

1 Tuesday, 29 March 2022

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.33 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

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

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

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

11 First of all, I will call appearances.

12 For the SPO, who have been present? You have the floor.

13 MR. DE MINICIS: Good morning. This morning for the
14 Prosecution, Cezary Michalczuk, Prosecutor; Julie Mann, Case Manager;
15 Hristina Petrova, our legal intern; and Filippo De Minicis, myself,
16 Associate Prosecutor.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Victims' Counsel, you have the floor.

19 MS. VOSSENBERG: Victims' Counsel. Good morning, Your Honours.
20 Present for the participating victims this morning are
21 Victims' Counsel Anni Pues, and myself, Brechtje Vossenbergh,
22 co-counsel. Thank you.

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

24 Defence Counsel, you have the floor.

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

1 represented by Betim Shala, co-counsel; myself, Julius von Bone;
2 interpreter and investigator, Mr. Fatmir Pelaj. In the courtroom is
3 joining today Mr. Mustafa.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you very much.
5 For the record, you are appearing in front of Trial Panel I.

6 We will hear today the testimony of Defence Witness 400. This
7 is Mr. Jakup Ismaili. But before we do that, I would like to give an
8 oral order with regard to documents disclosed -- one document
9 disclosed this morning.

10 The Panel notes that the SPO has disclosed this morning an
11 additional item to be used during the cross-examination of
12 Witness 400, indicating -- yes? Indicating that item 105394-ET will
13 also be used in the cross-examination of such witness. The Panel
14 notes that the term refers to a list of names of KLA veterans. Yes.

15 For our understanding, that's a public -- is that a public
16 source?

17 MR. DE MINICIS: Yes, Your Honour, that's correct.

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

19 The Panel notes that the SPO has requested the Panel's leave to
20 use the newly disclosed material with Witness 400 in
21 cross-examination on Tuesday, 29 March 2022, via e-mail sent at one
22 minute past 9.00. The Panel considers that the SPO has requested
23 leave of the Panel in accordance with paragraph 31 of the Decision on
24 the Conduct of Proceedings, which is filing 170, and it has indicated
25 why such material was not previously disclosed.

1 The Panel finds that the SPO has shown good cause for not
2 disclosing it previously and takes into account it is open-source
3 material.

4 The Panel therefore authorises the SPO to use this material
5 during the cross-examination of Defence Witness 400.

6 This concludes the Panel's oral order.

7 Very well. Then we will continue with the testimony of Defence
8 Witness 400.

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

10 [The witness entered court]

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ismaili, good morning.

12 Welcome to the Specialist Chambers. Can you hear me?

13 THE WITNESS: [Interpretation] Yes, I do. Good morning.

14 PRESIDING JUDGE VELDT-FOGLIA: How are you, first of all?

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

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Ismaili. Today we
17 will start with your testimony.

18 Mr. Ismaili, you are called to testify before the
19 Specialist Chambers in the case of The Specialist Prosecutor versus
20 Salih Mustafa to assist the Panel to reach a verdict. After you have
21 taken your solemn declaration to tell the truth, you will be asked
22 questions by the Defence Counsel of Mr. Mustafa, on your right-hand
23 side; the lawyers representing the victims admitted to participate in
24 this case, on your left side, at the beginning, there; and the
25 lawyers for the Prosecution, sitting next to them; and by us, the

1 Judges of the Panel, who are sitting here.

2 I would like to provide you with some guidance for answering the
3 questions that you will be asked.

4 Mr. Ismaili, please, listen carefully to each question. If you
5 don't understand, feel free to ask the question to be repeated. We
6 want you to tell the truth, to tell us what you saw, you heard, you
7 experienced, you sensed. If you did not see or hear it yourself or
8 you found out in some other way, please tell us. You may not
9 remember all the details. That is perfectly fine. If you don't know
10 just say "I don't know," but please don't guess.

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

14 Have you understood all that?

15 THE WITNESS: [Interpretation] Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: I would like to give you some
17 practical advice, too, for your testimony.

18 Everything we say here is translated and recorded, so it is
19 important that you speak at a slow pace, that you speak clearly, and
20 that you speak into the microphone, and so in that way the
21 interpreters can translate everything. You should only start
22 speaking when the person asking you a question has finished. Because
23 if not, we have overlapping speakers and then it becomes impossible
24 to interpret. When a question is asked, please wait five seconds - I
25 see you nodding - and only then give your answer. This pause of five

1 seconds is essential for us to properly, hear, translate, and record
2 everything what is said in this courtroom.

3 If you have any questions, if you need a break, just raise your
4 hand and you will be given the floor.

5 Have you understood all this, Mr. Ismaili?

6 THE WITNESS: [Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well. As we must do with
8 every witness, I will ask you to read the solemn declaration to tell
9 the truth. And I remind you that it is an offence within the
10 jurisdiction of the Specialist Chambers to give false testimony.

11 Have you understood that?

12 THE WITNESS: [Interpretation] Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well. Madam Court Clerk,
14 can you please assist the witness with his solemn declaration.

15 Please, Mr. Ismaili, read the text provided to you.

16 THE WITNESS: [Interpretation] Conscious of the significance of
17 my testimony and my legal responsibility, I solemnly declare that I
18 will tell the truth, the whole truth, and nothing but the truth, and
19 that I shall not withhold anything which has come to my knowledge.

20 WITNESS: JAKUP ISMAILI

21 [Witness answered through interpreter]

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Ismaili. You are
23 now under oath to tell the truth.

24 We can now begin with the testimony of Mr. Ismaili, starting
25 with the Defence Counsel's questioning.

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1 Defence Counsel, you have estimated two hours for your
2 questioning of this witness, and, as usual, please inform the Panel
3 if you see that the planning goes otherwise.

4 You have the floor.

5 Examination by Mr. Von Bone:

6 Q. Good morning, Mr. Witness.

7 A. Good morning.

8 Q. Mr. Witness, I will ask you questions about the situation in
9 1999 and about your statement that you made earlier to us.

10 A. Okay.

11 Q. In 1999, in March, could you tell us where you were living?

12 A. In March of 1999, I lived in Prishtine.

13 Q. I understand. And could you describe a little bit the situation
14 in Prishtine and what exactly you were doing at the time in
15 Prishtine.

16 A. In 1999, we dealt with issues related to humanitarian aid.

17 Q. I understand. And was there a need in Prishtine to deal with
18 humanitarian aid at the time?

19 A. Yes.

20 Q. And what was that reason, actually, that that humanitarian aid
21 was necessary?

22 A. The reason was that in Prishtine there were displaced people
23 coming from other war regions, like Drenica, Dukagjin, and other
24 regions. It was indispensable for us to set up an emergency council
25 to aid that population.

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1 Q. And you say that these population arrived in Prishtine. Where
2 would these people be accommodated?

3 A. The population was accommodated in our families, first of all,
4 and in other families in Prishtine and its outskirts.

5 Q. I see. And what was it that you were working with or active
6 with? Could you explain a little bit more about that.

7 A. The supply line for foodstuffs and other necessities for the
8 population was supplied by people in villages where flour was
9 gathered, especially in Kamenica; that is, most of our supplies came
10 from Kamenica, from Mother Teresa organisation, Red Cross, and other
11 organisations.

12 Q. Mm-hm. And what was exactly the municipal council for
13 emergencies?

14 A. The communal -- municipal council for emergencies was set up by
15 the republican council. That is the provisional government in exile
16 sent the -- funded it, in addition to sending supplies along with
17 other people. They funded us to purchase the necessary products like
18 medicaments and others in Kosovo, and after we bought them and
19 gathered them, we distributed them.

20 Q. And this municipal council for emergency, where was that
21 located? Did it have one specific location or did it have more
22 locations?

23 A. The emergency municipal council was set up in a private home in
24 Velania.

25 Q. And how many people at the time were active with this municipal

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1 council for emergencies? How many people were helping or doing
2 activities?

3 A. To my recollection, there were about 12 or 13 people. But other
4 councils, LDK entities, were engaged too. They came and picked up,
5 you know, assistance or aid and distributed it, in addition to our
6 group.

7 Q. You mentioned the LDK. In which way -- what is that?

8 A. It's a political entity that functioned at that time and even
9 now.

10 Q. And were you active in that too?

11 A. Yes, I was active, too, in this political entity. The
12 Democratic League of Kosovo, that's how it is called.

13 Q. In which manner did the LDK activities were related to this
14 municipal council of emergency? Was there any relation or
15 involvement of the LDK in that?

16 A. The LDK was involved in the organisational structures of this
17 emergency council. Most of the activists who were operating even
18 earlier were involved in it, all over Kosovo.

19 Q. Okay. And with whom did the emergency -- municipal council for
20 emergencies, with whom would they have contact? I think you
21 mentioned a couple earlier, but I just wanted to know more about
22 that. I think you mentioned just earlier the Mother Teresa
23 Association and the Red Cross. With -- what kind of contacts were
24 those?

25 A. Other than the provisional government that funded it, there

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1 was -- part of its activities were Mother Teresa organisation, the
2 Red Cross, and other organisations. I can't tell you which they
3 were, but I know that they supplied us with aid.

4 Q. Okay. And what was your -- did you have any particular function
5 in that municipal council for emergencies or was it ...

6 A. In this -- as a beginning, in this council, and then I was
7 active in the distribution of aid that we received.

8 Q. Okay. And to which parts would it be distributed?

9 A. In all the parts of Kosovo, but mainly in Prishtine because
10 there were displaced people there, and we had to find a way how to
11 supply them with medicaments, foodstuffs and accommodation.

12 Q. Do you know -- do you recall when the air-strikes in Kosovo, the
13 NATO air-strikes in Kosovo, started?

14 A. Yes.

15 Q. When was that?

16 A. On 24th of March.

17 Q. Of 1999, I guess.

18 A. Yes. Yes, 1999.

19 Q. And these activities of the municipal council for emergencies,
20 was this operating before the NATO air-strikes already?

21 A. The activity of this council was ongoing even before NATO
22 air-strike. It distributed aid to the population and people in need
23 who were paralysed, sick, wounded.

24 Q. Mm-hm. When did it actually come into existence, this municipal
25 council for emergencies? Roughly, if you ...

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1 A. I didn't understand your question, I'm afraid.

2 Q. My question is: When did this municipal council for emergency
3 started to operate? Before the air-strikes I'm speaking about.

4 A. To my recollection, it was one year ago.

5 Q. You mean one year before the start of the air-strikes?

6 A. Yes. Before the air-strikes of NATO.

7 Q. Okay. And you just mentioned 24 March, the beginning of the
8 air-strikes. Did the situation in Prishtine change at that -- after
9 that particular moment?

10 A. After this moment in time, as soon as the NATO air-strikes
11 started on 24 March 1999, the situation changed considerably. The
12 Serb -- the paramilitary and military Serb forces blamed us for the
13 NATO strikes. And that being the case, they started to enhance the
14 repression against the population, killing people, displacing people,
15 maltreating people, without sparing women, elderly, children,
16 paralysed people, so the pressure grew up. And we were in their eyes
17 guilty for NATO air-strikes.

18 Q. I understand. What kind of actions would these forces, Serbian
19 military, police or --

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, can you give us
21 an insight where you're going to with this examination? Because I
22 would like to have -- I don't want to interfere with the Defence
23 case, but I would like to have also some insight in the relation to
24 the indictment. So, please, you have the floor.

25 And before we do that, I will ask the witness --

1 Mr. Witness, do you speak English? Can you understand English?

2 THE WITNESS: [Interpretation] A little, I understand.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then I will ask
4 Madam Court Usher to usher you out of the courtroom because I prefer
5 that this is discussed without you here present.

