

1 Tuesday, 5 April 2022

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.30 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: [Microphone not activated] Thank  
11 you.

12 First of all, I will call appearances.

13 Madam Prosecutor, tell us who is present.

14 MS. D'ASCOLI: Good morning, Your Honours. Good morning,  
15 everyone. The Specialist Prosecutor's Office today is represented by  
16 Prosecutor Cezary Michalczuk; by Line Pedersen, Case Manager; and  
17 myself, Silvia D'Ascoli, Associate Prosecutor. Thank you.

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

20 MS. PUES: Thank you. And good morning, Your Honours. Good  
21 morning, everybody. The participating victims in this case are today  
22 represented by Brechtje Vossenbergh, my co-counsel, and by myself,  
23 Anni Pues, as counsel.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Defence Counsel, you have the floor.

1 MR. VON BONE: Good morning, Your Honours. The Defence is  
2 represented by Mr. Betim Shala, my co-counsel; Mr. Fatmir Pelaj,  
3 interpreter/investigator; myself, Julius von Bone. In the courtroom  
4 is Mr. Mustafa, the accused.

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

6 And for the record, you are appearing today in front of  
7 Trial Panel I.

8 We will hear the testimony of Defence Witness 700. That is  
9 Mr. Bislime Nreci. And we can start right away.

10 Madam Court Usher, can we please usher the witness into the  
11 courtroom.

12 [The witness entered court]

13 PRESIDING JUDGE VELDT-FOGLIA: Mr. Nreci, good morning. Welcome  
14 to the Specialist Chambers. Can you hear me?

15 THE WITNESS: [Interpretation] Yes, thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: First of all, how are you?

17 THE WITNESS: [Interpretation] I am good.

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

19 We will start today with your testimony, Mr. Nreci. You are  
20 called to testify before the Specialist Chambers in the case of The  
21 Specialist Prosecutor versus Salih Mustafa in order to assist the  
22 Panel to reach a verdict.

23 After you have taken your solemn declaration, you will be asked  
24 questions by, to begin with, the lawyer representing Mr. Mustafa,  
25 it's on your right-hand side; the lawyers for the Prosecution, on

1 your left-hand side in purple; and the Victims' Counsel, near to you;  
2 and at the end, by the Judges of this Panel, who are sitting in front  
3 of you.

4 I would like to provide with you some guidance for answering the  
5 questions that will be posed to you. Yes? Listen carefully.

6 You should listen carefully to each question. If you do not  
7 understand, feel free to ask the asking person to re-ask the  
8 question.

9 We want you to tell the truth and to tell us what you saw, what  
10 you heard, what you experienced, what you sensed. If you found out  
11 in some other way, then you should say so and explain how.

12 You may not remember all the details, yes, and there's nothing  
13 wrong in that case to say "I don't remember," "I don't know."

14 Please answer the questions and do not deviate from what you are  
15 asked. I will interrupt you if needed, if you are deviating from  
16 what we are discussing.

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

20 Have you understood all this, Mr. Nreci?

21 THE WITNESS: [Interpretation] Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: I would like also to give you  
23 some practical advice on your testimony.

24 Everything what we say here is translated and recorded. So it  
25 is important to speak into the microphones in front of you, to speak

1 clearly, and to speak at a slow pace. This will allow the  
2 interpreters to translate everything.

3 The next thing is also very important. You should only start  
4 speaking when the person asking you a question has finished. So the  
5 best thing to do is that when a question is asked, please count in  
6 your head up till five and only then give your answer. And I insist  
7 on this because it's very important in order for us to properly  
8 follow what you are saying. Yes? Because we want to avoid that  
9 there will be overlapping translations.

10 If I raise my hand, then please finish your sentence and stop  
11 talking.

12 Sometimes you will be asked to take off your headphones or even  
13 be ushered out of the courtroom, and that is the case when something  
14 needs to be discussed regarding your testimony and we don't want to  
15 influence you.

16 And if you have a question, if you need a break or you need  
17 anything else, please raise your hand and I will give you the floor  
18 in order to express what you need.

19 Have you understood all this?

20 THE WITNESS: [Interpretation] Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well, Mr. Nreci.

22 Another question: Do you speak English?

23 THE WITNESS: [Interpretation] No.

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

25 Now, as we must do with every witness, I will now ask you to

1 read your solemn declaration to tell the truth. And I remind you  
2 that it is an offence within the jurisdiction of the  
3 Specialist Chambers to give a false testimony.

4 Have you understood that?

5 THE WITNESS: [Interpretation] Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you  
7 please assist the witness with his solemn declaration.

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

12 WITNESS: BISLIM NRECI

13 [Witness answered through interpreter]

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Nreci. You are  
15 now under oath to tell the truth.

16 We can now begin with the testimony of Mr. Nreci, starting with  
17 the questioning by the Defence Counsel.

18 Defence Counsel, you have estimated two hours. It's Mr. Shala.  
19 You have estimated two hours for the questioning of this witness, and  
20 as usual, please inform the Panel of any changes in this regard for  
21 planning purposes. Yes? Thank you.

22 You have the floor.

23 MR. SHALA: Thank you.

24 [Microphone not activated].

25 THE INTERPRETER: Microphone for the counsel, please.

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1 Examination by Mr. Shala:

2 Q. [Interpretation] Good morning, Mr. Witness.

3 A. Good morning.

4 Q. Mr. Witness, where do you live now?

5 A. We live in Barileve village which is part of Prishtine  
6 municipality.

7 Q. Even though about 23 years have passed, do you remember where  
8 you used to live during the war in Kosovo?

9 A. Yes, in the same village where we live now.

10 Q. I'd like to discuss together the war period and specifically the  
11 period March/April of 1999.

12 During March/April of 1999, do you recall what the security  
13 situation was like in the village you lived in, that is, Barileve?

14 A. Yes, I do. Because at that time and before that time, it was a  
15 bad situation and the war arrived where we lived. It was a very  
16 difficult situation for us.

17 THE INTERPRETER: Microphone, please.

18 PRESIDING JUDGE VELDT-FOGLIA: Microphone, please.

19 Wait, wait. May I remind both Defence Counsel and the witness  
20 to wait after the question for you, and also when the question has  
21 been answered, to wait a moment to pose the next question. That will  
22 help to us follow better.

23 MR. SHALA: [Interpretation]

24 Q. In terms of population, do you remember what the population --  
25 how large the population was; that is, what was the number of the

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1 population?

