I think. Or maybe the middle of March. I can't be
9 very accurate."

10 So I think this was the answer of this witness.

11 And now if it is proceeded by the question but was it after the
12 NATO strike, it's somehow now puts to the witness how he should
13 answer. We have it black and white in the record. That's my
14 objection, Your Honour, to that question of the Defence Counsel.

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

16 Defence Counsel, I see Mr. Prosecutor's point. And you can ask
17 an open question, but, as I said before, try not to insert in your
18 questions the answers you might think the witness will give or needs
19 to give.

20 MR. VON BONE: Well, the answer was sometime by the end of
21 March of 1999. And then afterwards, he says in the middle of the
22 1999. Earlier he said that the air-strikes were 23 or 24 March.
23 That's why I wanted to make sure whether this was before or after the
24 air-strikes. That is the entire point of clarifying the timeline
25 what this gentleman is talking about regarding this incident. So --

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1 PRESIDING JUDGE VELDT-FOGLIA: But apparently he doesn't know
2 very exactly, so I --

3 MR. VON BONE: But that's why I'm asking.

4 PRESIDING JUDGE VELDT-FOGLIA: Yes. But not inserting a kind of
5 leading question.

6 MR. VON BONE: Yeah.

7 PRESIDING JUDGE VELDT-FOGLIA: Maybe you can ask if there was a
8 reference point in time, or you ask it in an open way, was it before
9 or after. But that's not the way you formulated it.

10 MR. VON BONE: Okay.

11 Q. So, Mr. Witness, this incident that you --

12 PRESIDING JUDGE VELDT-FOGLIA: No, Defence Counsel.

13 MR. VON BONE: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: I'm first going to ask the
15 witness to put on his headphones --

16 MR. VON BONE: Oh, sorry --

17 PRESIDING JUDGE VELDT-FOGLIA: -- and then we can proceed.

18 Mr. Witness, can you hear me fine?

19 THE WITNESS: [Interpretation] Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: We discussed a question that was
21 going to be posed to you, and in order not to influence you, we asked
22 you to take off your headphones. And we might do that again. Do you
23 understand me?

24 THE WITNESS: [Interpretation] Yes, Your Honour.

25 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please proceed.

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1 MR. VON BONE: Yes.

2 Q. So do you recall when this incident at your -- at the house of
3 you took place?

4 A. I think, if I'm not mistaken, the incident occurred during the
5 bombardment, when the police came and beat up my wife and my child
6 with a small hatchet.

7 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we are
8 approaching 11.00 in ten minutes --

9 MR. VON BONE: Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: -- so I just want to give you a
11 heads-up.

12 MR. VON BONE: I would like to, at this point, refresh the mind
13 of the witness. And in this respect, I would like to ask to pull up
14 page 5 of the statement of the witness.

15 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, but could you
16 not first ask the question and if he doesn't remember, then we can
17 always refresh his mind. But just ask an open question and then we
18 see. But already calling up a prior witness and reading it out
19 without even having asked him, I don't think --

20 MR. VON BONE: I think I've asked the question, to be quite
21 honest, Your Honour, and I think that the witness also spoke about
22 this incident and at some point was a little bit different in his
23 answer than in the statement that he made. So, therefore, I think I
24 tried --

25 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I will ask

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1 Mr. Ademi to take off his headphones again.

2 Could you take off your headphone again, Mr. Ademi? Thank you.

3 Maybe we -- there's a misunderstanding, Defence Counsel.

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: I just heard you say, "I'm going
6 to refresh his memory," but I didn't understand to what you were
7 referring. Because for me, it came now out of the blue. But if you
8 say it has already been discussed, you might first say what it was
9 that you already discussed and he apparently gave another answer to,
10 and then, of course, I can allow to you call up the prior statement.

11 But for my -- for me, for now, it is not clear.

12 MR. VON BONE: The incident is the incident what happened to his
13 family when he goes up to the attic. And I asked the question when
14 that was, that incident, and he spoke about the -- towards the end of
15 March in the beginning, then he said the middle of March, and that's
16 why I wanted to refresh his mind. Because in his statement, I think,
17 it was clear that it was after NATO bombings, as he said in his
18 statement.

19 So in order to make that clear, I just want to pull up that part
20 of his statement and refresh the mind or whether he said that in that
21 manner.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, now you have
23 made it clear in what context you want to refresh the mind of the
24 witness. So you may proceed after I have asked the witness to put on
25 his headphones again.

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1 Mr. Ademi has put on his headphones again.

2 And Defence Counsel, you may proceed.

3 MR. VON BONE: So if we can pull up the statement of the
4 witness. It is page 5 of the statement and it is in the second
5 paragraph.

6 PRESIDING JUDGE VELDT-FOGLIA: Can you give the ERN number.

7 MR. VON BONE: Oh. The ERN number is, Your Honour -- Fatmir,
8 what is the ERN? Where is my binder? English and Albanian.

9 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].
10 DSM00680; that's the Albanian. And you want the English one?

11 MR. VON BONE: And the Albanian version of it.

12 PRESIDING JUDGE VELDT-FOGLIA: It is DSM00452. And DSM00608.
13 Will that do, Court Officer? Okay.

14 MR. VON BONE:

15 Q. Mr. Witness, I will cite an answer that you gave when I
16 questioned you. And the question was:

17 "From the NATO -- from the moment of the NATO bombings, where
18 did you actually live? And I mean stay and sleep at night."

19 And your answer was:

20 "I would stay one night in my own house [sic], on other times at
21 my brother's house, both in Prishtine. One day the Serbian police
22 came to my house, they beat my wife and my 4-year-old in the front
23 yard, and it was in the attic -- and I was in the attic, unable to do
24 anything about it. This was after the NATO bombings."

25 And my question is: When you read and when you heard this what

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1 I just cited, does that refresh your mind?

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ademi, please wait a moment.

3 Sorry to ask you again to take off your headphones.

4 Mr. Prosecutor, I see you standing.

5 MR. MICHALCZUK: I don't object to the question, I don't object
6 to putting this statement to the witness, but I would kindly ask
7 Your Honours to remove it right now from the screen for the witness
8 to see because the remaining part of the same paragraph deals with a
9 certain event that is not still in evidence and I wouldn't like the
10 witness to simply read it.

11 PRESIDING JUDGE VELDT-FOGLIA: I can agree to that.

12 So, Court Officer, could you take it off? At least in -- yes,
13 thank you.

14 Defence Counsel, please proceed.

15 MR. VON BONE:

16 Q. So I just cited that paragraph, Mr. Witness. Does that refresh
17 your mind about the time that this -- oh.

18 So, Mr. Witness, I just cited the question and the answer to
19 that question that you gave, and -- about the moment that this -- or
20 the day, the time that this incident took place. And my question is:
21 Does this refresh your mind?

22 A. Yes, yes.

23 MR. VON BONE: Then maybe this is the best moment to stop,
24 Your Honour.

25 PRESIDING JUDGE VELDT-FOGLIA: Yes. But for me, it is not

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1 clear, what is "refreshed." He has said that it has refreshed, but I
2 don't know anything else now.

3 MR. VON BONE: Okay. Yes.

4 Q. So is it correct that this incident then took place as you said
5 there in this statement, that this incident took place after the NATO
6 bombings?

7 A. Yes, I am completely sure that this incident happened after the
8 NATO bombing, when KLA members, three persons came to me. They
9 visited us.

10 Q. Yes, but, Mr. Witness, the question is not whether there were
11 three KLA people coming to you. The question was: The incident that
12 took place with your family in the yard, did that incident take place
13 after the NATO air-strikes in Kosovo?

14 A. The incident occurred during the attack -- during the NATO
15 strikes.

16 Q. I understand.

17 A. With my family.

18 Q. Okay. So in your statement at that time, you said it was after
19 the NATO bombings, and today you say it is during the NATO bombings.
20 Could you explain why or how does this -- how you explain this
21 difference?

22 A. Your Honour, it is possible because a long time has passed since
23 then, it is possible that I don't recall very well what happened. It
24 is also likely that it has happened after the NATO strikes, but I
25 am -- or before, but I'm not completely sure. I have forgotten. A

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1 long time has passed. Maybe I said what is written there.

2 PRESIDING JUDGE VELDT-FOGLIA: The answer is clear, I would say.

3 MR. VON BONE: Okay. I think so too.

4 And then maybe this is the time for the break. That would be a
5 logical moment.

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

7 Madam Court Usher, I kindly ask you to assist the witness in
8 exiting the courtroom.

9 Mr. Ademi, we will have a break for a half an hour, and then you
10 will be called to come back and we continue with your testimony.
11 Okay?

12 THE WITNESS: [Interpretation] Okay.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well.

14 [The witness stands down]

15 PRESIDING JUDGE VELDT-FOGLIA: We will break and we will resume
16 in 30 minutes.

17 The hearing is adjourned.

18 --- Recess taken at 11.01 a.m.

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

20 PRESIDING JUDGE VELDT-FOGLIA: Very well. Let us call
21 appearances. I see that we are in the same composition so that is
22 noted for the record.

23 Before I have the witness ushered in, a small oral -- a small
24 point with regard to the request, the joint request made. The Panel
25 notes the joint request of the SPO and the Defence requesting to

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1 submit by Friday, 8 April, their application for the admission of
2 material used during their respective questioning of the witnesses
3 whose testimony was completed within the month of March 2022. The
4 Panel notes that, pursuant paragraph 37 of the Decision on the
5 Conduct of Proceedings, which is filing 170, applications for the
6 admission of any material used during questioning of a witness should
7 be admitted, at the latest, on the last working day of the calendar
8 month in which the witness has completed his or her testimony.
9 However, in light of the sitting schedule during late March 2022, the
10 Panel considers that the SPO and Defence have shown good cause for
11 their request, and, pursuant to Rule 9(5)(a) of the rules, decides to
12 extend the time-limit for such admissions to Friday, 8 April 2022.

13 Okay. Now we have the witness ushered in. Madam Court Usher,
14 could you please bring the witness in.

15 [The witness takes the stand]

16 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

17 THE WITNESS: [Interpretation] Thank you. Thank you.

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I was informed
19 that you have used one hour and 15 minutes of the time allocated to
20 you. You have the floor to continue with the questioning.