6 THE WITNESS: [Interpretation] Okay.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 [The witness stands down]

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

11 MR. VON BONE: Yes, Your Honour.

12 Well, the activities of the witness, they are kind of a red line
13 in all his activities during the period of what we are speaking
14 about, and, therefore, I think it was first useful to determine a
15 little bit what the activities actually are, what is the
16 organisation, and so on, so that we will not need any further
17 questioning on those issues.

18 So as these activities are, in my view, a kind of a red line
19 within his activities during the period of March and April of 1999, I
20 thought it was a very useful and natural way to start with the
21 witness about that.

22 So that is, actually, the direction that I'm going.

23 PRESIDING JUDGE VELDT-FOGLIA: But what we now got is a part of
24 declaration on what the Serbs were doing, according to the witness,
25 in that part of Kosovo, and I don't want a lengthy examination on

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1 that because we can -- we know about that, we have read that in the
2 books, and he is here to give us a specific account on what he knows
3 and what he has seen in relation to your Defence case, in relation to
4 the indictment.

5 MR. VON BONE: Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: And yesterday we also had a kind
7 of interrogation which became very broad. And I really urge you to
8 be more specific in your questioning and in the type of questions you
9 want to elicit from the witness because I won't allow you to proceed
10 in this way by eliciting information that is not directly relevant.
11 We won't be spending our time here, although it can be very
12 interesting, but it's not the scope of why we are here together.

13 MR. VON BONE: Okay.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you
15 please bring the witness back in.

16 [The witness takes the stand]

17 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness. We
18 will now proceed with the examination by the Defence Counsel.
19 Defence Counsel, you have the floor.

20 MR. VON BONE: Yes.

21 Q. I'll finalise this part.

22 Mr. Witness, you just made a little bit clear what was happening
23 in Prishtine, what Serbian forces were doing there. And did that
24 make, actually, a difference in the distribution of the materials
25 that you needed to distribute to the population? Did people remain

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1 in Prishtine or did your activities go beyond that?

2 A. The military, police, and paramilitary forces expelled the
3 population, and due to the repression and violence, the population
4 was forced to move out from Kosovo and go to Macedonia and to the
5 villages in the outskirts of Prishtine. The entire activity of the
6 emergency council decreased. It was impossible to operate. And the
7 population and we were forced to make plans on how to move out from
8 Prishtine; us activists to go to the outskirts, whereas the
9 population to go to Macedonia and to various villages.

10 And this is how the expulsion was conducted. It was by force,
11 with violence.

12 Q. And did you leave Prishtine yourself to go elsewhere?

13 A. Yes.

14 Q. And when was that, that you left?

15 A. I, together with my friend Sabit Krasniqi - now deceased - we
16 continued to Hajvalia in order to move to Mramor to see how would it
17 be possible to organise a new structure for humanitarian aid because
18 there was population displaced in large numbers.

19 Q. So it was on the day that the air-strikes began that you left?

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you ask
21 the question --

22 THE WITNESS: [Interpretation] It was between the 24th --

23 PRESIDING JUDGE VELDT-FOGLIA: Could you ask open questions, not
24 put the question in the mouth of the witness, please.

25 MR. VON BONE:

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1 Q. So my question was: Which date -- with a reference point of
2 24 March when the air-strikes began, what was the date that you
3 actually left Prishtine?

4 A. I left after 12.00 on 24 March. The 24th, going to the 25th.

5 Q. I understand. And where did you initially go?

6 A. We continued to Hajvalia village. We deemed it reasonable to go
7 to this village because it seemed impossible to withdraw from that
8 area.

9 Q. Okay. And with whom did you go to Hajvalia?

10 A. With Sabit Krasniqi, a friend of mine, now deceased.

11 Q. I see.

12 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think we had
13 this question and he said that he went to this town and then to
14 Mramor and that he went with Sabit Krasniqi, now deceased. That's
15 page 13, line 13 till 17.

16 MR. VON BONE: Yes. I want to go step by step through the
17 movements of this gentleman because I think that is relevant, Your
18 Honour.

19 PRESIDING JUDGE VELDT-FOGLIA: I understand. But all this we
20 had.

21 MR. VON BONE: Yes.

22 Q. From Hajvalia -- did you actually stay in Hajvalia; and, if so,
23 how long did you stay there?

24 A. I don't remember exactly, but I remember that we stayed until we
25 drew up a plan how to retreat. Because of the air-strikes, and I

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1 think there was a military base, ammunition base there, there was an
2 explosion, and because of this explosion, many people were injured,
3 both from the ranks of the Serbian army and police but also from the
4 population.

5 We were not able to verify whether the victims were Serbs or
6 Albanians or soldiers. We just saw that this happened. We moved out
7 from there, and the paramilitary forces assumed that there was -- it
8 was impossible for the Albanians to be there in that part. So we
9 left, taking upon ourselves this great risk.

10 Q. And we, is that -- with whom is that when you say "we," "we
11 left"?

12 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, did you get an
13 answer to your question how long he stayed there?

14 MR. VON BONE: I don't think so, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Because that is your question.

16 MR. VON BONE: Yes.

17 PRESIDING JUDGE VELDT-FOGLIA: And it's not upon me to verify if
18 you get answers to your questions and that we get a complete
19 different answer. So if you have a [indiscernible] answer, elicit
20 that answer --

21 MR. VON BONE: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: -- stop the witness, and
23 continue.

24 Please continue.

25 MR. VON BONE:

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1 Q. Yes, my -- you did not go alone, you said. And my question was:
2 When you went to Hajvalia, for how long did you stay there? That is
3 the only answer that I'm asking you. Or was it --

4 A. Approximately, to my recollection, about 24 hours. I think this
5 was how long we stayed there.

6 Q. I understand. And where did you move next then?

7 A. We continued towards Mramor.

8 Q. And "we," I take it, is that together with the friend that you
9 were just indicating, Sabit Krasniqi?

10 A. Yes, together with him.

11 Q. And where did you go with him in Mramor? Which area?

12 A. We continued to Mramor, and my late friend was familiar with
13 that terrain. That area was where he was from. He was from the
14 village of Grashtice and knew the area very well. So we went to a
15 part of Mramor, and from there, we continued on to Butovc, to a
16 cousin of his who was a doctor by profession. His last name was
17 Krasniqi. I do not remember his first name. But he was family of my
18 friend.

19 I apologise.

20 Q. And did you stay there in that place, in Butovc?

21 A. Yes. We stayed for two days, approximately, to my recollection.
22 About 36 hours.

23 Q. I understand.

24 A. Approximately.

25 Q. Were there, in Butovc, people that you knew that you met there?

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1 A. Yes. I met with persons who had moved from Prishtine to that
2 area.

3 That area was flooded by people. It was simply impossible to
4 see or notice someone that you know, because of the number.

5 Q. And when you were there with Sabit Krasniqi, you said you --
6 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

7 MR. VON BONE: Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: I understood that he went with
9 Sabit Krasniqi to the first place. But I did not hear - but my
10 apologies if I missed that - that he went all the way with him along.
11 Could you please ask him that.

12 MR. VON BONE:

13 Q. Did Sabit Krasniqi come with you to Butovc?

14 A. We were together on a regular basis with Sabit Krasniqi. He
15 knew that area very well.

16 Q. Okay. And then you stayed in the relative of Sabit Krasniqi's
17 house, I understand. And at the time --

18 A. Yes.

19 Q. -- my question was, you said that there were people, it was
20 flooded with people, but were there any people that you knew from
21 before who were there?

22 A. Not the people that I would know in concrete terms, but Sabit
23 knew many of them since he was from the area. And I was just there
24 as an observer.

25 Q. Okay. The other people from the municipal emergency council or

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1 LDK, did you meet any of those there?

2 A. Personally I didn't. Sabit met with some and received advice
3 necessary for the time, particularly on guarding the documentation we
4 had with us and the distribution of supplies. So Sabit dealt with
5 that material. It was necessary to leave the material somewhere.
6 But personally, as I said, I didn't deal with this. I was not
7 involved.

8 Q. Okay. Do you recall if you met Salih Mustafa in Butovc?

9 A. Personally I did meet with Salih Mustafa and we discussed -
10 Sabit and I - and received instructions on where the activists of the
11 emergency council were located. And he told us where we should go to
12 continue the organisation that we had previously in Prishtine.

13 We continued with Sabit. We went together to Butovc again
14 because of its configuration. It's a large area, a hilly,
15 mountainous area --

16 Q. I'll interrupt you at this point because I first have another
17 question to you.

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

19 MR. VON BONE: Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: Just a general remark. Wait for
21 the witness to finish and then continue with your question for the
22 translation to be on the transcript.

23 MR. VON BONE: Yes.

24 Q. How come that you actually met Salih Mustafa there? In Butovc,
25 obviously.

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1 A. It happened by chance. At the moment I was somewhere else, but
2 I found out that Salih Mustafa was there in Butovc and went there.
3 Sabit invited me and said, "Come here, we should discuss and make
4 plans on how to assist the population."

5 So I went. We met and we got the instructions on meeting the
6 activists of the emergency council in the house of --

7 THE INTERPRETER: The interpreter didn't get the name.

8 Correction: Mustafe Sopi is the name.

9 MR. VON BONE: Your Honour, I take a pause because my screen has
10 gone blank.

11 PRESIDING JUDGE VELDT-FOGLIA: Shall I call somebody of the IT
12 service?

13 MR. VON BONE: It looks as if I need to put my password in, but
14 let me first try.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay.

16 I assume that Court Officer is already calling for backup.

17 Could you switch off the microphone.

18 Defence Counsel, do we need further assistance?

19 MR. VON BONE: No, it works.

20 Q. Excuse me. What was the name that you last mentioned, the name
21 that I could not catch, Mr. Witness? You mentioned the name of
22 somebody. Let me see where that is.

23 A. The name of Sabit Krasniqi? Is this what you mean?

24 MR. DE MINICIS: Perhaps page 18, line 22. That's the name that
25 Defence Counsel --

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1 PRESIDING JUDGE VELDT-FOGLIA: Yes. Yes, but I think that --

2 MR. VON BONE: That's right. Yes, I see it now.

3 PRESIDING JUDGE VELDT-FOGLIA: -- the question should be reasked
4 and then to clarify, if it's necessary. Not giving us the name.

5 MR. VON BONE: Sorry. Yes.

6 Q. Sir, you mentioned Mustafe Sopi just now. Who is that?

7 A. Mustafe Sopi was a professor who was -- who taught me,
8 Salih Mustafa, and many others. And he had his house in Butovc.

9 Q. I see. And what -- what happened in that house?

10 A. We - that is, all of us who worked in the emergency council -
11 began to organise ourselves, to prepare strategic plans on how to
12 help the displaced persons in that area.

13 Q. And do you recall how long after your arrival you actually met
14 Salih Mustafa?

15 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could we specify
16 arrival where?

17 MR. VON BONE:

18 Q. Arrival in Butovc. Can you recall roughly how long it was after
19 your arrival in Butovc when you met Salih Mustafa?

20 A. As far as I remember - it's been a long time now - but as far as
21 I remember, it was 28 or 29 March. Within this approximate
22 time-period. I cannot give you a specific date or hour, but it's
23 from the 27th, 28th, 29th, around these dates.

24 Q. I understand. Mr. Witness -- no.

25 MR. VON BONE: I'd like to ask the Panel to get on the screen

1 the statement of Mr. Jakup Ismaili.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

3 MR. VON BONE: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: -- why would you like to have his
5 statement on the -- the normal way is that we elicit information from
6 the witness in court and if we need a prior statement to refresh
7 memories, then we do it. But I would say just ask the questions you
8 need to ask to --

9 MR. VON BONE: I can ask them, Your Honour. I just notice that
10 there is a discrepancy here in the English text of the witness
11 statement and what the gentleman just said now. So, therefore, I
12 just wanted to make a clarification, whether that would be at this
13 moment in time to do that.

14 PRESIDING JUDGE VELDT-FOGLIA: Yeah.

15 Mr. Witness, would you mind to take off your headphones and I
16 will ask the court usher to accompany you out of the courtroom. I
17 want to discuss something.