2 A. Its residents were about 4.500 or so. And fortunately, people  
3 were not displaced from there then.

4 Q. In your village, were there KLA soldiers who operated and lived  
5 in that village?

6 A. Yes, there were.

7 Q. Can you tell us approximately what their number was?

8 A. Initially the number was small, like everywhere else, and then  
9 gradually it grew up. So in the period you are asking me about, we  
10 were about 30 people.

11 Q. When you say "we were," do you mean by that that you, too, were  
12 a soldier of the KLA?

13 A. Yes, correct. And I'm very proud of that. I take pride in  
14 the -- in this fact, that I was able to help the population and my  
15 country.

16 Q. You said 30 soldiers. Do you mean to say that you were a unit  
17 or did you have any name, this group of soldiers?

18 A. I need to -- more time to explain, Your Honour, if you allow me.  
19 Because it was a voluntary army. It was not a regular army which is  
20 compulsory to join. We were a voluntary army, but, at the same time,  
21 we were a humanitarian army. I say "voluntary," not compulsory,  
22 because as you know, this military service is compulsory for other  
23 big states. They have the facilities, they have the military,  
24 uniforms and armaments. We didn't have any of them. Therefore, I  
25 say we were a humanitarian army and we used the weapons we had bought

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1 ourselves.

2 PRESIDING JUDGE VELDT-FOGLIA: The question was: Did you -- were  
3 you a unit and did you have a name? And I allowed you to elaborate a  
4 little bit, but this is, for the moment, not going to the answer.

5 So, for next time, give an answer to the question. If we want  
6 to have clarification, we will ask you.

7 So please answer the question if you were in a unit and if that  
8 unit had a specific name.

9 THE WITNESS: [Interpretation] At that time, there was a group  
10 composed of 20 soldiers and then every day the number grew up. And  
11 by the end of April, or middle of April, we were called Barileve  
12 unit, after the name of the village.

13 MR. SHALA: [Interpretation]

14 Q. This Barileve unit, was it part of some brigade?

15 A. Yes.

16 Q. Part of what brigade it was?

17 A. Part of Brigade 153.

18 Q. Did it have its commander, its leader?

19 A. Yes.

20 Q. Earlier you said that the unit was composed of voluntaries,  
21 citizens and inhabitants of Barileve village. Was the commander of  
22 this unit from that village or from some other village?

23 A. No, he was not from that village. Because geographically  
24 speaking, where our unit and the Brigade 153 operated is far,  
25 geographically.



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1 Q. My question was: The unit commander, was he from Barileve  
2 village?

3 A. No.

4 Q. Which village was he from?

5 A. You mean about the brigade or the unit?

6 Q. The unit.

7 A. I understood. He was from Dardhishte village, Obiliq  
8 municipality. Now it is called Kastriot municipality.

9 Q. Who appointed him as the commander, do you remember, of this  
10 unit in Barileve village?

11 A. We didn't inquire into that because we were not able to do that.  
12 We just operated there and we didn't have to ask about that.

13 Q. Did you personally live all the time during the war in Barileve  
14 village?

15 A. Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please. I have  
17 a question for now because it remains for me not clear.

18 You have not asked it, but I think we need to -- I want to ask  
19 it now.

20 Who was the commander of this unit?

21 THE WITNESS: [Interpretation] The commander was Jusuf Shalaku.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 MR. SHALA: Thank you.

24 Q. [Interpretation] You said that you lived in Barileve during all  
25 the war time, meaning that you never left the village. Is that so?

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1 A. No, we didn't leave the village, but we were obliged to move  
2 from one place to another. Because Barileve comprises many  
3 neighbourhoods, so you could move from one neighbourhood to another  
4 and not remain all the time in the same neighbourhood.

5 Q. What was the reason you had to move from the village -- from the  
6 neighbourhood where you lived?

7 A. There were two reasons for that. First, for security reasons;  
8 that is, our security and especially of the population, in order not  
9 to be identified as soldiers, that we were in their midst. Second,  
10 there was neighbourhood of Verbovc which is very close to Vranidoll,  
11 linking Gollak, and we had to move some people from the Llap area  
12 where they lived. You have to pass the railway and the river to go  
13 to Gollak.

14 So these were the two reasons that we remained for weeks, for  
15 hours, in that neighbourhood.

16 Q. You said you had to transfer the population from one part to  
17 another. Did you help, as soldiers, to realise this move of the  
18 people? Who helped to make that?

19 A. We did.

20 Q. Does it mean that one of your tasks as soldiers was to help  
21 population move from one part of Kosovo to another, or from one area  
22 or part of the same area to another?

23 A. Yes, indeed. Because we also had observers who were stationed  
24 at the highest points from where they could follow the movements of  
25 Serb military and paramilitary units to prevent them causing any harm

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1 to the population.

2 So those who wanted to move towards the east or the other way  
3 around, we kept them there. And when evening fell, we set them out  
4 in a column, escorting them, because, as I said, the Serb forces were  
5 situated very close to us. And in order to protect the people, we  
6 helped them pass where they wanted to go.

7 In two months, we had only one victim. So politicians, ordinary  
8 people, women, children, elderly people passed there. Sometimes even  
9 dead people could be transported.

10 Q. What was the reason for the population to keep moving from one  
11 part to another?

12 A. There were many reasons for that. One was after 25 March, the  
13 Serb forces became very aggressive. We -- our foodstuffs were  
14 reduced, clothing too. I am talking about the population. So they  
15 were obliged to move. Because Llap comprises the place where we are  
16 to Podujeve, an area were of 27 -- no, it is 27 kilometres to go from  
17 one place to another, from one corner to another. So to go to  
18 Prishtine, you had to pass through there.

19 Q. That part of the population, the way I understand it was like a  
20 crossroads. From Prishtine, did it take you to another part of  
21 Kosovo?

22 A. From Prishtine, you could go to Podujeve; we call it Llap. Or  
23 from Llap to go to Prishtine, go through Gollak and go to Prishtine.  
24 You cannot come there from Drenica. It may happen, you know, but not  
25 usually.

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1 Q. You mentioned the date of 25 March, the time when the Serb  
2 police and army became more aggressive. Why did you mention the date  
3 of 25 March precisely?

4 A. Because it's a day that we will never forget until we die. And  
5 we are very thankful to NATO for 24 March because it supported us so  
6 much, and we are here where we are today thanks to that.