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

22 Q. Mr. Witness, you stated earlier today - that is page 18, line 24
23 - that:

24 "In 1999, if I'm not mistaken, the air-strikes began on 23 and
25 24 March ..."

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1 And my question is: To be perfectly clear, it was not on that
2 day, was it, that the incident with your family took place? I mean
3 the 23rd and 24th of March?

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

5 Can you please take off your headphones, Mr. Witness.

6 I see you standing, but you have the floor, but we might be
7 saying the same thing, Mr. Prosecutor, please.

8 MR. MICHALCZUK: Your Honour, first of all, the question is
9 leading.

10 Second of all, the witness, before the break, already gave his
11 answer. And this answer can be specifically found on page 35, lines
12 3 and 7. So it's -- it also could be considered as asked and
13 answered.

14 Thank you.

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

16 Defence Counsel, I won't allow you to ask this question. We
17 have discussed it thoroughly before the break, and I agree that it is
18 leading and it is also repetitive.

19 So please proceed to a next question.

20 MR. VON BONE: Yes, Your Honour. However, I do would like to
21 proceed with the question. I would like to explain you why. Because
22 whether it is the word "during the air-strikes "of -- "during the
23 air-strikes" could be confusing. The air-strikes last for -- until
24 June 1999. And when I asked the question, I wanted to make clear
25 that the answer of the witness is -- when he is saying during the

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1 air-strikes, we do not mistakenly understand that that would be on
2 that particular day that the air-strikes start in Prishtine. Yeah?
3 And the answer is during the air-strikes, so that is during the
4 period.

5 The question was earlier spoken by the witness that it is
6 towards the end of March. To me, that is clear. But in order to
7 avoid any misunderstanding regarding this, I want to ask the question
8 and to exclude that he means it is on the 23rd or the 24th that that
9 incident takes place. The air-strikes start on 23 and 24 March, as
10 what he said, and then he says during that, earlier said towards the
11 end of March. I just wanted to exclude that we will understand that
12 it would be on that particular day that that incident with his family
13 took place.

14 Now, if counsel, Prosecutor, understands it the same way, that
15 it is not on 23rd, 24th that this is taking place, then I don't need
16 to use this question.

17 I just want to make sure that we are on the same page on this
18 issue. We don't get a difference in interpretation of what the
19 answer to that question would be.

20 And so that's why it's my question.

21 PRESIDING JUDGE VELDT-FOGLIA: I would like to remind you that,
22 in the end, it is very important what the parties and the
23 participants make of the statement --

24 MR. VON BONE: Of course.

25 PRESIDING JUDGE VELDT-FOGLIA: -- but in the end we will

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1 decide --

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

3 PRESIDING JUDGE VELDT-FOGLIA: -- yeah, on what it is. So that
4 goes -- that is important till a certain level.

5 But, Mr. Prosecutor, you have the floor.

6 MR. MICHALCZUK: Yes, thank you, Your Honours.

7 I'm far from suggesting the way my learned friend is going to
8 formulate his questions. However, if we take a look at the question
9 which he posed, which is on page 37, lines 2, 3, and 4, this question
10 is:

11 "And that day" -- sorry.

12 "... to be perfectly clear, it was not on that day, was it, that
13 the incident with your family took place? I mean the 23rd or
14 24th ..."

15 So this question clearly suggests an answer. So maybe there is
16 a way to find the open question on this issue, and we could proceed.

17 PRESIDING JUDGE VELDT-FOGLIA: And what would your suggestion in
18 that -- because I don't think I --

19 MR. MICHALCZUK: My suggestion is to --

20 PRESIDING JUDGE VELDT-FOGLIA: -- I understand you completely.

21 MR. MICHALCZUK: My suggestion is to ask -- if my learned friend
22 wants to ask about this issue, he should simply use an open question.
23 That is my suggestion.

24 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, only that, but
25 nothing more, because I think that this topic has been touched upon

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1 already almost more than enough.

2 MR. VON BONE: Okay.

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, could you put up
4 your headphones again. Thank you.

5 MR. VON BONE:

6 Q. Mr. Witness, earlier today you spoke, answering -- you answered
7 a question of me, I asked you the question: When were the
8 air-strikes in 1999? And your answer was, on page 18, line 24:

9 "In 1999, if I'm not mistaken, the air-strikes began on 23 and
10 24 of March 1999."

11 So my question to you is: We spoke about an incident about your
12 family, and I want to make sure, was it on that specific day, 23 and
13 24 March 1999, that this incident of your family happened?

14 A. The incident with my family happened, the NATO had already began
15 the air-strikes, and the police started entering neighbourhoods. And
16 the incident with my family occurred after the beginning of the NATO
17 air-strikes.

18 Q. Thank you very much. And when that incident had occurred, you
19 spoke about that your 4-year-old son was involved in that. What
20 actually was done with your son?

21 A. I saw them beating my son's mother - that is, my spouse - and
22 from that time on, my son continues to be scared. This trauma is
23 still with him. And they beat my wife.

24 Q. Okay. And what was actually the reason that they came to your
25 house; do you know that?

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1 A. I cannot speak only in person, but they went into every house in
2 the neighbourhood and they would maltreat people. They would beat up
3 people. So they did not only come to my house. They went to other
4 houses as well.

5 Q. I understand. And when this incident had happened, did you get
6 any support from people?

7 A. In the meantime following this incident, as I said, there were
8 people from other areas that had settled in my neighbourhood. So
9 following that incident, members of our army - the Kosovo Liberation
10 Army - came. More precisely, three persons came. They came in the
11 evening. They stayed for the day. And they gave us courage, meaning
12 moral support so that we are not scared.

13 Q. I understand.

14 A. So they gave us the support they could.

15 Q. Okay. And who were these people from the KLA that came to you?

16 A. Fatmir Humolli, Salih Mustafa, and a third person, but I don't
17 remember his name. I've forgotten it. But I do remember the names
18 of the other two.

19 So they came to my neighbourhood. They spoke with me
20 personally. They knew that I worked with the Red Cross, so they
21 asked me how things were going. I tried to explain to the extent I
22 could the situation the population was in, the stress they were going
23 through.

24 Q. And where did you go with them?

25 A. When they came that evening, they slept in my paternal uncle's

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1 house. They stayed there for the night. And the next day, we spoke
2 to the population in the neighbourhood. Together with them, I
3 visited the population, spoke to people. Salih gave them moral
4 support, told them that there is no reason for them to be afraid,
5 that they had nothing to do with them. They have to deal with us.
6 NATO air-strikes began. So he gave them moral support so that they
7 were no longer afraid. And they stayed until the evening.

8 Q. Okay. And how long approximately after the incident with your
9 wife and son was it that they came? If you can say, of course.

10 A. By God, I don't remember. I don't remember the exact date. It
11 was end of March, beginning of April. I don't know whether it was
12 the 30th of March or 2, 3, 4 April. I don't remember. But that was
13 the time-period when they went -- they came to our neighbourhood.

14 So it is between the 30th of March and 2, 3, 4 April. All I
15 know, it was end of March, beginning of April.

16 Q. And did you know the third man, the third person --

17 PRESIDING JUDGE VELDT-FOGLIA: That question has already been
18 answered by -- at least it has already been said. He said, "I didn't
19 know."

20 MR. VON BONE:

21 Q. Had you ever seen the third person before?

22 A. No.

23 Q. And do you recall how -- how Fatmir and Salih Mustafa were
24 dressed?

25 A. They had simple jackets on. Nothing special. They had a bag in

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1 their hands. They had a notebook in their hand and a pen. This is
2 what I saw. So it was simple gear. But we knew that they were KLA.

3 Q. And what were they interested in?

4 A. They only wanted to gather information from the population on
5 how things were going on, whether we were being ill-treated, whether
6 we were having problems, whether someone was maltreating us. So we
7 explained to them these and these were our problems. We told them
8 everything about what was going on in my neighbourhood.

9 Q. And at the time that you spoke with them, did they carry arms?

10 A. When we spoke to them, from the moment they came and until they
11 left, we did not see any weapons on them. They had a bag, a handbag,
12 and what was the content of that handbag, I don't know because I did
13 not see. However, they were not carrying on their body or their
14 shoulder any weapon.

15 Q. And did you personally go with them to other people that they
16 were speaking to, or did you just show them or -- could you explain
17 that to us?

18 A. When they came, they slept at my paternal uncle's house. The
19 next day, I was with them. We spoke to the population. We talked to
20 the people. Everybody were recounting their own problems. If I'm
21 not mistaken, Fatmir took note of what was being said in this
22 notebook. So he was taking note of the problems that the population
23 was facing. So they -- the population asked them where they should
24 go to for help.

25 Q. And did they -- you said they spoke words of encouragement to

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1 you. But what -- what did they say to other people that they were
2 meeting?

3 A. The same things they told me. People were asking for help,
4 where to go, what to do, so every single person told their problems
5 to Fatmir and Cali: "These are our problems." And they supported
6 the people, spoke good words to them: "Don't be afraid. There is no
7 reason to be afraid. They have nothing to do with you. Their only
8 concern is us."

9 So every family was speaking about their own problems, in a way,
10 to find a relief.

11 Q. And where did they eventually go? They stayed at the house of
12 your paternal uncle, I understand. And where -- where did they
13 eventually go?

14 A. I'm repeating it. They spent that night in my paternal uncle's
15 house. The next morning, we met up and went out to the
16 neighbourhood. We spoke to the people the entire day. They gave the
17 population heart and courage. And in the evening, they continued,
18 left.

19 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think that the
20 witness has not understood the moment in time you meant, because he's
21 now repeating what he already said. But I think you had something
22 else in mind. So maybe you could be more precise in your question.

23 MR. VON BONE:

24 Q. You just said that --

25 PRESIDING JUDGE VELDT-FOGLIA: You said: "Where did they

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1 eventually go?"