18 [The witness stands down]

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

20 Defence Counsel, on what topic is it that you would like to ask
21 him a question, now that the witness is not here? Because when you
22 said that you were going -- you were asking CMU to call up a
23 document, it seemed, like yesterday, that it had no relation with
24 what we were discussing.

25 MR. VON BONE: Mm-hm. Well, I think, Your Honour, page 4 there

1 is a different date at the bottom of this ...

2 PRESIDING JUDGE VELDT-FOGLIA: Mm-hm.

3 MR. VON BONE: And I think it's a clear mistake in the -- as it
4 was laid down in the document, and I just wanted to make sure whether
5 that error is, indeed, an error in the document or whether it is an
6 error of the witness. He is clear on this.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well. But could you not ask
8 him some more about how certain he is with regard to the dates that
9 we have been discussing.

10 MR. VON BONE: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: And then you can always then go
12 back to this prior statement.

13 MR. VON BONE: I can go back to that, Your Honour. It's just
14 that I thought at the moment in time it would be best to do that now
15 as we have arrived on this date, on the particular dates.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes, no, I see your point.
17 And -- no doubt about that. But --

18 MR. VON BONE: Okay.

19 PRESIDING JUDGE VELDT-FOGLIA: -- you might insist some more on
20 this point --

21 MR. VON BONE: I will first go through that. I just wanted to
22 notify everybody. I think that in order to show this to the witness,
23 then we could hear from him whether that is, in fact, correct or
24 whether that is incorrect and what his recollection is. I mean, I
25 think he [overlapping speakers] --

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1 PRESIDING JUDGE VELDT-FOGLIA: I see your point,
2 Defence Counsel. But for our general -- as a general remark, could
3 you try to introduce somehow for the Panel why you would like to call
4 a prior statement with regard to what you are discussing, to make it
5 clear for us --

6 MR. VON BONE: Sure.

7 PRESIDING JUDGE VELDT-FOGLIA: -- and in that way, I don't have
8 to interrupt you. There is no need. I don't want to interrupt you
9 when you are doing your examination.

10 MR. VON BONE: This was the point that I was trying to --

11 PRESIDING JUDGE VELDT-FOGLIA: Now it is clear.

12 Madam Court Usher, could you please usher the witness back.

13 [The witness takes the stand]

14 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Ismaili. Thank
15 you.

16 Defence Counsel, please proceed.

17 THE WITNESS: [Interpretation] Thank you.

18 MR. VON BONE:

19 Q. Mr. Witness, we spoke about you leaving Prishtine and eventually
20 arriving in Butovc. And I just wanted to, once again, ask you when
21 was that, approximately, when you arrived in Butovc?

22 A. We arrived in Butovc approximately on 26 March. This is in
23 approximate terms. I do not remember exactly.

24 MR. VON BONE: Okay. So is this then the appropriate moment to
25 ask the witness?

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1 Q. Mr. Witness, I would like to show you a document that was drawn
2 up by the Defence at the time of your testimony.

3 MR. VON BONE: And this document, the ERN number is -- let me
4 see what the ERN number is.

5 The ERN number is DSM00187-196 -- to 00196. So it's DSM00187 to
6 00196. And if you could please have the Albanian version of that as
7 well. That is DSM00688-069 [sic].

8 And of that, I would like to have page 4 on the screen, the very
9 bottom of page 4.

10 Q. Mr. Witness, these are the documents. The left one is in the
11 Albanian language and the right one is in the English language. And
12 I would like you -- to ask you to --

13 MR. VON BONE: I would like to ask the Court Officer to indicate
14 in the Albanian versions the -- not the last question but the very --
15 the one -- just the one before. That starts with the words "a keni,"
16 that is the paragraph that I'm referring to. And then I would like
17 to ask the Court Officer to highlight the last sentence of that --
18 yeah. Just -- yes, that is the -- I think that is the last sentence,
19 indeed.

20 Q. Mr. Witness, is this the Albanian translation of the English
21 document. And as you can see, you read there the sentence. Could
22 you read that sentence, please.

23 A. Yes.

24 Q. Yes, and could you tell it.

25 PRESIDING JUDGE VELDT-FOGLIA: No, Defence Counsel, I think

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1 that's not necessary.

2 MR. VON BONE: Okay, okay.

3 PRESIDING JUDGE VELDT-FOGLIA: You can just tell him that we all
4 can see that what his statement was and you can say it out loud in
5 this courtroom. And then you can ask him --

6 MR. VON BONE: Okay. No problem.

7 PRESIDING JUDGE VELDT-FOGLIA: -- how it can be that there's a
8 difference between what he has stated before in this courtroom and
9 what he said to you on, apparently, what is it, 1 April 2021.

10 MR. VON BONE: Right.

11 Q. As you can see, the date there is written that it is the morning
12 of 27 April, if I recall well, after midnight of 26 April. That is
13 what is written.

14 My question is, is that correct?

15 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you also
16 state -- oh.

17 MR. DE MINICIS: No, just for the record, this is part is
18 consistent with what the witness stated today at trial. So it's -- I
19 don't think we need to put this part to the witness, Your Honour.

20 PRESIDING JUDGE VELDT-FOGLIA: I don't --

21 MR. DE MINICIS: I apologise. This part of the witness
22 statement, it's pretty much consistent with what the witness has
23 stated today at trial.

24 MR. VON BONE: I don't think --

25 PRESIDING JUDGE VELDT-FOGLIA: Not what -- there is this problem

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1 with the date. There's a problem with the date.

2 Could you -- so I think he can ask the question. But could you
3 give the context. Because you're now discussing about the date.

4 MR. VON BONE: Mm-hm.

5 PRESIDING JUDGE VELDT-FOGLIA: But could you make the whole
6 sentence what -- about what -- to what that date is referring to.

7 MR. VON BONE:

8 Q. Mr. Witness, is the date of your arrival, the date that is
9 written there --

10 PRESIDING JUDGE VELDT-FOGLIA: Your arrival where,
11 Defence Counsel.

12 MR. VON BONE: In Butovc.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, but it has to be clear. We
14 have to speak out here ...

15 MR. VON BONE:

16 Q. Is the date that you arrived in Butovc the date that is written
17 there or is it just what you said just today here in court?

18 A. Distinguished lawyer, it's a matter of translation, I think.
19 There must be some mistake.

20 When I read out the statement here, I already pointed it out.
21 It's not a matter of 27 April but 27 March. It's a translation
22 error, I think. Because further down in the statement, you can see
23 that I referred to March, not to April.

24 Q. I understand. And to be clear on this, do you recall when you
25 said -- when you gave the interview to us that you -- which date did

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1 you state to us at that time?

2 A. The interview that I gave to you, I referred only to 24 March,
3 not to 27 April.

4 It's a mistake. It's a technical mistake. I don't accept this
5 date here.

6 Q. Okay. Well, thank you very much.

7 MR. VON BONE: Very well. We can remove the documents.

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

9 MR. VON BONE:

10 Q. And obviously your arrival then was 26 or 27 March. And my
11 question is: How long after your arrival in Butovc on one of these
12 two dates, how long after did you meet Salih Mustafa; do you remember
13 that?

14 A. I already stated that it's an issue for me to mention accurate
15 dates after 23 years. But I think it was in March. It may have been
16 27, 28, 29, around these three, four days. I can't be accurate right
17 now. It's impossible for me to remember and I have problems, issues
18 with my memory.

19 Q. And the meeting with Salih Mustafa took place in -- at the house
20 of the one that you mentioned, Mustafe Sopi, or was it elsewhere?

21 A. The first meeting took place in Butovc, not in the house of
22 Mustafe Sopi but in the cousin of Sabit Krasniqi. He was a doctor.
23 Personally I didn't have any direct contact with that. But the
24 instructions to go to the emergency council and where the persons,
25 the members of this council were in Butovc at Sabit -- were received

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1 by Salih Mustafa. I didn't have any direct contact at that moment.

2 Q. Mm-hm.

3 A. But he was there.

4 Q. I see. And was there some point that you -- that you had more
5 contact with Salih Mustafa after that initial meeting?

6 A. After this meeting, we had other meetings. When we settled in
7 the house of Mustafe Sopi, we started to organise our efforts
8 regarding humanitarian aid and started our operation in real terms to
9 provide aid to the displaced population. And then, there, at
10 Mustafe Sopi's house, he came. But I wasn't there present. I was at
11 the place where I had to be, because the Serb forces were very close.
12 It was a strategic point. I had to be there to follow up what was
13 happening because we were afraid that -- an offensive might be
14 launched at any moment.

15 Q. I understand. So you were not yourself located at
16 Mustafe Sopi's house but at the strategic point. What was that
17 strategic point exactly?

18 A. It was a road that now -- often was frequented by Serb forces.
19 It was a very narrow road; impossible, I would say. And from
20 Mustafe Sopi, I got instructions to be there because of that eventual
21 arrival and the operation of the Serb forces. And I had to know what
22 was happening to inform the persons that had taken positions
23 somewhere near.

24 So in that position where Salih Mustafa came to Mustafe Sopi, he
25 told Mustafe Sopi -- sorry. Mustafe Sopi told Salih Mustafa that

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1 this person is here and there, here and here, in this point. He was
2 curious because of my humanitarian activity and the plans I had in
3 mind on how to supply the population with medicaments and foodstuffs
4 and so on. He was curious to contact me directly.

5 As I said earlier, he didn't have direct contacts with me
6 earlier but only with Sabit Krasniqi. But as I said, he was eager to
7 know me, to see me, and to establish direct contact with me, and to
8 think about -- to design a strategic plan on how to supply the
9 civilian population in that part.

10 So Salih Mustafa came to the point where I was stationed.

11 Q. Mm-hm.

12 A. There, we continued --

13 PRESIDING JUDGE VELDT-FOGLIA: Please no --

14 THE WITNESS: Okay.

15 PRESIDING JUDGE VELDT-FOGLIA: Please.

16 I see Mr. Prosecutor standing.

17 You have the floor.

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

19 If we could -- perhaps if Defence Counsel could clarify whether
20 this -- what was the initial meeting that he had with Salih Mustafa.
21 Because the question was -- and if after this initial meeting he saw
22 Salih Mustafa again. And so I understand that there had already been
23 a meeting with Salih Mustafa.

24 But now it appears from the witness's answer that this is --
25 that is the first time on this strategic point that he actually met

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1 with Salih Mustafa.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor. I
3 will -- Defence Counsel, to be honest, I was wondering too. But I
4 was hoping that it would come up. But, please, could you ask that
5 question.

6 MR. VON BONE: It was my understanding -- it was a different
7 understanding than I had of the witness that, first, was --

8 PRESIDING JUDGE VELDT-FOGLIA: Can we ask him instead of making
9 a summary.

10 MR. VON BONE: Sure.

11 Q. So, Mr. Witness, to be clear, the very first meeting, the very
12 first meeting that you had with Salih Mustafa, not alone but with
13 others, the very first time that you met him, where was that? It was
14 not completely clear.

15 A. The very first official meeting that I knew him was at the point
16 where I had received instructions from Mustafe Sopi to monitor the
17 security situation in that area that I mentioned earlier, the road,
18 which was a strategic point to monitor the security situation. This
19 is where officially I got introduced to him. The meeting that I
20 referred earlier, it was a meeting where Sabit Krasniqi met him. I
21 didn't know him, so I can't say that I had a meeting with him.

22 Q. Okay.

23 PRESIDING JUDGE VELDT-FOGLIA: But for my understanding now, is
24 there also something like an unofficial meeting where you saw him and
25 you did not know him? Because you are insisting on this official

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1 meeting. But is there an unofficial meeting?