7 Q. What happened on 24 March that you are so thankful to NATO for  
8 that?

9 A. As the Liberation Army of Kosovo, we won a great friend with  
10 wonderful equipment and armaments which bombed Serbia from the air.

11 Q. During March/April of 1999, in the territory of Barileve  
12 village, other than what you said, there was one only victim died or  
13 killed, I don't -- were there other persons who were killed during  
14 that period?

15 A. Yes, 11 were killed.

16 Q. These 11 persons were killed in the fighting or --

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please ask an  
18 open question. Don't give the answer. How did these persons die?  
19 And then he can say in the war or in fighting or whatever.

20 MR. SHALA: [Interpretation]

21 Q. How did these persons die? In what way did they die?

22 A. Eight of them were unarmed, were civilians. They were killed  
23 during -- on the way where they were going from one village to  
24 another, but they happened to be killed in Barileve. Three were  
25 soldiers. One of them was professor. He was killed on 20 March.

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1 Selim Berisha is his name. And two others, the one was killed in  
2 Penuhe [phoen] of Podujeve, he was a member of our unit, and the  
3 other in the village.

4 Q. Do you recall the period when these two soldiers were killed?

5 A. For the later I remember because it was 18 May, and we pay a  
6 visit to his family every year. He was a squad commander of a unit  
7 of Brigade 153.

8 The second, Veton Ibrahimimi, I don't recall the exact date. But  
9 it happened between 20 March to 19 May, but I regret to say I don't  
10 remember the exact day.

11 Q. You said that you fled from the neighbourhood where you were  
12 living and went to another part. Do you remember when that happened?

13 A. I don't remember the exact date, because, as I said, we went to  
14 Lumnice neighbourhood, which is close to Verbovc neighbourhood, and  
15 that's where we had our observation unit. Because we were more  
16 geographically close to Brigade 151 than Brigade 153, even though  
17 we were part of that later. But geographically and physically, we  
18 operated in the territory of 151st Brigade. That's why we were  
19 ordered to remove from one to the other, these two neighbourhoods.

20 Lumnice, for observation because it's high, from there you could see,  
21 Vushtrri, Prishtine and Podujeve. Whereas Verbovc neighbourhood was  
22 very adequate to transport people from Gollak to Llap and vice versa.

23 Q. These two persons that were killed, do you know their names?

24 Other than the professor that you mentioned.

25 A. Yes.

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1 Q. What were their names?

2 A. Nexhmi Llumnica called Joni [phoen]. He was killed on 18  
3 May 1999. And Veton Ibrahimimi, for whom, as I said, I regret to say I  
4 don't remember the date when he was killed.

5 MR. SHALA: [Interpretation] Your Honour, I would like to show  
6 the witness the statement he gave to the Defence of Salih Mustafa in  
7 order to help him recall an event which he touched upon during that  
8 statement.

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

10 MR. SHALA: [Interpretation] Thank you.

11 Court Officer, I kindly ask you to put on the screen DSM00056 to  
12 00067 document. The statement is in English, and document  
13 DSM00716-00626 [as interpreted] in Albanian. Page 5 in Albanian and  
14 also page 5 in English.

15 Q. Mr. Witness, during your interview with the Defence Counsel for  
16 Salih Mustafa of 22 March 2021, in addition to the two persons you  
17 mentioned today, during your statement you mentioned two other  
18 persons.

19 When asked by the counsel who these two persons who died that  
20 day were, you said Bedri Kurti and the second one is someone with the  
21 last name Kaciu. "I do not know his ... name because he was by  
22 origin from another village."

23 Do you remember giving this statement that day?

24 A. Yes. However, a small intervention. It's not 22 March, it's  
25 not --

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1 Q. Mr. Witness, I did not mention the date. I mentioned these two  
2 persons. Did you mention these two persons with name, last name --

3 A. Yes, I did.

4 Q. Is it true that these two persons died in Barileve? Namely,  
5 what happened? How come you mentioned these two persons?

6 A. These two persons died on 12 April in the neighbourhood of  
7 Barileve, that is, in Verbovc, where we were staying. At around  
8 18.30, according to the observers who informed us, the Serb forces  
9 were approaching the neighbourhood. So we swiftly mobilised  
10 ourselves, removed the population from that neighbourhood. There  
11 were not many in number. Maybe 200, 300 people. All of them left  
12 until they arrived, which was about ten minutes. So we moved the  
13 population and then faced the Serbian forces. When I say "we," I  
14 mean the soldiers of the Kosovo Liberation Army.

15 Q. These two persons, were they members of the KLA,  
16 Kosovo Liberation Army?

17 A. No. These two persons, we don't know exactly now, they're dead  
18 and there's nobody to tell us what precisely happened. But according  
19 to some children who happened to be there, they were kidnapped and  
20 brought to the neighbourhood. So when we faced the forces, in  
21 retaliation while they were withdrawing, they killed these two  
22 persons and lightly injured an elderly person.

23 Q. Thank you. You mentioned 22 March before you answered my  
24 question. Why did you mention this date? 22 of April. I apologise.

25 A. I had nothing to say, but I just misunderstood it. It's 12

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1 April. Maybe in my first statement given to the counsel, there was a  
2 mixture -- I was mixed up with the dates, and it was later corrected  
3 to 12 April from the 22nd.

4 Q. The photographs, what do they represent? Before you go ahead  
5 with your answer, how many photographs are there?

6 A. There are two.

7 Q. And what is in those photographs --

8 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait, wait, wait. I don't  
9 see any photographs.

10 MR. SHALA: I'm just first asking. After that I'm going to show  
11 them.

12 PRESIDING JUDGE VELDT-FOGLIA: Yes, but we don't know about what  
13 photographs we are talking. You didn't introduce them at all.

14 MR. SHALA: He is speaking about the photographs. He is  
15 speaking about that the Defence team in that time find the two  
16 pictures -- made the two pictures of the grave. And based on that,  
17 we came to that date of 20 April 1999.

18 PRESIDING JUDGE VELDT-FOGLIA: But I am looking at the  
19 transcript. Maybe you can indicate where he talks about the  
20 photographs.

21 MS. D'ASCOLI: Your Honours, excuse me.

22 PRESIDING JUDGE VELDT-FOGLIA: Please, Madam Prosecutor, you  
23 have the floor.

24 MS. D'ASCOLI: I know where the Defence Counsel is going, as, of  
25 course, the Panel knows too. But this has not been elicited yet so



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1 it's not in the record.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes.