2 MR. VON BONE: Yes. And --

3 PRESIDING JUDGE VELDT-FOGLIA: That is line -- page 44, line 3.

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: And "eventually," I think you
6 should specify "eventually."

7 MR. VON BONE: Yes.

8 Q. Did they tell you where they were going to when they finally
9 left you?

10 A. They asked me to bring them to the road that goes towards Llap
11 area. I accompanied them, showed them the road, which road to take
12 from my neighbourhood to go towards the Llap area.

13 I know it was evening when they set off. Maybe it was 10.00,
14 11.00 in the evening. I don't know the exact time. They left in the
15 direction of Llap area.

16 Q. Yes. And could you tell us, the Llap area, which direction
17 would that be? Would that be north, east, south or west? Taking
18 Prishtine as the -- could you clarify that?

19 A. I will try. As I mentioned, I find it difficult to orient
20 myself in terms of the sides. I think it was towards north, if I'm
21 not mistaken.

22 Q. And did they have any means of transportation?

23 A. No. They did not have means of transportation. They came on
24 foot; they left on foot.

25 Q. Mm-hm. Was that the only period of time that you saw

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1 Salih Mustafa?

2 A. I had met with Salih Mustafa two or three times before that, in
3 the offices of the Red Cross, the Germia offices. That was before
4 the NATO air-strikes.

5 Q. That, is to be clear, the NATO strikes of 23 and 24 March; is
6 that clear? Is that correct?

7 A. When I say "earlier," it was before the beginning of the NATO
8 air-strikes; whereas in terms of the period after the air-strikes,
9 that was the time when I saw him, when they stayed that night, and
10 the next day, and then continued towards Llap area.

11 Q. Okay. And did you -- when you saw him before, what would he
12 come and do at your office? So ...

13 A. Are you referring to Salih?

14 Q. Yes, Salih Mustafa. Yes.

15 A. Yes. He came earlier to our offices, just like the rest of the
16 population. Salih came and took medical supplies, clothing,
17 foodstuffs. He took these supplies from our offices and distributed
18 them further to where it was needed.

19 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

20 MR. VON BONE: Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: In line -- what is it? Let me
22 see. Oh, now the translation had -- has changed. It was line 46 --
23 page 46, line 6: "Are you referring to Salih?" But, first, it was
24 written as if it was the nickname. Now it has been changed to Salih,
25 so my question is not there anymore.

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1 You may proceed.

2 MR. VON BONE:

3 Q. And did you meet also -- did you also see him after the war?

4 A. Yes, I met him by chance in the street. He asked me, "How are
5 you, Red Cross?" I said, "I'm fine, thank you. How are you?" That
6 was it.

7 And, again, we met once in a military barracks where the
8 Red Cross, the KFOR forces had an exercise at a border point in
9 Prizren. We met in the courtyard. He greeted me, asked me how I
10 was. I replied I was fine. Asked him how he was. That was it.

11 Q. Do you know, actually, what he was doing within the KLA?

12 A. Who are you referring to?

13 Q. Salih Mustafa.

14 A. What he, Salih Mustafa, was doing in the KLA, I don't know. I
15 know him as a soldier. As to what he did, that I don't know. I
16 didn't hear anything.

17 Q. And do you know what Fatmir Humolli did in the KLA?

18 A. I don't know for him either, what he did, what his role was.

19 Q. When he came to you and he stayed overnight in that house of
20 your paternal uncle, I understand they were taking notes. And what
21 would they do with the information? Did they tell you that, or do
22 you know that?

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I have a
24 question for you.

25 Mr. Witness, can you take off your headphones, please.

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1 Defence Counsel, we have -- we might have to go back to the
2 transcript. But I remember to have heard that the notes were taken
3 the day after when they went to visit the several people in the
4 surrounding, but not in the evening at the paternal uncle's home.

5 MR. VON BONE: Oh.

6 PRESIDING JUDGE VELDT-FOGLIA: If you --

7 MR. VON BONE: I can rephrase it. But the thing is that notes
8 were taken, and the question is actually what did they do with the
9 information, would they relay it to anybody or anything.

10 PRESIDING JUDGE VELDT-FOGLIA: I understand completely --

11 MR. VON BONE: That is the -- that is what is it. And whether
12 that is, in time, on the first or the second day, I do not -- well,
13 I'm not so interested in that particular time, what they do with the
14 information on day one or day two, but what would they do eventually
15 with the information that they had gathered.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

17 MR. VON BONE: So I'll --

18 PRESIDING JUDGE VELDT-FOGLIA: No, wait. Defence Counsel, I
19 have understood very good what the purpose of your question was.

20 MR. VON BONE: Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: But if you summarise the witness
22 putting words he hasn't said or said differently, then I make a
23 problem of it. So you can rephrase the question and leave out the
24 moment. I just ask you to rephrase, if you rephrase it -- preferably
25 you make a reference, but if you rephrase it, to do it correctly.

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1 MR. VON BONE: Yeah. I'll rephrase the question, Your Honour.

2 And I'll --

3 PRESIDING JUDGE VELDT-FOGLIA: The witness has put on his
4 headphones again.

5 MR. VON BONE: And I will do that with a step-up question.

6 Q. When Salih and Fatmir and the third man came to you, I
7 understood from you that they listened to your story and they took
8 some notes -- or Fatmir Humolli took some notes. Did they tell you
9 actually what they would -- what they would do with the information
10 that they received from you and other people that they had spoken to?

11 A. No, they did not. They did not tell us why they were taking
12 notes, but I know that they did take note while listening to our
13 stories. Whoever spoke, they took down notes. As to why they took
14 down these notes, they didn't tell us.

15 Q. Okay. And did you know whether Fatmir Humolli had any kind of
16 particular position in the KLA?

17 A. I didn't know until after liberation. I didn't know what
18 functions either of them had. I didn't know that.

19 Q. Okay.

20 MR. VON BONE: I just want to consult a brief moment,
21 Your Honour.

22 [Specialist Counsel confer]

23 MR. VON BONE:

24 Q. In the -- in the period after the incident with your family,
25 until when did you keep working for the Kosovo Red Cross?

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1 A. I continued working during the war all the time, and I still do
2 work with the Red Cross.

3 Q. And initially, it was the Red Cross of Kosovo was not working
4 above ground but underground, you said. Was there at any point in
5 time that that the Kosovo Red Cross became a formalised, an
6 institution of the International Red Cross?

7 A. Yes. After the liberation of Kosovo, the main office of the Red
8 Cross now is in the centre of Prishtine and it has 26 branches all
9 over Kosovo. It has worked in cooperation with the International Red
10 Cross until -- even now there is a representative of the Geneva Red
11 Cross in Prishtine. As Red Cross staff, we were under the
12 supervision of Geneva Red Cross until 2010. We were under their
13 supervision. They advised us, they guided us, how to act, how to be
14 impartial in our work. And in 2010 - how to say? - we were
15 recognised by them officially, by the International Red Cross. And
16 now we are independent.

17 Q. I understand. Did any of the Red Cross people from Kosovo - I
18 mean the Red Cross as you were working with - died in the war?

19 A. The doctor, Shpetim Robaj, he died. And other persons have died
20 afterwards. But he died during the war. Some of them left. One
21 went to France. Another one to Sweden, I think. I'm not sure.

22 Q. Did the Red Cross have an office in Llukar?

23 A. No.

24 May I continue?

25 Q. Sure.

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1 A. The Red Cross, with its volunteers, in 2000, if I am not
2 mistaken, among them was myself, we went to the heros' cemetery and
3 we attended the reburial of seven members. UNMIK was there. And the
4 legal office representatives were there. We opened -- dug the holes,
5 the graves. And there were family members there. And they -- the
6 OSCE tried to verify the victims. They set them aside.

7 The others that they couldn't identify, they put them in -- put
8 them in sacks and took them to Rahovec, where the legal office was
9 based, in order to do a post-mortem, to find out through the DNA
10 whose bodies they were. Then they were buried again.

11 Present was KFOR, the UNMIK police. Salih and some soldiers
12 were there but wearing only some jackets with KLA emblems, without
13 any weapons. They greeted all of us. Both -- everyone that was
14 there who was present, KFOR, OSCE, and so on, and that's where I saw
15 Salih.

16 Q. And what actually had happened in Llukar where these bodies were
17 reburied? What had actually happened there?

18 A. In Llukar, there was a murder or killing of people who were
19 taken out of the columns. So they killed some of them and they
20 buried all the victims in one place, in one grave. And I, Bija
21 [phoen], Vjollca [phoen] went there, and we opened the graves, took
22 out the bodies. Whoever we could identify we buried. The others, we
23 took them to the mortuary.

24 Q. I understand.

25 A. The OSCE actually did.

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1 Q. Okay.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

3 MR. VON BONE: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: Could you clarify for us what is
5 the relevancy for the Defence case.

6 MR. VON BONE: I just understood that -- it's about the -- maybe
7 the witness can take off his headphones.

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, could you take off
9 your headphones, please.

10 You may proceed.

11 MR. VON BONE: Your Honour, the question is just as we -- at the
12 beginning spoke about in my opening statement, we have a lot of
13 internal displaced people, and one of the routes was also that these
14 internally displaced persons took place towards several directions,
15 among them Llukar, which is just next to Prishtine. And that,
16 indeed, during these periods of time, people were not just safe.
17 They would indeed -- could be picked out of a -- of the column or the
18 convoy and could be randomly killed. And then it just gives an
19 indication of the displacement that took place following the NATO
20 air-strikes and afterwards, the mass of people which were going in
21 particular directions, among those directions was the Gollak area.

22 [Trial Panel confers]

23 PRESIDING JUDGE VELDT-FOGLIA: And the relation to the
24 indictment?

25 MR. VON BONE: The relation to the indictment -- it does not

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1 particularly contain a question that is in the indictment. It just
2 gives the characterisation of the amount of people that was on the
3 move. And about those people, many of them fled to or displaced
4 themselves towards the Gollak area.

5 So we think, you know, if we have witnesses speaking in the
6 Gollak area about internally displaced people, that among those
7 peoples were people following particular routes. Sofali, Llukar,
8 anywhere in that direction. This is all east of Prishtine, Llukar.