2 THE WITNESS: [Interpretation] In that meeting between
3 Sabit Krasniqi and him, I didn't know him. I was present but stood
4 indifferent, away from them. Because he didn't make any impression
5 on me. I mean, I was just there.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay, very well. Thank you.

7 MR. VON BONE:

8 Q. So you were present there but you did not have any particular
9 contact at that time with him. Is that what I need to understand
10 from you?

11 A. Yeah, I was far from him. I didn't know him.

12 Q. Okay. And then afterwards, this was the -- what you call the
13 official meeting, it was at the place where you were staying, that
14 strategic point, I understand?

15 A. Yes.

16 Q. And do you recall if you discussed any matters that he was
17 doing, actually? Did he tell you what he was doing? What kind of
18 activities he was undertaking?

19 A. Salih Mustafa, at that meeting, we discussed only about
20 strategic plans, how to operate, how to enter Prishtine, to supply
21 the civilian population with weapons, medicaments, and other
22 supplies. We got a pen that he had on him and a notebook, and he
23 asked me, "Where are the medicaments stores?" Because -- because the
24 population needed them and foodstuffs depots. But he wanted to know
25 more about -- especially about the medicaments storage houses. So we

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1 started to discuss how we could get these medicaments, what would be
2 the best possible route to take these medications and get them out of
3 Prishtine. This is what we discussed.

4 I wouldn't say that a discussion lasted one or two days -- two
5 hours, but they went on for up to seven hours or more until we got
6 tired.

7 Q. Mm-hm.

8 A. It was relatively dark. We didn't know that there were old
9 graves there, very old graves, and unkept, and we just lied down
10 there. And he looked at my bag to see what I had inside. And there
11 were medicaments, you know, in my bag --

12 Q. I understand.

13 A. -- various medicaments --

14 PRESIDING JUDGE VELDT-FOGLIA: It's okay. You answered the
15 question. Try, Mr. Witness, to give an answer to the question you
16 are posed and not to elaborate too much. And from now on, really
17 stick to that. Give an answer to the question and if we need
18 clarification or we think we need more information, you can -- we
19 will ask you and it will be added.

20 Thank you.

21 MR. VON BONE:

22 Q. As you said, you were discussing how to get the medicaments out
23 of Prishtine. But where would these medicaments would have to be
24 going to? What would be the destination? Where would they be
25 stored?

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1 A. According to this strategic plan we worked on together, we --
2 the medicaments were planned to be in Butovc, to be stored in Butovc.
3 He asked us to protect them, to store them in a suitable place,
4 and he asked us to build some depots to store them. And this is what
5 we did, actually.

6 PRESIDING JUDGE VELDT-FOGLIA: That's enough. You gave an
7 answer and then we will continue.

8 MR. VON BONE:

9 Q. What kind of storage did you build or what kind of suitable
10 place did you -- did you make?

11 PRESIDING JUDGE VELDT-FOGLIA: I'm under the impression that the
12 witness does not understand the question.

13 MR. VON BONE: No. I was just trying to read through.

14 Q. So what kind of storage place would that be?

15 A. We would build it in the forest, in a -- in a place which was
16 well hidden, for fear of Serb forces discovering it if they passed
17 by.

18 Q. Okay.

19 A. So that people didn't know where it was located.

20 Q. I understand. And when you say "we" build that, who do you
21 refer to when you say "we" build that?

22 A. It was not myself and Salih Mustafa that built it. All of us
23 who were present there built it. That's why I speak -- I say "we,"
24 because it was a large number of activists from the emergency council
25 that were involved in it.

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1 Q. Just to be clear, but Salih Mustafa and you both helped building
2 this, together with other activists?

3 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I read here that
4 the victim said:

5 "It was not myself and Salih Mustafa that built it."

6 So he has answered that question. He has said it.

7 MR. VON BONE: Yeah. I just want to make clear, I want to make
8 sure whether that is it, indeed, what the witness says. Because I
9 understand it differently and I want to make sure whether he, indeed,
10 did not have any active role in it.

11 So that's why I want to ask that question.

12 And if you -- I mean --

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, what I want to
14 avoid and what I am seeing is that you are repeating questions and
15 that is not necessary.

16 MR. VON BONE: Yeah.

17 PRESIDING JUDGE VELDT-FOGLIA: So if you really think -- you
18 have -- no --

19 MR. VON BONE: I just want to get to the truth of it.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, please, when I
21 talk --

22 MR. VON BONE: Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: -- please wait, but not for me,
24 although it would be respectful to wait, so please, but also for
25 everybody present here, that we cannot have a proper discussion if

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1 you interrupt me, because it has to be translated.

2 If you really think it is necessary, please repeat the question,
3 but I hope you see my point.

4 MR. VON BONE:

5 Q. Mr. Witness --

6 MR. VON BONE: Oh, sorry.

7 [Specialist Counsel confer]

8 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we are
9 approaching 11.00, so please keep it short so that we can close for
10 the break.

11 MR. VON BONE: It is page 32, line 23, and the translation --
12 and that is -- I think it is necessary to ask the question again
13 because I don't think it was properly laid down in the English text.
14 That's why.

15 Q. Mr. Witness, did you and Mr. Mustafa, Salih Mustafa, participate
16 in building these storage places? Did you help?

17 A. I took part. Salih Mustafa did not take part.

18 Q. Okay. Where did he go or what did he do?

19 A. I have no idea. I didn't ask him where he went.

20 Q. Okay. And in the period of time that you were busy to build
21 these bunkers, did you -- would you see Mr. Salih Mustafa regularly?

22 A. I saw him on the move with Mustafe Sopi.

23 Q. And did you see him also at the -- at the bunkers or - sorry,
24 the storage places?

25 MR. DE MINICIS: Your Honour, a more proper question would be

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1 "where did you see him" rather than trying to feed the answer to the
2 witness.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.
4 Defence Counsel, could you make --

5 MR. VON BONE: Yes --

6 PRESIDING JUDGE VELDT-FOGLIA: Could you pose an open question.

7 MR. VON BONE:

8 Q. Where else did you see him?

9 A. I saw Salih Mustafa at the house of Mustafe Sopi. And sometime
10 I saw him when he was on the move in -- on the ground, where we were
11 located.

12 Q. Mm-hm. And --

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, it's almost
14 11.00.

15 MR. VON BONE: Yeah, let's keep it for this moment.

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

17 Thank you, Defence Counsel.

18 Mr. Witness, you will be ushered out by the court usher, and we
19 see you back in half an hour. Thank you.

20 [The witness stands down]

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

22 We will break and we will resume in 30 minutes.

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

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

25 PRESIDING JUDGE VELDT-FOGLIA: Welcome back again. I see that

1 we are in the same composition, yes, so for the record. Very well.

2 And then there is a point that I would like to clarify with the
3 Defence.

4 Defence Counsel, could you clarify to the Panel which was the
5 procedure when taking the statements for the witnesses for the
6 Defence? Because we see there's an English version signed by the
7 witnesses, and then on every page they have their initials. And I
8 see that there is an Albanian translation, but we see that they are
9 Albanian-speaking.

10 So for our better understanding, could you elaborate on that.

11 MR. VON BONE: Yeah. We had no Albanian translation signed or
12 so by any of the witnesses. Basically, the English text was the
13 going text. We would go through it. I remember that these were very
14 long days and very long hours, 12 hours or so sometimes.

15 But those were basically it. Just type up whatever the witness
16 had so say afterwards --

17 PRESIDING JUDGE VELDT-FOGLIA: In English.

18 MR. VON BONE: Yes, yes. It would be translated, of course, by
19 Mr. Pelaj. It would be done at the same time, and we would go
20 through it again, and that's how we worked that way.

21 As you can see, there is a clear error in it that was obvious,
22 but I mean, that is what happened. I can't make it different than
23 [overlapping speakers] ...

24 PRESIDING JUDGE VELDT-FOGLIA: No, I'm not referring to the
25 apparent -- the point you made. Just for my understanding, let me

1 summarise it, and if I understood it wrong, let me know.

2 The witness would be talking in Albanian. It would be
3 translated into English. That would be written down.

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: That statement would be -- yeah,
6 you would go through it again with the witness.

7 MR. VON BONE: Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: And if they would agree, it would
9 be signed.

10 MR. VON BONE: That's right.

11 PRESIDING JUDGE VELDT-FOGLIA: And then comes my interpretation.
12 Then afterwards, this witness statement in English would be
13 translated back as to say -- to Albanian.

14 MR. VON BONE: Yes, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Is that what I --

16 MR. VON BONE: Yes, that's -- that we had an Albanian version of
17 it, yes. Indeed.

18 PRESIDING JUDGE VELDT-FOGLIA: And then -- because that is the
19 reason that it is written "Albanian translation."

20 MR. VON BONE: Yes.

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

22 MR. VON BONE: Okay?

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Good. Then we will usher the witness in, and then I will give
25 you the floor, Defence Counsel, to continue with your questioning.

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1 And I will be informed soon how many minutes you have already used
2 for the questioning.

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

4 [The witness takes the stand]

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

6 Welcome back, Mr. Ismaili.

7 THE WITNESS: [Interpretation] Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: We will now continue with your
9 questioning by the Defence Counsel.

10 Defence Counsel, you have the floor.

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

12 Q. Mr. Witness, you already told us when was the initial meeting
13 that you had -- I mean, with the initial meeting, the meeting in
14 which you were present but did not have contact with Mr. Mustafa.
15 You told us when you had that -- when that occasion was.

16 My question is: The next time that you met him, how many days
17 was that after that first occasion on which you were just a
18 bystander?

19 A. As far as I remember, that was somewhere in the beginning of
20 April. What I said earlier. It was in the beginning of April, 7,
21 8 April. From the first meeting where I did not take part to the
22 second meeting, there were seven or eight days between to make the
23 plans, operational plans, how to enter Prishtine, how to retrieve the
24 medication. So that was seven or eight days after. It was in the
25 beginning of April.

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1 Q. Okay. And you were speaking about making the plans or making
2 plans. Could you tell me was also Mr. Mustafa participating in the
3 meetings when these plans were made?

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think that, on
5 page 30, it said exactly:

6 "Salih Mustafa, at that meeting, we discussed ... about
7 strategic plans, how to operate, how to enter Prishtine, to supply
8 the civilians ..."

9 MR. VON BONE: Yes, it was -- it was --

10 PRESIDING JUDGE VELDT-FOGLIA: He has said there that he was
11 present. He already said that.

12 MR. VON BONE: Okay. I did not want to say you were present and
13 it was a step-up question to another question --

14 PRESIDING JUDGE VELDT-FOGLIA: Yes. But you asked something
15 that has already been asked.

16 MR. VON BONE: Okay.

17 Q. Who else participated in those meetings to make plans?

18 A. At that moment regarding these plans, it was only myself and
19 Salih Mustafa. There were medicament supplies in my house. My
20 sister, my brother, they all worked in the medical faculty. And
21 because of the dramatic situation, because it was war, we had people
22 internally displaced from other parts and we needed to assist them
23 with medicaments, and I informed him about the amount of these
24 medicaments in my house.

25 PRESIDING JUDGE VELDT-FOGLIA: No, no.

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1 Mr. Witness, please answer the question. Don't elaborate. That
2 was not the question. The Defence Counsel asked you who was -- if
3 there was somebody else was present. It suffices if you answer that.
4 If he wants to know more, you will be given the floor to answer more.

5 Is that clear?

6 Yeah, I have seen the Prosecutor, but I want to know if it is
7 clear for the witness. Because this question -- I already told you
8 before, Mr. Witness, please answer the question and stick to that.

9 Mr. Prosecutor.

10 MR. DE MINICIS: Your Honour, I also would like to ask that we
11 don't overstate or that we state the record correctly because
12 Defence Counsel asked:

13 "Who else participated in those meetings to make plans?"

14 Now, my understanding that the witness referred to one instance,
15 one meeting in which they discuss these issues. There was not more
16 than one meeting in which so far with the witness discussed plans
17 with Salih Mustafa, according to what has been stated today.