3 MS. D'ASCOLI: Exactly.

4 PRESIDING JUDGE VELDT-FOGLIA: No, no, but that's what I was  
5 saying, so I don't think there is a doubt about that.

6 MR. SHALA: I got information that the defendant mentioned  
7 the --

8 PRESIDING JUDGE VELDT-FOGLIA: The witness, I hope.

9 MR. SHALA: The witness, sorry, mentioned the photographs. He  
10 mentioned before, but it is not in transcript.

11 PRESIDING JUDGE VELDT-FOGLIA: But it's not in the transcript,  
12 so we have to go back to the transcript or you should ask a question.  
13 Because for now, it's -- I don't know about it. So if your colleague  
14 can indicate where there is a problem with the translation, we can go  
15 back to that question and try to see what is not in the transcript  
16 and should have been in the transcript.

17 THE INTERPRETER: Interpreter's note and apologise. They did  
18 not hear that part.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Interpreter.  
20 Yes.

21 Or you can ask a question, an open question, and we can discuss  
22 it now. But for now, it's --

23 MR. SHALA: Okay.

24 Q. [Interpretation] Mr. Witness, you mentioned 22 April and 12  
25 April. What is the significance of these two dates that you

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1 mentioned?

2 A. Each of them has its significance. On 12 April, we were  
3 attacked in the neighbourhood of Barileve and we have two victims and  
4 one person lightly injured. Whereas 22 April, there were no Serbian  
5 forces nearby, but they came back on 22nd and they blocked the two  
6 roads or the only road that we had at our disposal to move the  
7 population from one part to another. And we remained in a very bad  
8 position.

9 MR. SHALA: [Interpretation] Madam Presiding Judge, I would like  
10 to first show the witness the statement he gave to the Defence in  
11 order to refresh his memory on what he stated there.

12 PRESIDING JUDGE VELDT-FOGLIA: With regard to?

13 MR. SHALA: [Interpretation] It's connected to 12 April and  
14 22 April as dates and these two photographs.

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

16 And, for the record, on page 14, the Albanian ERN number of the  
17 statement of the witness was mentioned, but in the transcript the  
18 numbers are 00626, but it should be 00726. So ...

19 MR. SHALA: In Albanian, yes.

20 PRESIDING JUDGE VELDT-FOGLIA: Yes. And just to put it on  
21 record so there's no misunderstanding.

22 Please proceed.

23 MR. SHALA: Yes, thank you.

24 [Specialist Counsel confer]

25 MR. SHALA: [Interpretation] Court Officer, could we please have

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1 DSM00717-00734 in the document in the Albanian language, and  
2 DSM00068-00075, the document in the English language.

3 THE INTERPRETER: Correction. The first number should read  
4 DSM00727 for the Albanian version of the document.

5 MR. SHALA: [Interpretation] It's the second page in the Albanian  
6 document. And also page 2 in the English version. Thank you.

7 Q. Mr. Witness, after you gave a statement to the Defence Counsel  
8 for Mr. Salih Mustafa, do you remember giving a statement another  
9 time to the Defence Counsel?

10 A. I did not give a statement, but we made a small change. I would  
11 like to thank the counsel for bringing the reality out. We have  
12 forgotten the dates. Long time has passed. As I said, I mixed the  
13 22nd of April with the 12th of April. We clarified this during that  
14 occasion because the date on the photograph on the grave helped us  
15 clarify the date.

16 Q. When you're saying it was not a statement, we just made some  
17 changes, these changes, were they in writing? Was anything in  
18 writing provided to you about the conversation you had that day?

19 A. I believe so.

20 Q. The photographs that you mentioned, what do they show? What do  
21 they represent?

22 A. The date of birth of the late person and the date when that  
23 person was killed.

24 Q. Did you see those photographs?

25 A. Yes, Bedri's, yes. But also the one of Nexhmi Kaciu's whose

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1 name I learnt later.

2 MR. SHALA: [Interpretation] Your Honour.

3 PRESIDING JUDGE VELDT-FOGLIA: Please, Defence Counsel, I was  
4 still listening to the witness.

5 MR. SHALA: [Interpretation] Court Officer, you could now remove  
6 these documents from the screen. I would like to put up two  
7 documents; respectively, the two photographs that the witness  
8 mentioned.

9 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

10 MR. SHALA: [Interpretation] Thank you.

11 Court Officer, could you please put on the screen document  
12 DSM00074.

13 PRESIDING JUDGE VELDT-FOGLIA: It's attached to the same  
14 statement at the end.

15 MR. SHALA: [Interpretation] And document DSM00075. These  
16 documents are attached to the statement of 19 April 2021, the  
17 statement of this witness, Bislim Nreci.

18 Q. Mr. Witness, can you see the two photographs on your screen  
19 before you?

20 A. Yes.

21 Q. Are these the two photographs that the Defence Counsel presented  
22 you, showed you, on the day he invited you to supplement your  
23 statement?

24 A. Yes.

25 Q. Now, can you tell us why the first time when you gave your

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1 statement you mentioned 22 April as the day when these two persons  
2 were killed, when, in reality, these persons were killed earlier?

3 A. Your Honour, I don't think this is a major mistake, because  
4 23 years have passed. And at the time when these tombstones were  
5 made by their family members, that is, of Bedri Kurti and  
6 Nexhmi Kaciu, there were eight months apart and there is a change in  
7 dates. So there is five or six months in between when these two  
8 stones were put and that is why there is a change in the date. But  
9 these two persons were killed almost at the same time. Maybe one was  
10 killed a minute earlier, the other one, one minute later, or maybe at  
11 the same time, but on the stone you can see a different date. At  
12 one, Bedri's, it's 12, and Nexhmi is 11th.

13 So that is why I am saying that this mistake I made with the  
14 date was not on purpose or intentional. It was just due to the time  
15 that has passed.

16 Q. Do you know or do you remember after the killing of these two  
17 persons, were their bodies taken by their family members and buried;  
18 and, if so, where were they buried?

19 A. Yes, I remember that. These two bodies were retrieved by KLA  
20 soldiers in the evening and were sent to Kozarice village, as a  
21 calmer location. That's where they were buried. When the war ended,  
22 they were reburied in their birth place.

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel -- could you take  
24 off your headphones, Mr. Witness. Thank you.