9 PRESIDING JUDGE VELDT-FOGLIA: Be it as it may, you have heard
10 our question, and I would try to keep it all relevant, what you are
11 asking.

12 MR. VON BONE: Yes. I will try to wrap it up, Your Honour, in a
13 manner that makes a little bit sense also for -- for the witness,
14 just to conclude.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes. Before we proceed, maybe
16 before the witness puts on his headphones again, just for the record,
17 Defence Counsel, I want to note that in your second summary regarding
18 the taking notes we just discussed, you said to the witness,
19 summarising:

20 "... I understood from you that they listened to your story and
21 they took some notes ..."

22 And I just want to have on record that on page 43, lines 10 and
23 16, the witness said:

24 "We talked to the people. Everybody were recounting their own
25 problems. If I'm not mistaken, Fatmir took note of what was being

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1 said in his notebook. So he was taking note of the problems that the
2 population was facing."

3 So just on the record that that is what he said, and that's
4 something slightly different from what you said.

5 You may continue, and so I will ask the witness to put on his
6 headphones again. The witness is putting on his headphones again.

7 Please proceed, Defence Counsel.

8 MR. VON BONE:

9 Q. Yes, Mr. Witness. You just said that in Llukar there was a
10 murder or a killing of people who were taken out of the columns.
11 Page 51, line 1, 2.

12 So these columns, which direction would they go to? These were
13 columns of what? Let me first start with that. Columns of what, in
14 these columns?

15 A. These were columns made up of Albanian population displaced from
16 their villages to the towns. And from the towns, through buses and
17 trains, they were being displaced and ousted from Kosovo.

18 Q. Mm-hm. And you said that this happened in Llukar, this murder
19 or killing of the people taken out of the columns. From who did you
20 hear that that happened there?

21 A. This -- we heard about this case after the liberation of Kosovo.
22 We heard that they killed people and they buried them. And as
23 Red Cross volunteers, we went with our staff to retrieve the bodies
24 from the graves. It was after the war that we learned about what
25 happened then.

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1 Q. And you say "after the war." In which period of time do you
2 speak when you say "after the war"?

3 A. I think in 2000, when they were reburied. Or end of 1999,
4 beginning of 2000. That has been the period when that happened.

5 Q. Mm-hm. Okay. Did anybody of your family was in the KLA?

6 A. None was in the KLA from my family.

7 Q. And did anybody of your neighbours was maybe in the KLA?

8 A. Yes, there were from my neighbourhood. Four or five. I am not
9 sure. But I do know that four or five that I know joined the KLA.

10 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you
11 have -- ask the witness to specify what is meant with "neighbours" or
12 "neighbourhoods." Because that can mean a lot.

13 MR. VON BONE:

14 Q. So could you specify what you mean with neighbours of yours who
15 were joining the KLA? Is this ...

16 A. My neighbours. Young men who joined the ranks of the KLA. Four
17 or five of them.

18 Q. And these people were -- and these people were living close to
19 where you were living yourself?

20 A. On the same -- on the main road of our neighbourhood. And this
21 is a long road. Some of them lived above me; some below me. But
22 none from my family.

23 Q. Mm-hm. And these people, were they voluntarily joining the KLA
24 or were they called to join the KLA or -- do you know that?

25 A. They volunteered to join the ranks. There was a call made,

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1 actually - how can I put it? - all over Kosovo. It was kind of a
2 call or an appeal for whoever could should join the KLA ranks, to
3 help, to come to the rescue of the people, and to face the enemy.

4 Q. Okay.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have used
6 two hours. So --

7 MR. VON BONE: Yes. But I'm finished, Your Honour. So I think
8 -- let me just consult for a brief moment, but ...

9 [Specialist Counsel confer]

10 MR. VON BONE:

11 Q. Last question that I have is did you, after the war, join any
12 kind of war veterans association?

13 A. No.

14 Q. Okay. Thank you very much.

15 MR. VON BONE: I have no further questions.

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

17 Very well. Mr. Prosecutor, it's now almost half past 12.00. I
18 leave it to you if you can proceed now with your cross-examination or
19 that we continue like we also did last week, that we have a break
20 now, the normal lunch break, and then I ask CMU if the half an hour
21 we don't use now, we use it later on, and then we put it all
22 together.

23 I leave it up to you.

24 MR. MICHALCZUK: Your Honours, I suggest that we continue after
25 the break.

1 PRESIDING JUDGE VELDT-FOGLIA: Very well.

2 Mr. Ademi, we are now going to have a break of one and a half
3 hours for lunch. And after that, at 2.00, yeah, we come back, and
4 then it's the Specialist Prosecution Office who will continue with
5 the examination. Is that clear for you?

6 THE WITNESS: [Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: I will ask Madam Court Usher to
8 usher you out, and we see you later on.

9 THE WITNESS: [Interpretation] Thank you.

10 [The witness stands down]

11 PRESIDING JUDGE VELDT-FOGLIA: Very well. We continue at 2.00.
12 The hearing is adjourned.

13 --- Luncheon recess taken at 12.27 p.m.

14 --- On resuming at 2.00 p.m.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well. Before ushering the
16 witness in, I will call appearances and give an oral order.

17 I see that we are in the same composition, so that's noted for
18 the record.

19 I will give an oral order with regard to the recently disclosed
20 material by the SPO. The Panel notes that the SPO has requested the
21 Panel's leave to use the newly disclosed open-source materials with
22 Witness 400 in cross-examination today, 28 March 2022, via e-mail
23 sent at 9.42.

24 The Panel considers that the SPO has requested leave of the
25 Panel in accordance with paragraph 31 of the Decision on the Conduct

1 of Proceedings and it has indicated why such material was not
2 previously disclosed.

3 The Panel finds that the SPO has shown good cause for not
4 disclosing it previously and takes into account that the newly
5 disclosed material consists of open-source material.

6 The Panel therefore authorises to use such material during the
7 cross-examination of Defence Witness 400 - so that is the next one -
8 and further decides that the Defence, if it so wishes, will be given
9 some additional time during the breaks in order to study the material
10 and consult with Mr. Mustafa to prepare its examination.

11 This concludes the Panel's oral order.

12 Very well. Madam Court Usher, could you usher the witness in.

13 In the meantime, I can tell you the schedule for today -- for
14 today's session, for this afternoon. We will be here from 2.00 till
15 3.30; then we have a quarter-of-an-hour break; and then a half an
16 hour, until a quarter past 4.00. Yeah?

17 [The witness takes the stand]

18 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Ademi.

19 THE WITNESS: [Interpretation] Thank you.

20 PRESIDING JUDGE VELDT-FOGLIA: We will now proceed with the
21 cross-examination by the counsel for the Prosecution. And to tell
22 you the time schedule for this afternoon, we will be in court, in
23 principle, from now till half past 3.00, then we will have a
24 quarter-of-an-hour break, and then an additional half an hour. Okay?
25 Understood?

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1 THE WITNESS: [Interpretation] Okay.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you have the
3 floor.

4 MR. MICHALCZUK: Thank you very much, Your Honours.

5 Cross-examination by Mr. Michalczuk:

6 Q. Mr. Ademi, good afternoon.

7 A. Good afternoon.

8 Q. How are you after the break?

9 A. I'm well. It's not bad.

10 Q. Mr. Ademi, I'm the counsel for the Prosecution who will be
11 examining you today. As we have limited time, I would kindly ask you
12 to listen carefully to my questions and to give me exact answers
13 without expanding or adding on. If that does not happen, I will ask
14 you to stop and just focus on the question that I asked. This in
15 view of streamlining your examination for the benefit of the Panel.

16 Do you understand this advice?

17 A. Yes.

18 Q. Mr. Ademi, today you said that from the Kosovo Red Cross during
19 the war, there were just seven of you working. And it's on page 15,
20 lines 18 to 20 of the transcript. Is that correct, that you said
21 that?

22 A. Seven of us. Six or seven of us.

23 Q. Do you know any other person with the name of Ahmet Ademi who
24 worked in Kosovo for the Red Cross during the war?

25 A. That person is myself, Ahmet Ademi, who worked for the Red

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1 Cross, and who is still working for the Red Cross.

2 Q. Speaking about the Red Cross of Kosovo operating from the end of
3 the war until today, do you know any other Ahmet Ademi who's been
4 working during that time for the Red Cross of Kosovo?

5 A. I told you, I am Ahmet Ademi who worked and still works.
6 Ahmet Ademi is me.

7 Q. My question was do you know any other Ahmet Ademi, apart from
8 yourself, who has been working for the Kosovo Red Cross?

9 A. I apologise. Yes, there was Hafiz Veseli who worked there and
10 still works.

11 Q. Excuse me, sir --

12 A. The late Muharrem --

13 Q. Sir, my question was not about who the members were of the
14 Red Cross of Kosovo. My question was during the war -- let me come
15 back to it. During the war, was there anybody, apart from you,
16 having the name Ahmet Ademi working for the Red Cross Kosovo or was
17 it just only you?

18 A. No, with this name, it was only me. There was no other person
19 with this name and surname. As far as I understood you.

20 Q. Yes. This was exactly my question. And the same question
21 relates to the period from between the end of the war until today.
22 Do you know any other person with the name Ahmet Ademi who has worked
23 for the Kosovo Red Cross within that time, or was it only you with
24 that name and surname?

25 A. I don't know anybody else with that name except myself who

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1 worked that sort of job.

2 Q. Do you know any other person in Kosovo with the same name and
3 the same surname as yours, Ahmet Ademi?

4 A. No, I don't.

5 Q. Mr. Ademi, what is your father's name?

6 A. Sherif.

7 Q. The beginning of the name of your father would be S-h; correct?

8 A. Sh. S-h. S-h.

9 Q. I understand. Mr. Ademi, in your testimony today - and I'm
10 referring specifically to page 54 and line 9 - you indicated that
11 none of your family members was in the KLA; is that correct?