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

19 That is correct, isn't it, Defence Counsel?

20 MR. VON BONE: That's right, Your Honour. That's right.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. We have now
22 stated that for the record that there was only one meeting.

23 Please proceed.

24 MR. VON BONE: There was one with Salih --

25 PRESIDING JUDGE VELDT-FOGLIA: With regard to this topic.

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1 MR. VON BONE: This issue. Yes.

2 Q. Were there any plans made by you or Mr. Mustafe Sopi that were
3 discussed?

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, with whom? And
5 when?

6 MR. VON BONE: That is what the question is about.

7 PRESIDING JUDGE VELDT-FOGLIA: No, no. Were there --

8 MR. VON BONE: Yeah --

9 PRESIDING JUDGE VELDT-FOGLIA: But I don't know where --

10 MR. VON BONE: First the question is: Were there any other
11 plans discussed with you or Mr. Mustafe Sopi? And then the next
12 question is: When and where?

13 PRESIDING JUDGE VELDT-FOGLIA: I think it's not clear. And I
14 want to understand what you are asking.

15 MR. VON BONE: Were there any other plans.

16 PRESIDING JUDGE VELDT-FOGLIA: Yeah, but it is so general,
17 Defence Counsel.

18 MR. VON BONE: That is indeed general with --

19 PRESIDING JUDGE VELDT-FOGLIA: Yeah, but that can be --
20 sometimes it is too general --

21 MR. VON BONE: I mean --

22 PRESIDING JUDGE VELDT-FOGLIA: No. Please let me talk.

23 MR. VON BONE: Mm-hm.

24 PRESIDING JUDGE VELDT-FOGLIA: It is -- this is, for my
25 understanding, too general --

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1 MR. VON BONE: Okay.

2 PRESIDING JUDGE VELDT-FOGLIA: -- and I ask you to rephrase it
3 and to make it more concrete.

4 MR. VON BONE:

5 Q. Mr. Witness, in the period of time that you were there in Butovc
6 or on your own location, were there any other plans in that period of
7 time that were made by you or Mr. Mustafe Sopi?

8 A. No.

9 Q. And was there any other meetings that you had in the period of
10 time -- let me rephrase it.

11 In the period of time that you are discussing - so from upon
12 your arrival up to your meeting with Salih Mustafa, and I mean the
13 meeting in which you were a bystander - in that period of time, were
14 there any plans made by other activists who were there in Butovc?

15 A. In terms of concrete plans, for me to enter as an individual to
16 Prishtine and retrieve the medicaments, these plans were between me
17 and Salih Mustafa. But later on, these plans involved Mustafe Sopi
18 and others.

19 Q. Mm-hm, okay. I earlier spoke to you about your first, what you
20 might call, official meeting with Salih Mustafa. From that moment
21 on, for about how long did Salih Mustafa stay in Butovc or would you
22 see him? Could you give us an estimate how many days that would be
23 or --

24 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, should you not
25 first ask him if he had seen him after that? Because now you

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1 already --

2 MR. VON BONE: Well, I can ask that, Your Honour --

3 PRESIDING JUDGE VELDT-FOGLIA: No. No, no, you're already
4 implying that he did.

5 MR. VON BONE:

6 Q. Well, after your first meeting with Mr. Salih Mustafa, your
7 official meeting, did you see him also afterwards?

8 A. Yes.

9 Q. And for approximately how many days did you see him afterwards
10 or how many times did you see him afterwards there?

11 A. It could be seven or eight days. Approximately. The second
12 time.

13 Q. Okay. And do you remember that he at some point left, or did he
14 say good-bye to you, or did he otherwise say that he would move
15 elsewhere?

16 A. I don't remember. But I do remember that there was some wounded
17 and that he moved, went to where those wounded persons were. I did
18 see him there on two, three occasions on the move.

19 Q. Okay. And "there," when you say "there," where do you mean?

20 A. I mean the house of Mustafe Sopi.

21 Q. I understand. And do you know of anything about where he --
22 where he needed to go? In which region? Or was it in town? Or
23 where was it? Do you know anything about that?

24 A. I don't remember. Personally I don't remember.

25 Q. On the occasions that you met Salih Mustafa, what would he be

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1 wearing? What kind of attire? What kind of clothes would he be
2 wearing?

3 A. Salih Mustafa did not have a special kind of attire. He had a
4 waistcoat that resembled those of a hunter's. So apart from that
5 vest, the rest of his attire was civilian clothes.

6 Q. Okay. And were there any insignia on that vest or whatever he
7 was wearing, any particular insignia?

8 A. I personally did not see any.

9 Q. And do you know if he was -- he would be carrying a weapon?

10 A. Yes.

11 Q. And do you know what kind of weapon that would be?

12 A. I don't remember. It was a type of a Scorpion, but I'm not
13 familiar with them.

14 Q. And in that particular period of time that we are speaking
15 about, in Butovc, what kind of clothes would you be wearing yourself?

16 A. Civilian clothes.

17 Q. And would you have an arm -- would you be armed?

18 A. Yes.

19 MR. VON BONE: Just a minute, Your Honour.

20 [Specialist Counsel confer]

21 MR. VON BONE:

22 Q. Mr. Witness, were you a member of the KLA?

23 A. Yes.

24 Q. And could you tell me in what capacity were you then a member?

25 A. A soldier.

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1 Q. Okay. And did you belong to any particular unit, brigade, or
2 other part of the KLA?

3 A. Yes.

4 Q. And what would that be?

5 A. BIA guerrilla unit.

6 Q. Okay. And could you tell what that actually was, that unit?

7 A. It was a military formation, just like any other formation.

8 Q. And who else did you know then as BIA members?

9 A. I personally knew Mustafe Sopi, Gani Sopi, Hazir Borovci, and I
10 do not remember the names of the others.

11 Q. Mm-hm.

12 A. For the moment.

13 Q. And what was actually your function within it, within that BIA?

14 A. As a soldier. That was my function. Nothing else.

15 Q. And were you or are you in any kind of veterans association of
16 the KLA?

17 A. Yes.

18 Q. And could you tell me what kind of veterans association is that?

19 A. Veterans.

20 Q. Yes. Is there a difference in the veterans associations as far
21 as people who are in those -- in that association? Is there a
22 distinction among the members of the veterans associations, to your
23 knowledge?

24 A. To my knowledge, veterans, fighters, veterans, invalids. This
25 is what I know.

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1 Q. And to which part of the veterans do you belong?

2 A. Veteran fighter.

3 Q. Okay.

4 MR. VON BONE: I think we covered it all. Thank you very much.
5 We have no further questions.

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

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel. Let
8 me confer for a moment with the Court Officer.

9 [Trial Panel and Court Officer confer]

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, we are flexible,
11 unless we don't use more time than allocated to us, to organise our
12 day. So my question to you would be, would there be a preference for
13 the SPO to have a break now and then start with the cross-examination
14 after; or can you continue now and then we go on till 1.00 in a
15 normal -- as we normally do?

16 MR. DE MINICIS: Your Honour, we would be happy to take a break
17 now.

18 PRESIDING JUDGE VELDT-FOGLIA: I'm inquiring if it is possible.

19 MR. DE MINICIS: Yes. Okay, thank you.

20 [Trial Panel and Court Officer confer]

21 PRESIDING JUDGE VELDT-FOGLIA: I see the Defence Counsel
22 standing.

23 You have the floor, Defence Counsel.

24 MR. VON BONE: May I ask the question -- a last question to the
25 witness? It's a --

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1 PRESIDING JUDGE VELDT-FOGLIA: Of course, Defence Counsel, you
2 may.

3 Please, you have the floor.

4 MR. VON BONE:

5 Q. Mr. Witness, my question is: Were you actually ever in combat
6 during the period of the war?

7 A. Yes.

8 Q. And in which -- in which area was that?

9 A. Precisely in Gollak area, in Butovc.

10 Q. Right. Thank you very much. Those were the questions.

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

12 Then what we will do now, we will have a break till 1.30. And
13 then we will proceed this afternoon, recuperating the hour we haven't
14 done now, because we only have done half an hour. It will also give
15 us the time to have a closer look at the last document that came in.
16 And then, at 1.30, we will have the cross-examination of the SPO and
17 we have the examination by the Victims' Counsel. Yes?

18 Mr. Witness, we will have a break now till 1.30 and then we will
19 continue. Is that clear? Yes. I wish you a good break.

20 Madam Court Usher, could you please usher the witness out of the
21 courtroom.

22 [The witness stands down]

23 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you. We will
24 resume at 1.30.

25 --- Luncheon recess taken at 11.57 a.m.

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1 --- On resuming at 1.29 p.m.

2 PRESIDING JUDGE VELDT-FOGLIA: I see that we are in the same
3 composition as before, so we can proceed.

4 Madam Court Usher, can you usher the witness in.

5 [The witness takes the stand]

6 PRESIDING JUDGE VELDT-FOGLIA: Please take your mask off,
7 Mr. Witness.

8 Welcome back, Mr. Witness.

9 THE WITNESS: [Interpretation] Thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: Did you have a good break? Okay,
11 very well. It's now the moment for the Specialist Prosecutor's
12 Office to proceed with their cross-examination. I will give the
13 floor to them now.

14 Mr. Prosecutor, you have the floor.

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

16 Cross-examination by Mr. De Minicis:

17 Q. Good afternoon, Mr. Ismaili.

18 A. Good afternoon.

19 Q. To start, I would like to try to clear up, with your assistance,
20 the timeline of your movements and meetings with Salih Mustafa as
21 they emerged from your testimony this morning.

22 You left Prishtine in the early hours of 24 March 1999; is that
23 correct? Right after the bombing had started.

24 A. Yes.

25 Q. Thanks. And you spent about 24 hours in Hajvalia, a town with

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1 that name or a similar name, and I apologise if I mispronounced it.

2 Is that correct?

3 Yes, Mr. Witness, I will ask you to -- sorry.

4 A. Correct.

5 Q. Thank you. Because if you just nod, I can see you, but the
6 record will not reflect that.

7 After Hajvalia, you continued towards Mramor. And from there,
8 to Butovc, where you arrived approximately on 26 March 1999,
9 according to your testimony this morning; is that correct?

10 A. Yes, that's correct.

11 Q. Now, you told the Panel this morning that the first time that
12 you saw Salih Mustafa, at what you called an unofficial meeting, was
13 on or around 28 or 29 March 1999 at the house of the cousin of
14 Sabit Krasniqi; is that correct?

15 A. Correct.

16 Q. But you didn't talk to him that time. You two were not
17 introduced.

18 A. No, I was not introduced.

19 Q. Thank you. Now, I'm coming to what you described as the first
20 official meeting, that is, when you and Salih Mustafa actually
21 talked. And I understand that this happened at what you refer to as
22 a strategic point, somewhere where you were standing guard; is that
23 correct?

24 A. Correct.

25 Q. That is the first time you were introduced to Salih Mustafa.

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1 A. Correct.

2 Q. And this, according to the testimony you gave this morning, was
3 either on 7 or 8 April or seven to eight days after the first
4 meeting. Does that sound right?

5 A. Yes.

6 Q. And you did not have any meetings with Salih Mustafa between
7 these two occasions; is that correct?

8 A. I had another meeting. And as soon as I entered the chamber, I
9 wanted to ask Her Honour, because I have some issues with my memory.
10 I met him again. When I left the chamber, I remembered that.

11 Q. Okay. And when would this time that you forgot to tell the
12 Chamber be?

13 A. In the same month. It may have been on 20 April, approximately.
14 I'm -- I can't be precise. We travelled to together to Prishtine,
15 attempted to enter Prishtine to retrieve the medicaments, but we were
16 unable to do that. We returned. We bought some foodstuffs from some
17 Rome [phoen] guy and returned. This, all this trip, lasted about
18 eight hours.