25 Defence Counsel, did we get an answer to the question can you

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1 tell us why the first time when you gave your statement you mentioned  
2 22nd? What -- what is the answer? What is the clarification of the  
3 explanation of the witness to this question? Is it summarising that  
4 he just mixed up? For me, it's not clear yet. Because he referred  
5 to two different dates on the graves, but I didn't hear a  
6 clarification. And if you heard it, then I would like to hear it  
7 from you what the clarification was. And if not, you should continue  
8 to clarify with the witness.

9 MR. SHALA: [Interpretation] Of course, Your Honour. The issue  
10 why the witness mentioned two dates was that he forgot the dates, but  
11 that the family members also forgot the dates because of the long  
12 time that has passed. But we will clarify this issue.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 MR. VON BONE: And the witness said, I believe, two times, that  
15 he mixed up the dates. So that was his answer.

16 PRESIDING JUDGE VELDT-FOGLIA: But I would like to know why he  
17 mixed up. Because that he mixed up, that is clear for all of us.  
18 But I would like to understand better why.

19 Madam Prosecutor.

20 MS. D'ASCOLI: Just a suggestion that if the Defence Counsel is  
21 answering the Panel, if he can do it in English because if he is  
22 doing in Albanian, the witness will understand, of course. Even  
23 without headphones. It is audible.

24 PRESIDING JUDGE VELDT-FOGLIA: Of course. Thank you,  
25 Madam Prosecutor.

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1           So can we clarify? So we know that he mixed up, but we would  
2     like to know why.

3           MR. SHALA: [Interpretation]

4     Q.     Mr. Witness, you stated that --

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

6           MR. SHALA: [Interpretation]

7     Q.     Mr. Witness, you stated that when you gave your statement you,  
8     in a way, mixed up the dates when these two persons were killed. On  
9     the first occasion, you gave the 22nd of April as a date; whereas  
10    when the Defence lawyer showed you the photographs of the tombs of  
11    these two persons and the tombstones which contain the birth dates  
12    and the date when they died.

13           Can you please tell us, at the time when you gave your  
14    statement, first statement, why did you mix up these two dates; that  
15    is, why did you think that this happened on the 22nd of April?

16    A.     12th or 22nd, I don't know exactly why. We had victims on a  
17    daily basis, and these two were killed on the day we were attacked.  
18    We withdrew the bodies. We buried them ourselves. Now, why the  
19    dates 12th and 22nd were mixed up, I don't have any reason or  
20    explanation as to why.

21    Q.     Thank you.

22           MR. SHALA: [Interpretation] Court Officer, you can now remove  
23    the two documents from the screen, please.

24    Q.     During the fightings in Barileve village with the Serbian police  
25    and army, was it only the Barileve unit that took part in those

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1 fightings or did you have assistance or were you assisted by other  
2 unit?

3 A. No, we did not receive assistance from other units because -- we  
4 did not have assistance from other units because we were the soldiers  
5 of this village who helped other units with soldiers. So it was only  
6 us, the men of Barileve.

7 Q. Since in that part of Kosovo - that is, in Barileve village area  
8 - there was a great movement of people, was there also movement of  
9 KLA soldiers?

10 A. Yes, there was.

11 Q. Approximately, in numbers, can you tell us in what numbers they  
12 moved and which roads did they usually use?

13 A. It is difficult to put it in number because we don't have  
14 records. However, every night there was movement, from Gollak to  
15 Llap, and from Llap to Gollak, because they would go to help other  
16 units. The battles were longer and more severe in the Llap area. So  
17 every second or third day, the group of soldiers would come back and  
18 would be replaced with other soldiers who were fresher and rested.  
19 So that's why I'm saying there was movement on a daily basis.

20 The population also would gather on -- during the day in one  
21 part and then in the night would move to the other part.

22 Q. You mentioned the Gollak area and the Llap area. Were there any  
23 other routes available to take you from Gollak to the Llap area?

24 A. At the time, there wasn't. Because there was a narrow part  
25 there. If you go just 1 kilometre towards Podujeve, from there,



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1 there the area is broad. So this narrow part where the road, the  
2 asphalt road, the railroad, and the river passes, was mainly used.

3 Q. As you are explaining it, it seems that this part near Barileve  
4 village was sort of a junction, a sort of a main passage. The  
5 Serbian police and army --

6 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

7 Can you take off your headphones, Mr. Witness.

8 For me, it's not clear the conclusion you suggest to the witness  
9 that near Barileve village was a sort of a junction or a main  
10 passage. What -- where do you base that on?

11 MR. SHALA: The witness mentioned that the only road, after I  
12 made the question from region of Gollak area to go in Llap area, and  
13 he stated that it is -- it was only the road in that time that can be  
14 used to go from that region to other region.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes, okay.

16 Please proceed.

17 MR. SHALA: Thank you.

18 Q. [Interpretation] Mr. Witness, do you want me to repeat the  
19 question or you can answer it, when I ask you whether the Serbian  
20 police and army were stationed there or whether they controlled that  
21 part?

22 A. They were, of course, but there were three or four houses in the  
23 hinterland of the village, not in that passage, narrow passage that I  
24 mentioned. So we observed those places 24 hours. And as I said  
25 earlier, people gathered in Verbovc neighbourhood during the day and

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1 passed during the night, because, during the night, they couldn't  
2 follow us moving and accompanying the population being armed. So we  
3 didn't want to be found -- keep bearing arms. So it was a very  
4 important junction for these two areas of Kosovo; that is, Gollak and  
5 Llap. Because we carried also foodstuffs. We didn't transport only  
6 people. We used tractors, horses, and so on, so to carry food from  
7 one place to another. It was the main artery, I would say, for these  
8 the two zones. That is why I remember date of 22nd because they  
9 closed that path. It was leaving us without air, in a way.

10 Q. You said that the KLA soldiers also used this route. Was that  
11 the case with them the same as with the civilian population?

12 A. Yes, yes, of course. Because when we got orders from our  
13 leaders, we were told to make sure not to be discovered by the enemy  
14 forces, that we are armed and near the population, and that we should  
15 be wary of any provocation because they might take revenge against  
16 the population. That's why they gathered during the day, both in  
17 Barileve and Gollak, in the place -- in the neighbourhood called  
18 Vranidoll, and when darkness fell, they moved.