12 A. Yes, that's correct.

13 Q. Were --

14 A. From my family, close family, there was no one who was a member.

15 Q. Were you yourself a member of the Kosovo Liberation Army during
16 the war?

17 A. I personally was not a soldier but served the population with
18 foodstuffs and medication. And the army was in the areas where I
19 was, and I distributed the supplies, including foodstuffs, diapers,
20 milk for the babies, and so forth.

21 Q. Mr. Ademi, I understand that answer. My question was slightly
22 different. The question was: Were you yourself a member, a member
23 of the Kosovo Liberation Army? This is a simple yes-or-no question.

24 A. No.

25 Q. So do I understand correctly that -- which naturally flows from

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1 your answer, that you were not a member of any Kosovo Liberation Army
2 brigade or any other Kosovo Liberation Army military unit; is that
3 correct?

4 A. It is correct that I was not a member of the Kosovo Liberation
5 Army.

6 Q. Were you, nonetheless, performing your functions, duties as --
7 at the Red Cross upon orders or decisions given to you by the
8 Kosovo Liberation Army commanders during the war?

9 A. As Kosovo Red Cross, we did not take any orders from anybody.
10 Nobody commanded us, nobody gave us orders to do things. We,
11 ourselves, went out to help the population, to see what their needs
12 were, collected the supplies, and carried those supplies in
13 backpacks, in hands, and took all those supplies to the areas where
14 it was needed, in villages or towns, wherever it was needed.

15 Q. Today you have told us, on page 15, lines from 12 to 15, that
16 that was a fund called Homeland Calling Fund; is that correct?

17 A. Yes.

18 Q. You also mentioned in the same line that there was a pharmacy
19 nearby from which people were getting medication, and this -- as I
20 understand it, this pharmacy was somehow linked to the
21 Homeland Calling Fund. Was it linked to the Homeland Calling Fund?

22 A. Yes. The pharmacy had an agreement. It was nearby. It had
23 agreement with the Homeland Calling according to which whoever from
24 the Red Cross came to be given medication without any problems. And
25 this is what we did. We would go and collect the medication from the

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1 pharmacy for further distribution.

2 Q. We know that this Homeland Calling Fund was associated closely
3 with the KLA. My question would then be: Was that pharmacy we are
4 talking about, was it run by the Kosovo Liberation Army?

5 PRESIDING JUDGE VELDT-FOGLIA: Before you answer, Mr. Ademi,
6 could you take off your headphone, please.

7 Mr. Prosecutor, I might have missed it, so please correct me if
8 I'm wrong, but this connection between Homeland Calling Fund and the
9 KLA, did we discuss it today?

10 MR. MICHALCZUK: There was -- there was this -- I could find in
11 a moment the reference in the transcript. There was this question
12 about the Homeland Calling Fund and in the same paragraph, as far as
13 I remember, there was also discussion about that pharmacy, from
14 people getting supplies.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes.

16 MR. MICHALCZUK: So, to me, it occurred naturally that there
17 might be connection. But let's try to ask the question. I could
18 repeat my question asking whether there was indeed any connection.

19 PRESIDING JUDGE VELDT-FOGLIA: But my question is more if
20 there's a connection between Homeland Calling Fund and the KLA.
21 Because that's what are you implying now.

22 MR. MICHALCZUK: Yes, this is exactly what I am implying,
23 Your Honour, because we know that from other sources. It was not
24 adduced in this case. However, we know from our knowledge, also
25 historical knowledge, that Homeland Calling Fund was indeed

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1 associated with the KLA.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes. That could be, but do you
3 understand that if you bring it forward here as a -- without having
4 it discussed -- I would have preferred that you would have introduced
5 it in another way.

6 MR. MICHALCZUK: Of course, Your Honour. I will do it
7 differently.

8 PRESIDING JUDGE VELDT-FOGLIA: Okay.

9 MR. MICHALCZUK:

10 Q. So my question is very simple. So my question to you,
11 Mr. Ademi, would be then very simple. Was the pharmacy that we have
12 just discussed run by the Kosovo Liberation Army?

13 A. I apologise, but I do not have any knowledge that that pharmacy
14 was led by the KLA. We would just go there to collect the medication
15 we needed for further distribution. That was all.

16 Q. Who was the person at that time during the war running that
17 pharmacy? Do you know his name, surname, nickname?

18 A. I don't know nicknames, but I know that there was a person with
19 the surname Gara. I don't for the moment remember his name. But his
20 last name was Gara.

21 Q. Mr. Ademi, this is fine. Was that person, Gara, a member of the
22 KLA, to the best of your knowledge?

23 A. I never saw him in a KLA uniform. And whenever I had contact
24 with him at the pharmacy, I never saw him in a KLA uniform. I don't
25 know whether he was a KLA member or not. I'm not sure.

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1 Q. Mr. Ademi, in your statement today - and we have it on page 17,
2 lines from 12 to 14 - you said that:

3 "There were designated people who would come to get the supplies
4 from us" - I'm quoting you - "and they would distribute those
5 supplies further on in villages, towns ..."

6 Is that correct?

7 A. There were persons whom I saw and who would come every now and
8 then. I've seen them three, two times. They took supplies. Among
9 them was Hafiz Veseli. He was a person designated to collect the
10 supplies, the foodstuffs, the diapers, the blankets. And Muharrem
11 Makolli, now late, he died a couple of months ago. And myself, I'm
12 also amongst those who distributed the supplies to the population.

13 Q. Hafiz Veseli, that first person, was he a member of the
14 Kosovo Liberation Army?

15 A. No. He never was and he is not.

16 Q. Muharrem Makolli, what about him?

17 A. Muharrem Makolli, as far as I know, was not a member of the KLA.

18 Q. In your testimony today, you said that you, as Red Cross
19 members, were going to different regions. And you specifically
20 mentioned Drenica area, Llap area, Gollak area, Karadak, and Gjilan.
21 I can find the reference to your statement -- to the testimony on
22 page 15, lines 23, 24.

23 Is that correct, that you were going to those areas?

24 A. Yes, that's correct, I went to these regions that I mentioned
25 earlier.

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1 Q. Speaking about Drenica area, where exactly were you going? To
2 which place?

3 A. I went to Shala. That's the name of the village, formerly known
4 as Sedllar village, in Gllogoc municipality or Drenas municipality.

5 Q. What was in that village called Shala, or formerly Sedllar?
6 What was there?

7 A. There were people, population was there. There was a private
8 hospital where population and the army were treated.

9 Q. Who was running that hospital in that village, Shala?

10 A. I apologise, but I don't know the name. There were various
11 doctors there, but I do not know their names.

12 Q. Was that hospital operated or ran by the Kosovo Liberation Army
13 during the war?

14 A. I don't know. I cannot give you an answer whether it was
15 managed by the KLA or the doctors.

16 Q. And how many times did you go there during the war, to that
17 hospital?

18 A. Once to that hospital, and two or three times to the village
19 itself. And further, I didn't go.

20 Q. Speaking about Llap area, the second area that you mentioned in
21 your testimony, where were you going there? To which specific
22 location?

23 A. I personally went up to the village of Lupq [phoen] and there's
24 a village nearby called Majac. There were displaced persons in that
25 area.

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1 Q. Was there any medical establishment in those places, Lupq and
2 Majac?

3 A. No, I didn't see any. I didn't see any military hospital or
4 anything similar. I only saw the building of Mother Teresa
5 Organisation from where aid was distributed. It was a small house.
6 And from that house, the members of Mother Teresa office would
7 distribute the supplies to the people.

8 Q. Speaking about Llap area, did you during the war go to
9 Llapashtice?

10 A. I did not go to Llapashtice.

11 Q. Speaking about Gollak area, could you name the place or places
12 where you were going during the war to deliver supplies?

13 A. Yes. In Gollak area, I was in Bresalc [phoen] village. If I'm
14 not mistaken, I think that was the name of the village. Bresalc. It
15 is it towards Nova Brdo. I went up to there, to deliver supplies.

16 Q. And what was there in that village?

17 A. That village was almost abandoned. There was some population,
18 but not as much as in other areas.

19 Q. Was there an establishment - for example, like hospital - where
20 you delivered your supplies there?

21 A. No, I didn't come across any such establishment and I didn't see
22 any.

23 Q. How about Karadak? What was the place or places where you were
24 delivering your supplies?

25 A. Karadak and Gollak are close to each other so I cannot speak in

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1 exact terms. We call it both Karadak and Gollak. Gollak is from
2 Gjilan's side, whereas Karadak covers part of Podujeve and Prishtine,
3 and there is a village called Gllogovice.

4 Q. Is that the village you were delivering your supplies during the
5 war within the Karadak zone? Is that what you are saying?

6 A. The village of Gllogovice is a bit below. There is like a
7 hamlet, a neighbourhood, before you enter the village. That's where
8 the point was where we would deliver the supplies, hand over the
9 supplies.

10 Q. How about Gjilan? Where were you going to deliver your supplies
11 in Gjilan?

12 A. In Gjilan, we would deliver the supplies in the offices of
13 Mother Teresa. It's a building near the park, where the park
14 nowadays is, that's where we would hand over the supplies, and then
15 return.

16 Q. Mr. Ademi, do you know the unit of the Kosovo Liberation Army
17 called BIA?

18 A. BIA? No. No, I don't know.

19 MR. MICHALCZUK: Your Honours, with your permission, I would
20 like to put to the witness his own statement given to the Defence
21 where he mentions exactly that unit, and I would like to ask him
22 about it further.

23 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Prosecutor.

24 MR. MICHALCZUK: This Defence statement is dated 25 May 2021,
25 DSM00452-00459, page 6.

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1 Q. There is a question in that transcript of your statement of the
2 Defence who says:

3 "Can you remember who told you that?"

4 And you are talking:

5 "The people would come from all kinds of areas to the Red Cross,
6 like from Gjilan, and when they came, they would say BIA. So I asked
7 them what does it mean? So they would say they would be soldiers of
8 Kosovo."

9 Did you say that to the Defence, Mr. Ademi?

10 A. It is possible I did say that. But for the moment, I could not
11 remember. It is possible that I said that, but personally I did not
12 know the meaning of the word "BIA."