19 I apologise to the Defence lawyer because, as I said, I have
20 issues with my memory.

21 Q. So now you just said that this may have been on 20 April, so
22 this would be after the time that you met at the strategic point;
23 correct?

24 A. Correct, yes.

25 Q. And that would be about 12, 13 days after that, according to the

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1 timeline that you provided today. Does that sound about right?

2 A. Yes, approximately, yes.

3 Q. Very well.

4 So now we have a brief meeting when you saw him on 27 or
5 28 March, first time. Second time, 7 or 8 April, or seven to eight
6 days after the first meeting; is that correct? And now this time
7 that --

8 A. Correct.

9 Q. -- you went to scout for medicines -- sorry, to scout for
10 medicines in -- on or around -- in Prishtine, on or around 20 April;
11 correct?

12 PRESIDING JUDGE VELDT-FOGLIA: SPO, Mr. Prosecutor, could you
13 please make the pauses long enough for the interpreters.

14 MR. DE MINICIS: Apologies, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: No, no, no apologies needed, but
16 we --

17 MR. DE MINICIS: I got carried away. Yes.

18 MR. VON BONE: Your Honour, one point of clarification.

19 PRESIDING JUDGE VELDT-FOGLIA: Of course. Defence Counsel, you
20 have the floor.

21 MR. VON BONE: Yeah. So just the counsel to ask the question, I
22 mean, the second time, it's either 7 or 8 April, or seven or eight
23 days after the first meeting; right?

24 MR. DE MINICIS: Yes, correct.

25 MR. VON BONE: Okay.

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1 PRESIDING JUDGE VELDT-FOGLIA: If I remember well, that is -- he
2 gave these two statements separately from each other on two different
3 moments in time.

4 MR. VON BONE: Yes. Not that it's the same date that ...

5 PRESIDING JUDGE VELDT-FOGLIA: I don't understand your point,
6 Defence Counsel. Please make your point.

7 MR. VON BONE: Well, if March has 31 days and the first meeting
8 would be 28th, then obviously if it would be seven or days later, it
9 would be earlier than 7 or 8 April.

10 PRESIDING JUDGE VELDT-FOGLIA: And what is the point you want to
11 make?

12 MR. VON BONE: That's why I say in the transcript it says:
13 "Second time, 7 or 8 April, or seven to eight days after the first
14 meeting ..."

15 MR. DE MINICIS: Your Honour, that's --

16 PRESIDING JUDGE VELDT-FOGLIA: That's --

17 MR. VON BONE: I just want to make sure that it is -- that we do
18 not mean --

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

20 MR. VON BONE: -- the same --

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

22 THE INTERPRETER: Microphone, please.

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, next time, if
24 you go so much into detail, it is so important that we don't
25 influence the witness.

1 Thank you, Victims' Counsel, for pointing that out to us.

2 So, Court Usher, Madam Court Usher, could you usher the witness
3 out of the courtroom, please.

4 Mr. Ismaili, you will be ushered out.

5 [The witness stands down]

6 PRESIDING JUDGE VELDT-FOGLIA: I will -- thank you, Madam Court
7 Usher.

8 I will give both Mr. Prosecutor and the Defence Counsel the
9 floor, and I think that the Victims' Counsel has made her point, that
10 was what you would like to say.

11 But to come back to you, Defence Counsel, I heard the witness
12 say both things this morning and that is what Mr. Prosecutor has
13 confronted the witness with.

14 MR. VON BONE: Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: So, Mr. Prosecutor, would you
16 like to make another comment?

17 MR. DE MINICIS: Your Honour is correct. That's -- I just
18 reminded the witness what he said this morning. He wasn't certain
19 whether that date happened -- that meeting happened the 7th or
20 8th April or seven to eight days after the first time he saw him.
21 That's it.

22 PRESIDING JUDGE VELDT-FOGLIA: And then I can understand,
23 Defence Counsel, that if we make a calculation, as Mr. Prosecutor
24 did, that was - what did you say? - 13, 14 days after --

25 MR. VON BONE: Seven days.

1 PRESIDING JUDGE VELDT-FOGLIA: -- that is if you count from the
2 7th or 8th April. But if you count from seven or eight days later,
3 starting the 26th or 27th March, it is some days more.

4 MR. VON BONE: So that was my point, that we -- when the
5 question was asked, just to make sure that it would not confuse
6 anything.

7 So if it is seven or eight days after the 28 March, if that's
8 what he says, then you do not come to 7th or 8th April. That is what
9 I'm trying to say. And that is why I reacted to the transcript.

10 PRESIDING JUDGE VELDT-FOGLIA: Yes. But the transcript
11 reflected exactly what was said.

12 MR. VON BONE: Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: And my suggestion would be for
14 next time you take the floor and you say that depending on which day
15 you take as a starting date, the calculation differs, and then it is
16 clear for all of us.

17 And a reminder for all of us that this witness apparently
18 understands English, so if we want to have -- if we wanted to elicit
19 evidence from him, it is important that we take notice that he is
20 ushered out if we discuss matters that go into the content of the
21 statement.

22 Are you still standing because -- Mr. Prosecutor, because -- no,
23 no. Is there something else you would like to raise or can I usher
24 the witness in?

25 MR. DE MINICIS: No, I was just standing to continue my cross.

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1 PRESIDING JUDGE VELDT-FOGLIA: Yes, of course. Very well.

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

3 [The witness takes the stand]

4 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Ismaili. We
5 will continue with the cross-examination by Mr. Prosecutor.

6 THE WITNESS: [Interpretation] Thank you.

7 MR. DE MINICIS: Thanks, Your Honour.

8 Q. Now, during this morning's testimony, you had not told the Panel
9 about this meeting that you recalled now, but you did tell the Panel
10 about meeting Salih Mustafa one time after the strategic point
11 meeting. And you said that that was seven to eight days after the
12 meeting at the strategic point.

13 MR. DE MINICIS: And this is to be found on page 42 of the
14 transcript, Your Honour.

15 Q. So if I now can sum it all up -- do you recall stating that,
16 Mr. Ismaili? And this apparently happened at Mustafe Sopi's house.

17 A. To my recollection, because a long time has passed and I have
18 great problems with my memory, at the strategic point, that's where I
19 met him. Where the first time, when there were about 20 or so people
20 present, that I don't count as a meeting.

21 Q. Fair. So after the meeting at the strategic point, between that
22 meeting and the time you went to Prishtine together, right, you told
23 the Panel it happened around 20 April, were there other meetings that
24 you had with Salih Mustafa in Butovc?

25 A. No, there weren't.

1 Q. So you stated that at some point you were building bunkers,
2 depots to store medicine; is that correct?

3 A. Correct.

4 Q. And Salih Mustafa did not take part with you to the construction
5 of these depots?

6 PRESIDING JUDGE VELDT-FOGLIA: Please, I would like to stop here
7 for a moment. And I'm very sorry to ask you again, Mr. Witness, but
8 please I will have you ushered out by the -- Madam Court Usher,
9 because we have to discuss something about your statement.

10 [The witness stands down]

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 This morning, we had a moment of discussion with regard to who
13 built, Defence Counsel, who built the bunkers for the supplies, and
14 you indicated that there had been an interpretation -- there might
15 have been an interpretation issue. Your colleague indicated that.

16 And I asked the translation service to go into it again, in
17 order to be sure what was said, because I find it very important if
18 we realise that something is not interpreted well, that we all have a
19 clear picture.

20 And that's, of course, the reason, Mr. Prosecutor that I
21 interrupted you, because before you go into this, I want to have it
22 clear.

23 And apparently the sentence should be read as:

24 "It was not only myself and Salih Mustafa that built it ..."

25 So that is what apparently was said.

1 MR. DE MINICIS: But then, Your Honour, at page 34, line --

2 PRESIDING JUDGE VELDT-FOGLIA: Yes, I know where you're --

3 MR. DE MINICIS: -- 12, Your Honour, I think that the first
4 answer that Your Honour just read was ambiguous, I would say. It was
5 unclear. Could be interpreted either way. But he then stated,
6 line 12, page 34 of the provisional transcript, the question was:

7 "Mr. Witness, did you and Mr. Mustafa, Salih Mustafa,
8 participate in building these storage places?"

9 And he answered:

10 "I took part. Salih Mustafa did not take part."

11 PRESIDING JUDGE VELDT-FOGLIA: I will leave the further
12 cross-examination to you and there will be also a re-direct, if it is
13 necessary, on this point. But I just wanted to point out that the
14 first phrase should be read as I just said, and when the witness
15 comes back I will also tell him.

16 That's how I would like to proceed with that. But I can say it
17 again.

18 The sentence should be read as: "It was" -- apparently it was
19 not translated well at the beginning and therefore it was not
20 reflected well in the transcript.

21 "It was not only myself and Salih Mustafa that built it."

22 MR. DE MINICIS: Your Honour, I'd be -- because then there's
23 this other sentence -- the other answer would be -- perhaps we can
24 just clear this up by asking the witness again.

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, please proceed

1 how you think it is necessary to proceed. Just for the record.

2 Very well.

3 Is there something you would like to say in addition,
4 Defence Counsel?

5 MR. VON BONE: No. Just that the witness is informed as
6 you would --

7 PRESIDING JUDGE VELDT-FOGLIA: Then I will inform him, yes.

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

9 MR. DE MINICIS: Perhaps -- Your Honour, I'm sorry if --

10 PRESIDING JUDGE VELDT-FOGLIA: Yes.

11 MR. DE MINICIS: Does Your Honour intend to inform the witness
12 of his answer before me asking him again, or could I just ask the
13 question and see what the witness answers now?

14 PRESIDING JUDGE VELDT-FOGLIA: I will look at the
15 Defence Counsel.

16 MR. VON BONE: I think it's fair enough to say to the witness
17 that this was not well reflected in the transcript and how it should
18 have been read as what his answer was. And that there was then
19 another moment that my learned colleague is talking about which
20 apparently seemed not be in line, and that is where the point -- but
21 I do think it is important that the initial thing that was said by
22 the witness, as we at that moment already indicated, is to be told to
23 the witness.

24 MR. DE MINICIS: Your Honour, I disagree most strenuously.
25 Because the witness did not receive that interpretation. That is an

1 English translation that we received. So any clarification concerns
2 us, not the witness, and -- so he'll know the answer. So I think
3 that without further confusing the witness's memory, we can just ask
4 again.

5 PRESIDING JUDGE VELDT-FOGLIA: I see Defence Counsel standing.
6 Please.

7 MR. VON BONE: I don't think so. I think really it is, indeed,
8 what the witness said. So if that is what the witness said, then
9 that is what the witness said.

10 So --

11 PRESIDING JUDGE VELDT-FOGLIA: But could you react --

12 MR. VON BONE: We had a discussion -- yeah.

13 PRESIDING JUDGE VELDT-FOGLIA: Could you react to the
14 Prosecutor's --

15 MR. VON BONE: Well, I remain on the same standpoint of view
16 that we first say to the witness, "This is what you said at that
17 moment in time and afterwards you said something else." And then we
18 can find out what is the truth on it.

19 PRESIDING JUDGE VELDT-FOGLIA: What we -- how we will proceed is
20 as follows.

21 I want the question to be asked, just like that. And then we
22 will confront him with the two -- if there is a problem, we will
23 confront him with both what I read out to you now and the other
24 phrase he used.

25 I think that is the most -- the way we can elicit the most

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1 objective information.

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

3 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you
4 usher the witness in, please.

5 [The witness takes the stand]

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we will proceed.
7 You have the floor.

8 MR. DE MINICIS:

9 Q. Mr. Witness, these storage depots that you built, did
10 Salih Mustafa build them with you?

11 A. He did not build it together with me.

12 Q. Thank you, Mr. Witness.

13 MR. DE MINICIS: Your Honour, I will now move to the next topic
14 in my cross-examination, as I think the timelines of the meetings
15 with the witness is sufficiently -- the timeline of the meetings is
16 clarified as far as I'm concerned.