19 Q. During this period of time, did you personally help people pass  
20 from Llap to Gollak area?

21 A. Yes.

22 Q. During this trip, let's say, what were the villages you passed  
23 through?

24 A. We didn't have any major reason to pass -- to go to different  
25 villages. I mean, as soldiers. We had to return to our -- to the

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1 place where we stayed. It's Barileve, it's a river, it's the  
2 railway, and the road, and Vranidoll area. Make we passed once or  
3 twice and went to other villages, but, otherwise, we stayed there.

4 Q. During this time-period, did it happen that some leader or  
5 commander of the KLA passed from one region, one area to another, in  
6 Kosovo? So from Gollak, for example, to Llap.

7 A. Yes, of course. Yes, there were. From children, women,  
8 elderly, wounded. There were soldiers, leaders, politicians,  
9 journalists. So a large number of people from various walks of life  
10 passed through there.

11 Q. During this time, when you are saying that there was such a  
12 large number of people that moved about that area, did it ever happen  
13 that the Serbian police and army noticed such movements?

14 A. If it were in the day, yes, but not at night. Because there are  
15 many trees. The place is dense with trees. And that's why we used  
16 that narrow passage to pass through. The observers were very active  
17 and if they moved, we -- it happened that we might have cancelled  
18 some movement if we had information that they -- that it wasn't safe  
19 to move. If they told us that there are no enemy moves, then we  
20 moved freely. Not freely in the real sense of the word because the  
21 fear was very great. But still, still we moved without having any  
22 casualties.

23 Q. If these people had to stay there, to spend the night there,  
24 where did they spend the night?

25 A. In the houses of Verbovc neighbourhood and Vranidoll

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1 neighbourhood. There, they were provided with food, water. In  
2 Vranidoll, in fact, there was also a doctor and a nurse.

3 Q. Were there KLA soldiers who stayed there or spent the night  
4 there?

5 A. Yes, of course. Yes. But they didn't stay together with the  
6 civilian population. There was a house that was offered to us where  
7 we -- we called it oda. That's where we stayed and had our food  
8 until the evening, and then prepared for undertaking the next trip.  
9 But not with civilians. Never with civilians. Because we were  
10 armed. We were not uniformed. We didn't have uniforms. Some might  
11 have some vests, grey or off-grey or other colour, or some pants,  
12 trousers, in the same colour. But we didn't wear military uniform  
13 for fear of being detected by the enemy, because, in this way, we  
14 might endanger the population. Because we ourselves had to defy the  
15 danger.

16 Q. Since you said you didn't have uniforms, did you have any emblem  
17 or insignia whereby you could be known as a KLA soldier?

18 A. No. Because by that insignia, we still would be detected by the  
19 enemy forces. For us, it was important to assist the population.  
20 There was a large number, as I said. 95 -- about 95 per cent of them  
21 we didn't know, nor they did know us. There were some lads who  
22 helped us. I thank you for that.

23 Q. This room, oda in Albanian, in what part of the village is it  
24 found?

25 A. In Barileve, in Verbovc neighbourhood.

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1 Q. So only the KLA soldiers stayed in that room or oda?

2 A. Yes.

3 [Specialist Counsel confer]

4 MR. SHALA: [Interpretation]

5 Q. Mr. Witness, you mentioned the oda, the room, where the soldiers  
6 of the KLA stayed. What is the oda used for? Why is the oda built  
7 in villages?

8 A. I don't know exactly why, but I know that it is built for men to  
9 stay in there separate from women. They stay there, they discuss.  
10 Odas in Kosovo were used specifically for that, for men to stay, talk  
11 among themselves, eat, and so on. That room was called oda. It was  
12 of a greater size than usual rooms. That's why it was called oda.

13 Q. You said that Mr. Jusuf Shalaku was the commander of your unit.  
14 Do you know who he reported to and where he took orders from, this  
15 commander?

16 A. Frankly speaking, we were not concerned as to who he was  
17 reporting and taking orders. From the beginning, we addressed one  
18 another as "commander." "Where are you, commander? How are you,  
19 commander? Where are you, commander, going?" Not in the bad sense,  
20 but just like that. Because since it was a voluntary army, it didn't  
21 have any regular structure, any administrative office to keep  
22 records, so we were not interested in that.

23 We just knew that he was who he was. He visited us. He came to  
24 us, asked us, "Have you dealt with many people? Do you have any  
25 problems," and so on. Things like that.

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1           PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would like to  
2 ask a question to the witness.

3           Do I understand you well that everybody would be a commander?  
4 So everybody would call everybody a commander? I'm just trying to  
5 imagine how that works. But could you confirm that? Because you  
6 just said: "We addressed one another as 'commander.'"

7           So everybody was a commander?

8           THE WITNESS: [Interpretation] I am not so very clear in what way  
9 this word has commander. But it is true that we addressed one  
10 another as "commander." Even now, today, "Where are you, commander?  
11 Shall we have a coffee or ..."

12           Just like that, you know.

13           PRESIDING JUDGE VELDT-FOGLIA: And how would you address the  
14 leader, the boss?

15           THE WITNESS: [Interpretation] When this came to Jusuf, and we  
16 called him Cuf [phoen], we addressed him also as "commander." "How  
17 are you commander? What's up, commander?" That's it.

18           PRESIDING JUDGE VELDT-FOGLIA: Okay, noted.

19           Please proceed.

20           MR. SHALA: [Interpretation]

21 Q. Did you know how the KLA was organised in the part of Llap and  
22 Gollak area?

23 A. Like everywhere else in Kosovo. Meaning that because of the  
24 violence, reprisals, and so, these things came to us, too, a little  
25 bit later than in Dukagjin and Drenica, and so that made -- violence

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1 and so on, forced -- made us take up arms and defend the population  
2 and the homeland.

3 Q. Other than your unit, was there any other unit by another name  
4 in the context of the Liberation Army of Kosovo?

5 A. You mean in Barileve?

6 Q. In Barileve and Llap.

7 THE INTERPRETER: Gollak and Llap, sorry.

8 THE WITNESS: [Interpretation] In Gollak and Llap, there were the  
9 brigades, maybe units. But I have not very accurate information  
10 about that.

11 In Gollak, there was the brigade that was, but we referred to it  
12 as guerrilla because it operated in the form of guerrilla with less  
13 people. That's why it was called guerrilla. When it was necessary  
14 to intervene, a small number of people went to help.

15 MR. SHALA: [Interpretation]

16 Q. Did you know where the headquarters were for Llap area, in what  
17 place?

18 A. Yes, I knew. The Llap staff moved. It went to Llapashtice, to  
19 Majac. Later it went to Gollak. So it didn't have a specific place,  
20 stable place, and stayed there until the end of the war. It moved.