13 Q. But do you know at least what it was within the
14 Kosovo Liberation Army?

15 A. What do you mean?

16 Q. What was it? I'm not telling you to decipher the acronym, BIA,
17 but I'm asking you about whether you remember or you know what BIA
18 was.

19 A. I personally didn't know. They would say BIA, BIA. Now,
20 whether they were a separate unit or a special unit, I don't know.
21 But I heard that from the people, from the population, those who came
22 to our offices to get supplies, I heard them say BIA, BIA, BIA, and
23 when I asked them what they are, they said they belong to the army.
24 To which army, I don't know.

25 Now, whether they meant BIA for the KLA soldiers, that I don't

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1 know. But it was mentioned by people who came to the offices of the
2 Red Cross.

3 Q. Do you remember the names of those people who were coming to the
4 Red Cross offices and telling you that they were from BIA?

5 A. I was not aware of them because I didn't know anyone. But I
6 heard people say in the office that BIA members came to get supplies.
7 Among them was Salih. Then they called him Cali. I didn't know his
8 name then. People referred to him as Cali, Cali. They got the
9 supplies -- some other persons got the supplies, foodstuffs, and
10 medicaments, and milk for babies, and so on. They filled their bags
11 and went on their way. He was two or three times in our office at
12 that time, and that's where I heard the word "BIA." But I don't know
13 and I didn't know, even now I don't know what BIA means.

14 Q. Mr. Ademi, do you know whether Cali was himself a member of BIA?

15 A. No, I didn't know that.

16 Q. Do you know any members of that unit, BIA?

17 A. I didn't, and I didn't know then. I didn't know who the members
18 of BIA were. I didn't know.

19 Q. Today you told us that when three KLA members came to Prishtine
20 and they spent the night at the house of your paternal uncle, and it
21 is on page 41, lines 17-18, and also on page 43, line 10.

22 So my question would be: What is the name of your paternal uncle
23 who accommodated those three KLA members?

24 A. My -- Sulejman Ademi is his name, but he is dead now.

25 Q. Was he himself a KLA member?

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1 A. No, he was about 80 years old and was a Haxhi.

2 Q. Mr. Ademi, today, you told us that after the war, you didn't
3 join, and I quote, "any kind of war veterans association"; is that
4 correct?

5 A. After the war, I have always been in favour of humanism, and I
6 didn't know to join any other association than the Red Cross where I
7 work.

8 MR. MICHALCZUK: This reference that I was giving is on page 55,
9 lines from 13 to 15, Your Honours.

10 Q. Despite what you are saying, do you know whether you are,
11 indeed, on the Kosovo Liberation Army veterans' list?

12 A. I am registered in that list, but I didn't take part in the war.
13 They registered me on that list because of my contribution, of my
14 toil, for as long as we worked. And they made me a veteran because
15 of the work in logistics in all the places where I mentioned. So I
16 am on that list, but I don't benefit anything from that status.

17 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

18 MR. MICHALCZUK: Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: I would like to ask you and the
20 witness to take a pause when you have finished your question and your
21 answer. Thank you.

22 MR. MICHALCZUK: Of course, Your Honours. Of course.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we have to wait
24 after when you give the floor to Mr. Prosecutor. When you answer the
25 question of Mr. Prosecutor, you have to wait for a moment. Because

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1 then the interpreters can do their work properly. If not, they don't
2 have time to finish what they were translating from what you or
3 Mr. Prosecutor were saying.

4 MR. MICHALCZUK:

5 Q. Mr. Ademi --

6 A. Okay.

7 Q. Mr. Ademi, you have just told us that: "They registered me on
8 that list because of my contribution ..." Who registered you on that
9 veterans KLA association list?

10 A. To my knowledge, I was registered in that -- on that list by the
11 Drenica representatives for my contribution given in Drenica.

12 Q. Do you know what is the name of the person or the names of the
13 persons who registered you as a KLA veteran?

14 A. The name is Nehat; the last name I don't know. But I do know he
15 is called Nehat. And the pseudonym was The Beard. He filled in the
16 application for me because of my contribution to the -- to that zone
17 during the war.

18 Q. What was his position, of that Nehat, in the Kosovo Liberation
19 Army?

20 A. After the war, I heard that he used to be a commander. He had
21 about 15 soldiers under him at a certain point.

22 Q. My question was about the war. Do you know whether he had any
23 position in the Kosovo Liberation Army during the war?

24 A. I don't know what his position was during the war, Nehati's
25 position. But when we took supplies there, I saw him dressed in

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1 uniform. I was not interested to find out what his position was. I
2 was keen only to leave the supplies there and to return as soon as
3 possible to my city, Prishtine.

4 Q. Where did you see Nehat, The Beard, in the uniform?

5 A. I saw Nehat in Shala. Before it was called Sedllar; now Shala,
6 the Drenoc municipality.

7 Q. In that military -- in the hospital that you mentioned before?

8 A. In the vicinity of the hospital. In that village, but not
9 exactly at the hospital. He was about some metres away from the
10 hospital.

11 Q. When did you meet Nehat, The Beard, in that vicinity? When was
12 it when you met him?

13 A. I saw Nehat for the second or the third time - I'm not sure - in
14 Poklek village.

15 Q. No, no. I'm talking about the time when you met Nehat, The
16 Beard, during the war. When was it during the war?

17 A. In 1998.

18 MR. MICHALCZUK: Your Honours, could I kindly ask the Court
19 Officer to pull up on the screen the document ERN 105296 to 105317.

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MR. MICHALCZUK: On the other side of the screen, if possible,
22 on the right-hand side, I would also kindly ask to pull up another
23 document which is a translation of it, of this first page at least,
24 numbers 105296 to 105296-ET.

25 So, Your Honours, this is the document downloaded from the

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1 official web site from the Government of Kosovo where we have the
2 name of former KLA soldiers specifically from operational zone of
3 Llap and, even more specifically, who were the members of the
4 151st Zahir Pajaziti Brigade, and this table presents the names and
5 the veteran status of the people from that list.

6 If we could scroll down to page 2 and focus on point number 50.

7 Q. Mr. Witness, under point 50 on that list, we have the name of
8 Ahmet Ademi and in the middle of it we can see the letters Sh.

9 A. Yes.

10 Q. Is that you?

11 A. Yes, sir.

12 Q. A few minutes ago, I asked you a very specific question and the
13 question was: Were you a member of the KLA, to which you said no.
14 And shortly after my question was: Were you a member of any brigade
15 or any other Kosovo Liberation Army unit, to which you said no.

16 Now, in front of you, you have the list of the Kosovo veterans
17 and it says specifically that you were indeed a member of Brigade
18 151.

19 So could you tell the Court whether you were a member of that
20 brigade or not during the war?

21 A. I was not a member of the KLA. I was simply serving them. I
22 only carried supplies to various places, Drenica, Llap, Gollak,
23 Karadak, Gjilan. But it's not only me on the list. There are many
24 others, for their contribution. It's not necessary only to have a
25 weapon and to go and fight. That -- those -- the list includes also

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1 people who have given their contribution. I was told by Nehat and
2 others that, "Your name is on the list of the war veterans because of
3 the contribution you've given during 1998/1999 period."

4 Q. Mr. Ademi, did you yourself submit any documents for the purpose
5 of becoming the member of that veterans association and in order to
6 be put on that list?

7 A. Only a form. And it was in the last years, I think, in the
8 recent years. Nehat called me. There were two or three others whom
9 I don't know, and they said, "We are filling in this document and
10 we'll submit it for you to become a veteran, because of your
11 contribution."

12 Q. But you were not a Kosovo Liberation Army member. Why did you
13 agree for your name to be put there, to be listed amongst those who
14 were KLA members; whereas you yourself were clearly not?

15 A. I was not. But I carried supplies. And they wanted to do this
16 honour to me, to put my name on this list, but I didn't take part in
17 the war with a weapon and a uniform. But they wanted to respect me
18 because of my work, because of my deeds, and they informed me of
19 that, this association. And that's it.

20 Q. When was it when Nehat and these other persons whom you don't
21 know approached you? I'm talking about for the purpose of putting
22 you on that list. When was it?

23 A. This happened five or six years ago, I think. Sometime like
24 that. Maybe seven years ago. I am not certain.

25 Q. Sir, maybe you have already said that, but I'm going to ask you

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1 this question, nonetheless.

2 Are you claiming any benefits of any sort because of you being
3 on that list of KLA veterans, members of former Brigade 151?

4 A. I don't receive any benefits because I'm still working and I get
5 a salary, which I get from the Red Cross. I don't get any benefits
6 from the state. It happened only once. They gave me 170 euros, but
7 I reported that to Nehat. I said, "Please take them away because I
8 don't need them. I am still working. I got my salary from my sweat,
9 so I don't need any such amount to be given to me from the Kosovo
10 budget, state budget."

11 MR. MICHALCZUK: Your Honours, we could remove the document from
12 the screen.

13 Q. Mr. Ademi, do you know a person whose name is Brahim Mehmetaj,
14 known also as Bimi?

15 A. I never knew him until recently. I saw him sitting in the very
16 same place I am sitting now. I saw him sitting here. Neither in
17 Kosovo nor in Prishtine have I ever met him.

18 Q. Just to be very clear about what you have just said. Is your
19 testimony that the first time you saw Brahim Mehmetaj, also known as
20 Bimi, for the first time in this court, which was actually last week?
21 Is that what you are saying?

22 A. Yes, yes.

23 Q. Did you ever publicly express your appreciation or support in
24 relation to the accused in this case, Mr. Salih Mustafa?

25 A. I didn't understand your question.

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1 Q. I'll try to simplify it a bit.

2 Did you ever publicly said or expressed in writing support or
3 appreciation towards Salih Mustafa?

4 A. I personally support Salih Mustafa. I have said that if someone
5 comes to ask me, I will speak about what I have seen, the reality,
6 during the war and after the war. But I haven't seen Salih Mustafa
7 more than three to seven times in my life. And I didn't know him
8 before.

9 Q. My question was: Have you ever supported Salih Mustafa publicly,
10 as I said, orally or in writing? Or via other means of transmission,
11 like electronic means, internet, for example, any way, any public
12 expression of support?