17 But I see Defence Counsel is standing.

18 MR. VON BONE: Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: I see it.

20 Defence Counsel, you have the floor.

21 MR. VON BONE: Yeah, I think we should proceed that we just --
22 as just was said. I don't want to get into the detail, but I think
23 just a single question, that is not the way we intended to proceed on
24 this matter.

25 PRESIDING JUDGE VELDT-FOGLIA: My suggestion is we have the --

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1 we will have re-direct and you can then ask the questions.

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

3 Q. Now, Mr. Witness, you told the Panel today that the first time
4 that you met Salih Mustafa was in -- the first time you were
5 introduced was in April 1999 at that strategic point; correct? At
6 some point, say, in April 1999.

7 A. It was the beginning of April, as far as I remember.

8 Q. And as you stated repeatedly today, your memory does not serve
9 you too well on these points, does it?

10 A. Right. I have issues with my memory.

11 Q. Did you keep in touch with Mr. Mustafa after the war?

12 A. Yes.

13 Q. Is Salih Mustafa a friend of yours?

14 A. Yes.

15 Q. Is he a close friend?

16 A. Close friend. Good friend.

17 Q. And how -- have you been -- are you in frequent contact with him
18 in the recent years? Have you been frequently in contact with him?

19 A. Yes, we have had contacts.

20 MR. DE MINICIS: Your Honour, could I please have on the screen
21 SPOE00325590 to 00325606. The first page of the document, please.

22 Q. Now, Mr. Ismaili, if you --

23 MR. DE MINICIS: Please, if the Court Officer could zoom a bit
24 further in like it was before. Zoom in a bit. A bit more. Yes,
25 that will do.

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1 Q. Mr. Ismaili, is -- do you recognise, is that your phone number
2 on the screen, the one with the your name underneath it?

3 A. Yes.

4 Q. If I told you that between 24 July 2019 and 22 September 2022
5 you exchanged 138 instant messages with Salih Mustafa, would that
6 sound possible to you?

7 A. Yes, it might be possible.

8 Q. And if I told you that roughly around the same period, 193 calls
9 are recorded to have occurred between the two of you, albeit none of
10 them were answered, would that sound possible, plausible to you?

11 A. I didn't understand the question. Could you repeat it, please?

12 Q. I apologise. I will repeat it.

13 If I told you that roughly between the same -- during the same
14 period, between 25 July 2019 and 23 September 2022, 193 calls are
15 recorded to have occurred between the two of you, would that sound
16 possible?

17 A. Yes, it is possible.

18 Q. And if I told you that in the week of 15 to 23 September 2020,
19 up until two days before Mr. Mustafa was arrested, a total of 27
20 calls --

21 PRESIDING JUDGE VELDT-FOGLIA: My colleague has rightly pointed
22 out that in the transcript, it is reflected 23 September 2022.

23 MR. DE MINICIS: I apologise, Your Honour. I meant 23
24 September 2020. Thank you, Your Honour, for clarifying that. It's
25 2020, not 2022.

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1 PRESIDING JUDGE VELDT-FOGLIA: Okay. If you finish this batch
2 of interrogation -- of this question, please hold on a moment. I
3 would like to come back to you for something else.

4 MR. DE MINICIS: Yes, very well.

5 PRESIDING JUDGE VELDT-FOGLIA: After this -- when you finish
6 this batch of questions with regard to this point.

7 MR. DE MINICIS:

8 Q. So in the week leading up to 23 September 2020, a total of 27
9 calls were made between your number and Salih Mustafa's number.
10 Would that sound a possible number to you?

11 A. Yes.

12 MR. DE MINICIS: And, Your Honour, in this regard, I would like
13 to tender into evidence an extraction report of calls between the
14 accused Salih Mustafa and Mr. Jakup Ismaili. That would be ERN
15 SPOE00325590-00325606. Which is -- what we have on the screen now is
16 the log of the instant messages exchanged between the witness and the
17 accused. But now I've been asking questions about calls, and we have
18 a log that supports the numbers that I have been putting to the
19 witness.

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

22 [Trial Panel and Court Officer confer]

23 PRESIDING JUDGE VELDT-FOGLIA: It will be given a number as soon
24 as possible, so then we will come back to you.

25 MR. DE MINICIS: Very well. Thank you.

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1 Your Honour, I would be done with this topic, so --

2 PRESIDING JUDGE VELDT-FOGLIA: Okay. I gave it a further
3 thought what we discussed before with regard to the question you
4 asked to the witness with regard to the building.

5 MR. DE MINICIS: Mm-hm.

6 PRESIDING JUDGE VELDT-FOGLIA: And I reconsider what I said
7 before. I think it should be done as we had agreed on.

8 So we agreed that you would ask the question and then confront
9 him with what he said before. So -- because that is what I agreed on
10 with both parties. So I know that normally the SPO conducts its
11 cross-examination the way it wanted, but we agreed that we would do
12 it like this and then you changed your mind.

13 So I see the Defence Counsel's point.

14 MR. DE MINICIS: Yes, Your Honour. The fact is that I could
15 read him the -- does Your Honour want me to read the translation as
16 stated there on today's transcript, the answer that was given by the
17 witness?

18 PRESIDING JUDGE VELDT-FOGLIA: The new translation where he
19 said -- it is going to be complicated to say because I don't want to
20 say it. But the translation we received from the translation unit,
21 the new one.

22 MR. DE MINICIS: Yes. Your Honour, I'm afraid I'm -- it's not
23 because I don't want to do it. It's just I'm not sure I remember
24 the -- word by word the translation was given. And, in fact, as I
25 said, what is -- I think that the translation that was -- the first

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1 answer to that, it was ambiguous, could have been interpreted either
2 way, but then twice the witness has stated on the record that that
3 was not the case, with a certainty degree of clarity.

4 So ...

5 PRESIDING JUDGE VELDT-FOGLIA: And if I -- yes. I see your --
6 so you're saying: I'm not sure I can accurately put the question to
7 the witness?

8 MR. DE MINICIS: That's correct, Your Honour. I'm afraid I
9 don't want to misstate the interpretation that I don't have in front
10 of my eyes.

11 Defence Counsel, you have the floor. We don't want to confuse
12 anybody.

13 MR. VON BONE: So we just go to the transcript in what you said
14 was the correct translation.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay.

16 MR. VON BONE: Say that.

17 PRESIDING JUDGE VELDT-FOGLIA: I think that is fair, what the
18 Defence Counsel says. So let us --

19 MR. VON BONE: There's nothing ambiguous. I mean -- I mean
20 this --

21 PRESIDING JUDGE VELDT-FOGLIA: No, we -- wait, wait, wait. We
22 are not going to discuss anything in front of the witness.

23 MR. VON BONE: So I really hope that the SPO will not do the
24 same, then, too, using such an opportunity and saying, oh, it's this
25 or that, making any kind of qualification about it.

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1 MR. DE MINICIS: I don't know, Your Honour, what's -- to be
2 honest, I think that -- may I suggest this is done by Defence Counsel
3 in re-direct or asked by Your Honour now.

4 PRESIDING JUDGE VELDT-FOGLIA: What I will do is I will do it
5 myself. And then in re-direct, Defence Counsel, I -- you can come
6 back to the topic again. So, yes.

7 Mr. Ismaili, this morning, when talking about who built these
8 bunkers, you have just said to Mr. Prosecutor that it was -- let me
9 see, I want to state exactly what you have said. Let us see.

10 And if I could be provided with the line, then --

11 MR. DE MINICIS: [Microphone not activated] page 34, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. Page 34. And then ...

13 MR. DE MINICIS: [Microphone not activated].

14 PRESIDING JUDGE VELDT-FOGLIA: Yes. Okay.

15 You said:

16 "Mr. Witness, did you and Mr. Mustafa, Salih Mustafa, take part
17 in building these storage places? Did you help?"

18 And then you said:

19 "I took part. Salih Mustafa did not take part."

20 Correct, isn't it? Please, a little bit louder.

21 THE WITNESS: [Interpretation] Correct.

22 PRESIDING JUDGE VELDT-FOGLIA: Very well. This morning you were
23 asked -- you were asked the same question and you replied:

24 "It was not only myself and Salih Mustafa who built it."

25 And I would like to know with you, what do you mean with that,

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1 when you said that?

2 "It was not only myself and Salih Mustafa who built it," because
3 it doesn't -- maybe it's not the same as you said now, but I just
4 want to clarify.

5 THE WITNESS: [Interpretation] Your Honour, the difference is in
6 the physical work and the drafting of the plan for building the
7 bunkers where Salih Mustafa took part. Whereas when it came to the
8 physical work to build the depots, that's the difference. The way I
9 understood the question was that you meant the preparation of the
10 plan and not the physical work. Because he was -- he was of frail
11 nature. He wasn't used to do hard work. That is the difference that
12 we have misunderstood one another. I meant he took part in the
13 drafting of the plan, let's say, not in the work to build it. So in
14 the planning to build these depots and place there the medicaments,
15 that was done by Salih Mustafa and myself. Whereas when it came to
16 building it, all the others that were there took part.

17 He didn't take part physically.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. Now --

19 THE WITNESS: [Interpretation] This is the difference.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness.

21 Mr. Prosecutor, you may proceed.

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

23 Q. Thanks for clearing that up, Mr. Ismaili.

24 Did you exchange any phone calls with Mr. Mustafa after he was
25 arrested on 25 September 2020?

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Questioned by Victims' Counsel

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1 A. Yes.

2 Q. With what frequency did you speak?

3 A. I don't remember exactly, but I know it happened every week.

4 Q. So you spoke every week. And as you -- as these conversations
5 continued, did you become familiar with his case and with his
6 Defence?

7 I'll repeat that. Sorry, I wasn't clear.

8 Did you discuss the charges against him or how the trial was
9 going?

10 A. I was not happy. I personally got involved, asked them what's
11 going on. The entire life went towards humanitarian cause and then
12 in the end, there was an indictment. So I openly spoke about my
13 discontent.

14 Q. Sorry, just a second. I understand. Thank you, Mr. Witness.

15 MR. DE MINICIS: I have no further questions for this witness,
16 Your Honour. That would be all.

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

18 The turn is now for the Victims' Counsel. You have the floor.
19 Would you like to pose any questions?

20 MS. VOSENBERG: Yes, thank you, Your Honours. I can be quite
21 brief.

22 Questioned by Victims' Counsel:

23 Q. Hello, Mr. Witness. Earlier today - and for the reference,
24 we're on page 44, line 14 of the transcript of today - you told us
25 that you were in BIA; is that correct?

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1 A. Yes, correct.

2 Q. Could you tell us when you joined BIA?

3 A. In June 1998. As far as I remember.

4 Q. And how did you come to join BIA? And by that I mean, were you,
5 for example, recruited?

6 A. I had a friend, Sabit Krasniqi. We formed a council, and that
7 council dealt with humanitarian aspects, with assistance, and it did
8 this kind of work.

9 MS. VOSSENBERG: One moment to confer, please.

10 [Victims' Counsel confer]

11 MS. VOSSENBERG: Thank you, Your Honours.

12 Q. Thank you for your patience, Mr. Witness. I have one more
13 question. Do you know who the commander was of BIA?

14 A. Up until after the war, I didn't know. I didn't find out and I
15 didn't know.

16 Q. Okay. Thank you. Those are my questions.

17 MS. VOSSENBERG: Thank you, Your Honours.

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

19 Defence Counsel, do you wish to proceed with the re-direct
20 examination of the witness?

21 MR. VON BONE: Yes, Your Honour. A brief moment that we would
22 like to discuss an issue, if that is okay.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please proceed.