21 Q. Did you personally happen to go from Barileve to Llapashtice or  
22 Majac, to the headquarters or staff?

23 A. Yes, I did.

24 Q. In the capacity of civilian or a soldier you went there?

25 A. In the capacity of a soldier.

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1 Q. Why did you go? What was the reason why you went?

2 A. It might seem ridiculous to you, the reason. Salih Mustafa  
3 passed there together with Jusuf Shalaku and they had a car, a  
4 Golf II. That was like a four-wheel vehicle. And we found it very  
5 interesting. We felt important and strong, having such a vehicle.  
6 And I was curious and asked them to take them with me, that they  
7 allow me to drive that car. They laughed and gave me that  
8 opportunity to drive them.

9 Q. Was that the only occasion that you went from Barileve to  
10 Lllapashtice during this period?

11 A. Yes, the only one -- time.

12 MR. SHALA: Sorry. May I?

13 [Specialist Counsel confer]

14 MR. SHALA: May I? Thank you.

15 Q. [Interpretation] Mr. Witness, when you went to the staff, where  
16 was it located? In what village?

17 A. In Majac. In Majac.

18 Q. Were you ever in Lllapashtice?

19 A. At other times, yes.

20 Q. How far is Lllapashtice from Barileve village?

21 A. It is quite far. I would say 13 or 14 kilometres away, or maybe  
22 20.

23 MR. SHALA: [Interpretation] Your Honour, I would like to show  
24 the map of Prishtine region, namely, Llap area, which shows Barileve  
25 village and Lllapashtice village. Upper Lllapashtice.



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1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

2 MR. SHALA: Thank you.

3 [Interpretation] Please, Court Officer, could you show document  
4 DSM00067 on the screen, which is also attached to the statement, the  
5 first part of the statement, of the witness.

6 Q. Mr. Witness, can you see the map in front of you on the screen?

7 A. Yes.

8 Q. What is written on the lower part and the date? Is it your  
9 writing?

10 A. Yes.

11 Q. In the map, we see a circle with number 1. What does it stand  
12 for?

13 A. It shows the Barileve village.

14 Q. And there is another circle above which has number 2 there  
15 written on it.

16 A. It represents Llapashtice e Eperme; that is, Upper Llapashtice  
17 village.

18 Q. Upper Llapashtice, is the same with Llapashtice village?

19 A. I never knew it. I thought that it is one and the same,  
20 Llapashtice. Only when I saw it on the map I found out that there  
21 were two. But I don't know.

22 Q. And this Upper Llapashtice, was it where the staff was located?  
23 Of the Llap operational zone, I mean.

24 A. Yes. Rrustem Mustafa [indiscernible] Commander Remi, was there  
25 with his staff and his officers.

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1           PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we are  
2           approaching 11.00. I would just like to remind you of that.

3           MR. SHALA: I'm going to finish with this part.

4           PRESIDING JUDGE VELDT-FOGLIA: Very well.

5           MR. SHALA: [Interpretation] Your Honour, I would like to show  
6           another document on the screen. Again, a map which shows the other  
7           village mentioned by the witness where the staff of the operational  
8           zone was located.

9           PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed.

10          MR. SHALA: [Interpretation] Thank you.

11          Please, Court Officer, can you show document DSM00066.

12          Q. Mr. Witness, can you see the map in front of you? And on the  
13          upper part you see Map II?

14          A. Yes.

15          Q. In the lower part, we see your name, last name -- we see a name,  
16          last name, and the date. Is it your name and your signature?

17          A. Yes.

18          Q. Before you told us that the operational zone staff moved from  
19          Llapashtice to Majac village. Can you see where Majac village is  
20          situated on this map? And how is it marked?

21          A. Yes. It's a circle in red with the letter B.

22          Q. Can you tell us what the other circles mean, beginning from  
23          number 1 to number 7.

24          A. Beginning from Barileve, where we were, is -- there is Vranidoll  
25          village, very close to us, number 2. 3 is Rimanishte village which

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1 is not very far from Vranidoll. Next to it is --

2 Q. Mr. Witness, you mentioned Barileve with number 1; Vranidoll  
3 with number 2; Rimanishte with number 3. These three villages, are  
4 they part of the same region? Are they part of Llap area or Gollak  
5 area?

6 A. Officially speaking, in official documents and in cadastre, they  
7 are part of the same area, but we used to call them and even now call  
8 them -- beginning from 2, Vranidoll and above, we refer to them as  
9 Gollak.

10 I don't know why it's called Gollak, but in the cadastral  
11 registries, all of these are part of Prishtine municipality.

12 Q. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, the witness said  
14 "we call them and even now we call them -- beginning from 2,  
15 Vranidoll and above, we refer to them as Gollak.

16 What does -- I would like to know what the witness means with  
17 that, with "and above."

18 Because that -- above the higher numbers? On the map?

19 MR. SHALA: [Interpretation]

20 Q. Mr. Witness, when you describe that beginning from Vranidoll  
21 Rimanishte and above, this is part of Gollak. What do you mean by  
22 "above"?

23 A. I mean that there are many villages as part of Gollak. For  
24 example, Llap has 70 villages. Gollak, too, has many villages. I  
25 don't know the number. But I know that there are many numbers as

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1 part of Gollak. But this is marked until number 6 here.

2 PRESIDING JUDGE VELDT-FOGLIA: But for my understanding,  
3 Rimanishte, is that Llap or Gollak?

4 THE WITNESS: [Interpretation] In the part that we refer -- in  
5 the name that we used to say before is Gollak and even now is part of  
6 Gollak.

7 PRESIDING JUDGE VELDT-FOGLIA: Okay. And if I understand you  
8 right -- or maybe I can ask you. Majac, that would be what? What  
9 region?

10 THE WITNESS: [Interpretation] Majac is situated in the Llap  
11 zone.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed,  
13 Defence Counsel. Although maybe it's better not to proceed.

14 MR. SHALA: No, I think now is a good time to have a break.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well.

16 Mr. Witness, we will have a break for half an hour, till half  
17 past 11.00. Madam Court Usher will usher you out and we see you back  
18 in a while. Thank you.

19 THE WITNESS: [Interpretation] Thank you, too.

20 [The witness stands down]

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Defence Counsel, you have been using one hour and 20 minutes, so  
23 we will continue after the break. Could you give an indication to  
24 the Panel how long you think you will be needing?