13 A. I haven't done that orally or in writing, but it is possible
14 that I expressed my like on the internet page. And I don't know to
15 have said anything in writing or orally, but I saw him on the
16 internet and I made a like. Other than that, I don't think so.

17 Q. Did you make this like once or more than once?

18 A. Maybe more than once.

19 Q. What was it that you used? What internet platform was it used
20 by yourself to publish that like, or likes?

21 A. I saw his photo on the internet, Cali's photo. I saw writings
22 and articles and I expressed my like, but I didn't write anything.

23 Q. Mr. Ademi, do you have a Facebook account?

24 A. Yes.

25 Q. Do you have one Facebook account or more Facebook accounts?

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1 A. I think I have two, two accounts.

2 MR. MICHALCZUK: Your Honours, just for the sake of clarity of
3 this point, I would kindly ask the Court Officer to put on the screen
4 the following document: ERN 105294-105294. So it is the same,
5 one-pager.

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

7 MR. MICHALCZUK:

8 Q. Mr. Ademi, is that your Facebook account that you are seeing in
9 front of you?

10 A. Yes.

11 Q. Thank you.

12 MR. MICHALCZUK: We could take it down, Your Honours.

13 Could we now put on the screen document number 105295 to 105295.
14 It's another one-pager.

15 Q. Mr. Ademi, is that also your Facebook account?

16 A. Yes.

17 Q. Mr. Ademi, on 18 November 2019, Brahim Mehmetaj, Bimi, the
18 person about whom we have just briefly discussed, he published two
19 photographs depicting himself and Salih Mustafa.

20 MR. MICHALCZUK: Could we put the document on the screen for the
21 benefit of Your Honours and also for the benefit of the witness.

22 This is SPOE00325261. I would kindly ask to put this document
23 on the left-hand side of the screen. And on the right-hand side, we
24 could put the same document but with the English translation, so the
25 document with ET extension.

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1 Q. So, Mr. Ademi, as I said, on that date that you can see on the
2 screen, which is 18 November, Brahim Mehmetaj published two
3 photographs depicting himself and Salih Mustafa at the Prishtine
4 airport. On that day, Salih Mustafa was flying to The Hague in
5 response to the summons of the Specialist Prosecutor's Office in this
6 very case. Do you remember that posting?

7 A. Yes, I remember this posting. Yes. Salih, I knew. But Bimi, I
8 have never contacted him before. I only saw his photo. I put the
9 photo because I wanted to respect Salih. They are friends, if I'm
10 not mistaken, or how they call them. I have never had any contacts
11 with Bimi, of that I am 100 per cent sure. Only when I saw this
12 photo I expressed my like because of Cali.

13 Q. Did you put any supportive comment underneath that posting, that
14 Facebook posting?

15 A. I don't remember. I don't know. Maybe yes; maybe no. I don't
16 know. But as far as like goes, yes. But for comments, I cannot say
17 either yes or no. Like, yes, I confirm it.

18 Q. Mr. Ademi, as you can read this posting, and I'm just going to
19 read for the benefit of yourself and the Court, just a very short
20 part of it, Brahim Mehmetaj, Bimi, said the following things, among
21 some others:

22 "The court that was set up against the Albanians who fought for
23 liberation is a specialist court. This is a disgrace, an injustice.
24 This is done to ignore and denigrate the liberators. Shame on those
25 who summoned him and also those who cooked it."

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1 By sharing this Facebook post, do you agree with those lines
2 that I have just read to you?

3 A. To be precise, to tell you the truth, I agree with some things
4 but not with everything. Because a court is a court; justice is
5 justice. And everyone has to come and express his views, their
6 views, their work. So I don't see this posting as 100 per cent
7 correct or good. Because I think that everyone should come and tell
8 what they have seen and done.

9 Q. Do you support the statement of Brahim Mehmetaj which you
10 shared, which says: "This is a disgrace, an injustice. And this is
11 done to ignore and denigrate the liberators"?

12 A. To be frank with you, I saw Cali's photo, because I didn't even
13 read the text. Now that you are putting it to me, I am reading it.
14 Just because of the photo I said like, but I didn't read the text. I
15 didn't read what was written there.

16 Q. My question was: Do you agree with this, with this line that I
17 have just put to you, that this is a disgrace, an injustice, and this
18 is done to ignore and denigrate the liberators? Do you agree with
19 that, Mr. Ademi?

20 A. I don't agree. Because justice takes -- should tell the truth.
21 And I don't agree with such things being written, especially with
22 public postings to that effect.

23 Q. Another line is: "Shame on those who summoned him and also
24 those who cooked it."

25 Do you agree with that line?

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1 A. As to the word "shame" and what those who have cooked, I cannot
2 agree with them. Because law is law. And every person should come
3 and report on their work, on their opinions, and then it's up to the
4 court to decide whether people are guilty or not. So I don't see it
5 as a reasonable thing.

6 Q. You nevertheless published that post; correct?

7 A. To tell you the truth, I am not certain. I don't know.

8 MR. MICHALCZUK: Your Honours, I would like to remove this
9 document from the screen and put on the screen another document which
10 is related to this Facebook post. SPOE00325274. And I would be very
11 happy to have it on the left-hand side and we could have the
12 translation on the right-hand side. Same number, with ET at the end.

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

14 MR. MICHALCZUK:

15 Q. So we could see that amongst the people who commented on that
16 Facebook post, there is also a person Ahmet Ademi. And before, you
17 told us it was your account, Facebook account. It says: "Respekt
18 Komandant Calin." In English, "Respect Commander Cali."

19 Do you remember publishing this comment?

20 A. It is possible I did, and perhaps I did respect Commander Cali.
21 And that's it. It is just a comment, a comment, respect. I don't
22 see anything bad in this.

23 Q. Okay.

24 MR. MICHALCZUK: Your Honours, could I have very short moment of
25 consultation with my colleague? Thank you.

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1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

2 [Specialist Prosecutor confers]

3 MR. MICHALCZUK: Your Honour, thank you very much for your kind
4 patience.

5 Q. Mr. Ademi, before I start showing you that Facebook post, you
6 said that it's possible that you also made other supporting postings;
7 is that correct? The postings supportive of Salih Mustafa.

8 A. Yes, I said earlier it is possible that I liked a certain post,
9 and this comment "respect," it turns out I did make it.

10 MR. MICHALCZUK: Your Honours, I would like to show the witness
11 the document which is SPOE00325284 and the same document with the
12 English translation, with the extension ET.

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

14 MR. MICHALCZUK:

15 Q. Mr. Ademi, this is the -- this is the post by Brahim Mehmetaj,
16 also known as Bimi, dated 18 December 2019, and this is the day after
17 Brahim Mehmetaj was summonsed by the Specialist Prosecutor's Office.
18 So you have the whole posting.

19 Do you remember posting any comment underneath that Facebook
20 post?

21 A. I'm not sure, but everything's possible. I could have made a
22 comment, but I'm not certain. Consciously, I don't think so. I'm
23 not sure.

24 MR. MICHALCZUK: Your Honours, could we then put on the screen
25 another document, SPOE00325318, and also its translation into

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1 English.

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

3 MR. MICHALCZUK:

4 Q. Mr. Ademi, under the post of Brahim Mehmetaj, Bimi, you
5 published your comment which says:

6 "My respect to you commander, with you Brahim Mehmetaj, Bimi."
7 Didn't you?

8 A. Yes.

9 Q. You are talking about Brahim Mehmetaj, "respect to you
10 commander," but just a few minutes ago you told us that the first
11 time you saw Bimi and you realised who Bimi was was simply last week,
12 when you saw him in court, sitting exactly where you are.

13 And my question is: Did you tell this Court the truth? Did you
14 not know Brahim Mehmetaj, Bimi, when you posted your comment on
15 18 December 2019?

16 A. I swear to you most sincerely, I did not know that that person
17 was Commander Bimi, Brahim Mehmetaj, up until that moment. And it's
18 not that I commented or liked only his posts. I did not know that
19 that person was Commander Bimi, Brahim Mehmetaj, until he was here in
20 this courtroom. I just made a comment, "respect," otherwise I never
21 spoke to him in my life.

22 Q. So you just told us that you didn't know Brahim Mehmetaj was a
23 commander, nevertheless, your post says: "My respect to you
24 commander ..." So what is your answer to that?

25 A. Yes, I wrote that. Because usually to those I write "respect,"

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1 they are commanders, whether it's Cali, or Bimi, or Mjekra, i.e., The
2 Beard. It doesn't matter. For me, they are all the same because I
3 respected the KLA and their contribution for our liberation. And
4 that's why I wrote: "Respect, commander."

5 MR. MICHALCZUK: Your Honours, very briefly, I'm not going to
6 continue with too many more documents. However, I would like to show
7 him another document with the ERN number 105322.

8 Q. Mr. Ademi, this is the repost of Brahim Mehmetaj's profile dated
9 20 February 2020. Did you repost that logo, that emblem?

10 A. Yes, I saw this, I liked it, and it was shared. Yes, I did
11 that.

12 Q. What is Skifterat; do you know?

13 A. I really don't know. I only know the bird that flies in the
14 sky, the hawks. But otherwise I don't know.

15 Simply when I like something, I make a like on the post and
16 share it. But for the rest, I did not know who Skifterat were. I
17 only know of the bird that eats the chicken or the snake.

18 Q. Today you told us that you didn't know anything about BIA. You
19 just heard this name. But as you can see on this logo, on this
20 photograph, there is a reference to the unit called guerilla BIA.
21 Can you see that?

22 A. Ah, yes, I see. At the time, I did not hear about BIA or the
23 guerrilla unit or the hawks, Skifterat. I'm talking about the time
24 of the war. So during the war, I did not hear about BIA or Skifterat
25 or hawks. As I said, I heard the word BIA from the population that

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1 would come to our offices to get supplies, but I swear to you I never
2 knew what BIA meant.