24 [Specialist Counsel confer]

25 [Trial Panel and Court Officer confer]

1 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you
2 please usher the witness out.

3 [The witness stands down]

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you come
5 back here for a moment, please.

6 MR. VON BONE: Sorry, takes a little bit longer, Your Honour.

7 PRESIDING JUDGE VELDT-FOGLIA: No. I would appreciate that -- I
8 thought you were conferring with your co-counsel, but you just stood
9 up and walked away.

10 For next time, I would appreciate that you just indicate that
11 you would like to talk also to your client. And if it takes some
12 more time, then we -- you can ask for a suspension. But I don't
13 think we should -- that's not the order I want to have in this
14 courtroom.

15 So please, next time, if you want to talk to Mr. Mustafa, you
16 ask for permission and we will, of course, do anything what is
17 reasonable to have you confer with your client.

18 MR. VON BONE: Sorry about that, Your Honour. Apologies for
19 that. I just was -- noticed that apparently he wanted to talk to me,
20 so that's why. But the point is clear.

21 But in that perspective, would it be possible if we get a
22 five-minute break or so to confer with our client, or a little bit
23 more. Just to make sure that we cover everything.

24 PRESIDING JUDGE VELDT-FOGLIA: We will then till -- let me see.
25 It is now half past -- 15 minutes?

1 MR. VON BONE: It's more than enough.

2 PRESIDING JUDGE VELDT-FOGLIA: Ten minutes?

3 MR. VON BONE: Sure.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay, ten minutes.

5 And I look at the security. It is okay that we all leave the
6 room and you stay here with Mr. Mustafa and the Defence team. Okay,
7 thank you.

8 Good. We will resume in ten minutes. The hearing is adjourned.

9 --- Recess taken at 2.19 p.m.

10 --- On resuming at 2.29 p.m.

11 PRESIDING JUDGE VELDT-FOGLIA: Before we continue with the
12 testimony of the witness and we usher the witness in, for
13 Mr. Prosecutor, you can file your request for admission of items,
14 like you did before, used during the testimony by 8 April next week.
15 So --

16 MR. DE MINICIS: Will do, Your Honour. Thank you.

17 I just -- because we had not brought up the log, I just wanted
18 to put the Court on notice that we would be tendering that on account
19 of the answers given by the witness, even though the document wasn't
20 brought up on screen.

21 PRESIDING JUDGE VELDT-FOGLIA: Yes, okay. Very well. Thank
22 you.

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

24 [The witness takes the stand]

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

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1 THE WITNESS: [Interpretation] Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: We will now continue with
3 questioning by the Defence Counsel.

4 Defence Counsel, you have the floor for your redirect
5 examination.

6 Re-examination by Mr. von Bone:

7 Q. Mr. Witness, a couple of brief questions.

8 The Prosecution said that you had a number of telephone calls
9 with Mr. Mustafa at the time that he was coming here to the
10 Netherlands.

11 And my question is: Did that make any difference for you on the
12 testimony that you gave today regarding the times and the dates that
13 you have seen him, in Butovc, in the period of March/April 1999?

14 A. No difference or impact whatsoever. At a moral, criminal,
15 material aspect, there was no impact whatsoever. It was -- these
16 were normal conversations, the ones that we usually have with each
17 other, whether when he was free or now that he is accused here.
18 These were normal conversations.

19 Q. Okay. And did Mr. Mustafa ever ask you to say something in his
20 favour or request that you would say something to his benefit when
21 you would give your testimony?

22 A. No.

23 Q. Did anybody else ever told you or ask you to testify anything
24 else than the truth when you would testify here in court for -- for
25 the Defence when you were speaking about the period of March and

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1 April 1999?

2 A. I would not allow myself. Even if someone would insist, I
3 wouldn't allow that. But, fortunately, nobody did.

4 Q. Thank you very much.

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

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

7 Mr. Prosecutor, do you wish to proceed with rejoinder
8 examination of this witness?

9 MR. DE MINICIS: No, Your Honour. Thank you.

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

11 And Victims' Counsel?

12 MS. VOSENBERG: No, thank you, Your Honours.

13 PRESIDING JUDGE VELDT-FOGLIA: No re-examination for you. Very
14 well. Thank you.

15 Mr. Ismaili, you have been asked several questions by the
16 counsel for the Defence and the Prosecutor and the Victims' Counsel,
17 and I ask you to bear a little bit more with us. The Panel would
18 like to ask you a number of additional questions. And we hope and we
19 think that it will help us to gain more clarity about topics we have
20 already discussed today and what you have stated in your testimony up
21 till now.

22 So I will give the floor now to my colleague on my left-hand
23 side, and he will pose you some questions.

24 JUDGE BITTI: Thank you, Madam President.

25 Questioned by the Trial Panel:

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1 JUDGE BITTI: Mr. Ismaili, on page 29 of the transcript, lines
2 20 to 23, you said that you were sent to monitor the security
3 situation on the road.

4 Could you explain to us why it was you which -- who was sent to
5 monitor the security situation? Because we understood that you were
6 in charge of humanitarian assistance. So why it was you who was in
7 charge of monitoring that road?

8 A. There was a very small number of soldiers, and one soldier
9 couldn't stay in one place for all the time, so we rotated.

10 JUDGE BITTI: Okay. So you were doing other things than
11 humanitarian assistance?

12 A. Yes, of course. I carried out my military duties as well.

13 JUDGE BITTI: Okay. Thank you.

14 On page 31, line 2, it is said at one point that you were
15 supplying, together with Salih Mustafa, the civilian population in
16 Prishtine with weapons.

17 Is that a mistake in the transcript, or is that what you said?

18 A. It is a total mistake.

19 JUDGE BITTI: Okay. So we will have to go back to that. Thank
20 you.

21 On page 43, line 1 on the transcript, you said that Mr. Mustafa
22 was on the move. Could you explain a little bit more what do you
23 mean by "he was on the move"?

24 A. We all, if you like, were on the move. We didn't stay in one
25 place. We had to move because there was a population of 12.000

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1 people. I went to Prishtine one time. One moved with wounded, with
2 the sick. Someone else moved to carry out whatever was asked of them
3 at a certain point.

4 So we didn't stay -- go there just to keep still in one place
5 and not to follow up the general developments.

6 JUDGE BITTI: Okay. So yourself in Butovc in April 1999, you
7 were also on the move. So you were not all the time in Butovc?

8 A. Most of the time we stayed there because that was the main place
9 where we stayed. But we moved at certain points whenever we were
10 entrusted with some duty. But then we returned to Butovc, staying at
11 the house of Mustafe Sopi.

12 JUDGE BITTI: And who is "we"?

13 A. I'm talking about myself. I had to go to Prishtine, to leave
14 Prishtine, to see what -- to monitor the situation, to get
15 medicaments and foodstuffs. But when I was free of that job, I also
16 did my other part of my responsibilities, as a soldier.

17 JUDGE BITTI: Okay. On page -- thank you. On page 44, line 14,
18 you said that you were part of BIA. To whom did you report as a
19 soldier in BIA?

20 A. I used to report to the late Sabit Krasniqi, my friend.

21 JUDGE BITTI: And do you know to whom he himself reported?

22 A. I don't know. I don't know. I'm sorry.

23 JUDGE BITTI: Thank you. But did you know about the structure
24 of BIA?

25 A. No. No.

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1 JUDGE BITTI: So you were a soldier for one year in BIA but you
2 reported to only one man and you didn't know about the structure?

3 A. Yes, to one person. That was the situation. Like, we had to be
4 very cautious because of security concerns.

5 JUDGE BITTI: But I guess you were working also with other
6 soldiers from BIA. You didn't know them, you didn't report to them?

7 A. I worked only with the council and with this chief,
8 Sabit Krasniqi.

9 JUDGE BITTI: And he was the chief of what exactly; do you know?

10 A. Of whom, you say? We had a council in our neighbourhood. That
11 was the council for the National Movement for the Liberation of
12 Kosovo. And then we also engaged in military activity.

13 JUDGE BITTI: But did Mr. Sabit Krasniqi have a particular
14 position in BIA?

15 A. No. He was responsible for the neighbourhood council.

16 JUDGE BITTI: Okay. Thank you very much, Mr. Ismaili.
17 No further questions, Madam Presiding Judge.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Judge Bitti.
19 Yes.

20 [Trial Panel confers]

21 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ismaili, we have now reached
22 the end of your testimony. There are no further questions anymore
23 from the side of the Panel.

24 And I would like to thank you for your efforts, putting -- into
25 giving your testimony, which I believe will help us in our efforts to

1 find the truth. So thank you very much.

2 We wish you a safe journey home, and I remind you not to discuss
3 your testimony before the Specialist Chambers with anyone.

4 And I will now ask Madam Court Usher to accompany you out of the
5 courtroom.

6 Have a safe trip home.

7 THE WITNESS: [Interpretation] Thank you. Thank you,
8 Your Honour.

9 [The witness withdrew]

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

11 Yes. There are some points that need to be dealt with before we
12 adjourn today. And, of course, I will ask you all if there is
13 something you would like to discuss with the Panel.

14 I would request -- I will request CMU if they can ask the
15 translation and interpretation unit if they can look into page 31,
16 line 25, and page 32, lines 1 and 2, because there, especially in the
17 second reference, there is a reference made to weapons, medicaments
18 and other supplies.

19 So the Panel would be happy if the Language Service could look
20 into that and report to the Panel when they deem fit, when they can
21 do it.

22 THE COURT OFFICER: We will certainly coordinate that,
23 Your Honours, by listening to the original audio recording. Thank
24 you.

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

1 Then I will issue two oral orders.

2 The Panel notes that the SPO has disclosed this morning,
3 29 March, additional items to be used during cross-examination of
4 Witness 500 for tomorrow. The Panel further notes that the SPO has
5 requested the Panel's leave to use the newly disclosed material with
6 Witness 500 in cross-examination.

7 On Tuesday, 29 March, via e-mail sent at 8.56, the Panel
8 considers that the SPO has requested leave of the Panel in accordance
9 with paragraph 31 of the Decision on the Conduct of Proceedings and
10 it has indicated why such material was not previously disclosed.

11 The Panel finds the SPO has shown good cause for not disclosing
12 it previously and takes into account that it is open-source material.

13 We authorise, as the Panel, the SPO to use the material in the
14 cross-examination for tomorrow.

15 This concludes the Panel's first oral order.

16 There's a second oral order, also for the SPO, that pursuant to
17 the Ninth Decision on Review of Detention, that is filing 335, the
18 SPO was ordered to file a public redacted version of its submission
19 339. And the Panel requests the SPO to file the public redacted
20 version of this filing - it should already have been done - but by
21 Friday, 1 April 2022.

22 And that concludes the Panel's second oral order.

23 And I see Mr. Prosecutor nodding, so we hope to see it in due
24 time.

25 Yes. And now, Mr. Prosecutor, is there something you would like

1 to raise with the Panel?

2 MR. DE MINICIS: No, Your Honour. Thank you. Nothing further.

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

4 MS. VOSENBERG: No, Your Honours. No, thank you.

5 PRESIDING JUDGE VELDT-FOGLIA: Very well.

6 Defence Counsel.

7 MR. VON BONE: Nothing in particular, Your Honour. Just the
8 public redacted version of the Defence submissions regarding that
9 review of the detention, we tried to file it today. However, the
10 system did not really cooperate with us. But it's finished, so you
11 will see it shortly.

12 And that's all what we have, Your Honour.

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

14 Now, then we will resume tomorrow, 30 March, at 9.30, with the
15 testimony of Witness 500, and that is Mr. Hazir Borovci.

16 I thank the parties and the Victims' Counsel for their
17 attendance. I also thank the interpreters, the stenographer, the
18 audiovisual booth, and the security for their assistance today.

19 The hearing is adjourned.

20 --- Whereupon the hearing adjourned at 2.49 p.m.

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