3 As for the bird itself, the hawk, I know it is a bird that
4 flies.

5 MR. MICHALCZUK: Your Honours, two more documents and I will be
6 done with this part.

7 Could we put on the screen the document number 105325.

8 Q. Mr. Ademi, as we can see, on 11 September 2020, you reposted
9 these three photographs from a Facebook group named Zona operative e
10 Llapit ZOLL, with the heading "Llapashtice, 1998." Is that correct?

11 A. Yes, correct.

12 Q. Who are the people on these photographs, starting from this --
13 the big one which is slightly in the upper side of this photograph.

14 Let's start from the left and move clock-wise, from left to the
15 right.

16 A. I don't know the persons on this photograph. One of the
17 photographs below, I think it was on the left side, I think that's
18 what I mentioned earlier. Those from my neighbourhood who went to
19 join the KLA, one of them was on this photograph. The one near the
20 vehicle here. It is my neighbour who went to --

21 MR. MICHALCZUK: Could we blow it up, please. Thank you very
22 much.

23 THE WITNESS: [Interpretation] -- fight in the service of his
24 country. The one with the hat. He has a hat on his head. He is
25 standing and has a hat.

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1 Q. Mm-hm.

2 PRESIDING JUDGE VELDT-FOGLIA: I see three persons with a hat.

3 MR. MICHALCZUK:

4 Q. On the left-hand side, or on the right-hand side, or in the
5 middle?

6 A. He is with black clothes with a hat. On the jeep side. It
7 would be on my right as I look at the photograph. He is standing.
8 He is my neighbour.

9 Q. Is he standing in front of the green car or in front of the
10 white car?

11 A. I think it's white colour and there is a tire covered on the
12 car. So it's not the young man with uniform kneeling but the one
13 standing. He is wearing black clothes and has a hat on his head.

14 Q. I understand. And what is his name?

15 A. Fadil Hajrizi. He is my neighbour.

16 MR. MICHALCZUK: We can take down this document.

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

19 MR. MICHALCZUK:

20 Q. Mr. Ademi, did you have contacts, any contacts, with
21 Salih Mustafa since he was arrested by the Kosovo Specialist
22 Chambers?

23 A. No, I didn't.

24 Q. Did you have any contacts with any members of his family since
25 Salih Mustafa was arrested?

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1 A. I'm not certain. I can't remember. I don't remember.

2 Q. Do you know any members of the family of Salih Mustafa?

3 A. I cannot say 100 per cent yes, that this person I know or that
4 person I know. I'm not sure.

5 Q. Mr. Ademi, I notice in the transcript of the Defence statement
6 with you --

7 MR. MICHALCZUK: And I am making the reference to the transcript
8 of 25 May 2021. That is on DSM00452-00459.

9 Q. I can see on page 6 of this statement that at some point you
10 took a break from that interview; is that correct?

11 A. Yes. We had a break. I've undergone an operation and I had an
12 appointment. That appointment was even earlier. I had to go to
13 clean the wound. So during the questioning, I told them that I need
14 to go the doctor to have my operation wound cleaned. So I went for
15 an hour, did what I had to do, and came back.

16 Q. During that break that you had, did you discuss the statement
17 that you were giving to the Defence with anyone?

18 A. From that moment when I spoke to the lawyer and up until today,
19 I didn't speak to a single person. So I'm speaking here before you,
20 and, in the meantime, I did not speak to anybody.

21 MR. MICHALCZUK: Your Honours, a very brief moment of
22 consultation, and we might be wrapping up this cross-examination.
23 But I would need just a second to consult my colleague.

24 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Prosecutor.

25 [Specialist Prosecutor confers]

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1 MR. MICHALCZUK: Your Honours, maybe it's a good moment to take
2 a very short break, as envisaged by Your Honours at the beginning of
3 this session, and then we will state our position on other questions,
4 if any, after the break. If we have any questions, it could be one
5 or two, not more.

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

7 MR. MICHALCZUK: Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ademi, we will now have a
9 break of 15 minutes and then we will continue with your testimony.

10 I will ask Madam Court Usher to usher you out for the moment,
11 yes?

12 THE WITNESS: [Interpretation] All right. Thank you.

13 [The witness stands down]

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

15 We will resume in 15 minutes. The hearing is adjourned.

16 --- Recess taken at 3.25 p.m.

17 --- On resuming at 3.39 p.m.

18 PRESIDING JUDGE VELDT-FOGLIA: First appearances. Let me see.

19 Yes, we are in the same composition. We proceed.

20 Madam Court Usher, could you please usher the witness in.

21 [The witness takes the stand]

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

23 Welcome back, Mr. Ademi.

24 THE WITNESS: [Interpretation] Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you have the

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1 floor.

2 MR. MICHALCZUK: Your Honours, we don't have any further
3 questions in this cross-examination.

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

5 MR. MICHALCZUK: Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, do you have
7 questions? It's your time.

8 MS. PUES: Thank you, Your Honours. We will not pose any
9 questions to the witness. Thank you.

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

11 Defence Counsel, do you wish to proceed with the redirect
12 examination of the witness?

13 MR. VON BONE: No, Your Honour. We have no further questions.

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

15 Mr. Ademi, you have been asked several questions by the
16 Defence Counsel and Mr. Prosecutor, and we have now some questions
17 from the side of the Panel. And I would like to give the floor to
18 the Judge on my left-hand side.

19 You have the floor.

20 JUDGE BITTI: Thank you, Madam President.

21 Questioned by the Trial Panel:

22 JUDGE BITTI: Mr. Ademi, you said today on pages 44, lines 6 and
23 7 of the transcript, and you were speaking about the three KLA
24 members who came after the incident related to your family. You said
25 the following:

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1 "They spent that night at my paternal uncle's house. The next
2 morning, we met up ..."

3 Is that correct?

4 A. Yes, they came that night in the evening. They stayed at my
5 uncle's home. And on the next day, in the morning, we went to
6 various houses of the neighbourhood, talking with the population.
7 And they tried to calm down the population, telling them wise,
8 popular sayings, and so on, until the evening when they left toward a
9 village in the vicinity of Prishtine, in the direction of Llap, I
10 think they went.

11 JUDGE BITTI: Thank you. In your statement to the Defence on
12 25 May 2021, at DSM00456, you said the following:

13 "They came at night-time and spent the night at the house of my
14 paternal uncle. I stayed with them. We stayed together until the
15 next day, until 11.00 or 12.00 in the evening."

16 So did you stay with them the night or did you meet them the
17 following day?

18 A. They came in the evening, these three persons. They talked with
19 me. I took them to my uncle's home. They spent the night there.
20 And on the next morning, they woke up, talk with me, and talked with
21 the population until the evening, when at about 11.00 in the evening,
22 I accompanied them towards the road that goes to Llap. There is a
23 village or kind of neighbourhood there, and I showed them the way
24 towards Kolovica. They went to Llap.

25 JUDGE BITTI: So you did not stay with them during that night?

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1 A. They slept there inside the house. We stayed outside in the
2 yard. I personally stayed outside in order to provide some sort of
3 security, for fear that someone might show up from the Serb police or
4 army to capture them. So we, in a way, stayed up all night. And
5 they stayed, as I said, there until the next day in the evening.

6 JUDGE BITTI: So you stayed the entire night in the yard.

7 A. Yes. I might have gone inside for five minutes, ten minutes to
8 my own house, which was next to my uncle's home. I just drank water
9 or tea for five, ten minutes, and then I went back to the yard or up
10 to the little street in front of the house, you know, surveying the
11 road, seeing whether some Serb, you know, army or police might show
12 up. But these three persons slept at the house of my uncle whereas
13 we stayed outside.

14 JUDGE BITTI: Okay. In the same statement, DSM00456, you said,
15 after a question by the Defence Counsel, "Did you know any of these
16 people," once again, referring to the KLA members:

17 "I knew one of them because I used to come before the NATO
18 bombing. He came two or three, with soldiers, I think it was Cali
19 and some others."

20 At that time you thought it was Cali. Were you sure it was Cali
21 or are you not sure it was Cali?

22 A. To tell you the truth, I wasn't certain because I didn't know
23 him before. He was two or three times there before the bombing to
24 get supplies. He was with two or three persons. You know, milk for
25 children and other such supplies, foodstuffs, diapers and clothes.

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1 So they filled their sacks or bags and left.

2 I -- then I heard people saying, "Cali, Cali," but I personally
3 didn't know him then.

4 JUDGE BITTI: Okay. Thank you very much. I have no further
5 questions.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 [Trial Panel confers]

8 JUDGE DEKKERS: No, thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ademi, there are no further
10 questions from the side of the Panel and that means that we have
11 reached the end of your testimony. I would like to thank you,
12 Mr. Ademi, for the efforts you put into giving your testimony, which
13 I believe will help us in our effort to find the truth and to gain
14 more clarity with regard to what have you stated today.

15 So thank you very much. We wish you a safe journey home. I
16 remind you not to discuss your testimony before the
17 Specialist Chambers with anyone. This is the end of your testimony
18 for today.

19 THE WITNESS: [Interpretation] Thank you. And, rest assured,
20 that no one will know what I said in my statement or here. And I
21 wish you good work.

22 PRESIDING JUDGE VELDT-FOGLIA: I only said that you don't have
23 to discuss it. You should not discuss it with anyone. But people,
24 have, of course, heard.

25 Madam Court Usher, could you please usher the witness out of the

1 courtroom.

2 [The witness withdrew]

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

4 Let me see. Mr. Prosecutor, is there something you would like
5 to raise with the Panel?

6 MR. MICHALCZUK: No, Your Honour. Nothing.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 And the Victims' Counsel.

9 MS. PUES: No, thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well.

11 Defence Counsel, something for you that you would like to
12 discuss with the Panel?

13 MR. VON BONE: No. Thank you very much, Your Honour.

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

15 Then if the parties and the Victims' Counsel don't have anything
16 to raise, we will resume tomorrow, the 29th of March, at 9.30 in the
17 morning, with the testimony of Witness 400.

18 And, as always, I thank the parties and the Victims' Counsel for
19 their attendance. And I think the interpreters, the audiovisual
20 booth, the stenographer, and the security for their assistance today.

21 The hearing is adjourned.

22 --- Whereupon the hearing adjourned at 3.52 p.m.

23

24

25