25 MR. SHALA: Maybe 20 minutes.

1 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you. Very well.

2 We will adjourn now till a little bit over half past 11.00.

3 --- Recess taken at 11.03 a.m.

4 --- On resuming at 11.31 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: I see we are in the same  
6 composition as before, so that is noted for the record.

7 We can continue with the witness. Madam Court Usher -- no,  
8 there is a question of the Defence Counsel.

9 MR. SHALA: Your Honour, before we continue with the witness, I  
10 just want to mention, because in page 32, line 4, in transcript, when  
11 the witness is mentioning the distance between Barileve and  
12 Llapashtice, as I heard the witness, he didn't say 30 or  
13 40 kilometres. He said 13 or 14. So I'm going -- if we are not sure  
14 about that, I'm going to ask again, the witness, or maybe translator  
15 can check and --

16 PRESIDING JUDGE VELDT-FOGLIA: I would propose that you ask  
17 again. To be honest, I wrote down in my notes 13 and 14, so what you  
18 said. So let us re-ask, and then after that, we can always decide to  
19 ask the translators to do an extra note. But I would say for now we  
20 can clarify in this way.

21 MR. SHALA: Okay. Thank you.

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

23 [The witness takes the stand]

24 PRESIDING JUDGE VELDT-FOGLIA: Very well. Welcome back,  
25 Mr. Witness. I now give the floor again to the Defence Counsel to

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1 continue with the questioning.

2 Defence Counsel, you have the floor.

3 MR. SHALA: Thank you, Your Honour.

4 Q. [Interpretation] Mr. Witness, earlier I asked you a question  
5 regarding the distance between Barileve village and Llapashtice  
6 village. Could you please tell us, once again, what is the distance  
7 between these two villages?

8 A. Your Honour, it is a problem to describe. We use that road but  
9 mainly in the evening. In different weather conditions, rainy,  
10 snowy, it can be 100 kilometres. But in a line, I wouldn't know  
11 exactly. But it should be sometime -- it should be 10 to 15  
12 kilometres, for sure.

13 Q. Thank you. Mr. Witness, during the first session - page 31,  
14 line 14 - you mentioned Salih Mustafa who passed through there  
15 together with Jusuf Shalaku.

16 PRESIDING JUDGE VELDT-FOGLIA: Could you specify "there."

17 MR. SHALA: I need to check, sorry.

18 PRESIDING JUDGE VELDT-FOGLIA: No. You say "through there."

19 MR. SHALA: [Interpretation]

20 Q. Can you please tell us when you say "passed there," where did  
21 you mean? Which location?

22 A. He passed from Vranidoll village. I don't know where they were  
23 coming from. But to come to Barileve, they had to pass through that  
24 neighbourhood, Vranidoll.

25 Q. Was that the only occasion when you saw Salih Mustafa in

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1 Barileve?

2 A. No, that was the second time.

3 Q. Can you tell us, please, the first and second occasion, when did  
4 they happen; if you remember? In which period of time?

5 A. The first occasion was much earlier. I mean, beginning of  
6 February or March, when there was snow. And the second occasion was  
7 in mid-April or a bit further from mid-April. I cannot fix it in a  
8 specific date because a long time has passed.

9 Q. You said mid-April. Which year, please? Mid-April which year?

10 A. 1999.

11 Q. Thank you. Do you know the reason why Salih Mustafa was in  
12 Barileve that day?

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, before you go to  
14 the next point, for me, the answer of the witness is not clear when  
15 he says -- could you take off your headphones, please.

16 No, I think it's better that you be ushered out.

17 Madam Court Usher, could you usher him out.

18 You will be ...

19 [The witness stands down]

20 PRESIDING JUDGE VELDT-FOGLIA: The witness has said "a bit  
21 further from mid April," but that can be before or after. And you  
22 already went to the next topic, but this point I don't think is  
23 clarified.

24 I don't want to take over your direct examination. You can ask  
25 it or I can ask it, but I prefer to always leave it to the parties as

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1 much as I can.

2 MR. SHALA: [Microphone not activated].

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Madam Court Usher, if you  
4 could bring him back again.

5 [The witness takes the stand]

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. We had  
7 to discuss a point regarding a question.

8 Defence Counsel, you have the floor.

9 MR. SHALA: [Interpretation]

10 Q. Mr. Witness, when you say it was somewhere in mid-April or  
11 further than mid-April, what do you mean with "mid-April"?

12 A. Nothing specific. But describing the 12th of April and thinking  
13 of the 22nd of April, it was amidst that period. Because after  
14 22 April, we ourselves were no longer there anymore. So there was no  
15 way that we would have contacts. As I said, the conditions became  
16 more difficult because of the Serbian army, and that corridor was  
17 blocked, closed. But, as I said, there was 12th of April, we had two  
18 victims, there was an offensive, so it is a problem to describe  
19 exactly the dates. We had many difficulties with the passage of  
20 people. So I cannot describe it in precise terms.

21 Q. Then, as you stated, your point of reference is the 12th of  
22 April when two persons were killed, and the 22nd of April, as a last  
23 day, when it was no longer possible for you to move freely.

24 So from these two dates, if we take them into consideration,  
25 which would be the date, in reference to these two dates, when you



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1 saw him?

2 A. It is very difficult. I did not fix it in my memory as  
3 something that should be remembered. For us, every moment, every  
4 second was to survive. We were not sure that we will survive and  
5 that's why we didn't bother to remember things. So, fortunately, we  
6 are alive and it's too bad for us that we did not remember things.

7 Q. The second occasion, the second time, did you meet Salih Mustafa  
8 in person?

9 A. Yes.

10 Q. Do you remember, in terms of time, how long did he stay in  
11 Barileve that day?

12 A. Quite long. Because with the vehicle that I mentioned earlier,  
13 I accompanied them as a driver, as I said. On the way back, we had a  
14 dinner together in Verbovc neighbourhood, and they brought me at the  
15 road where the people were moving, and he stayed there with the  
16 soldiers.

17 As I said, people were not in the house, in the -- itself, but  
18 they were around that area. Those that needed to pass.

19 Q. Do you remember, upon your return, which direction did  
20 Salih Mustafa take? Where to did he go?

21 A. Jusuf told us that they were going to Zllash.

22 Q. Do you remember the reason why they had to go to Zllash?

23 A. No. There was no reason for us to know that reason. It didn't  
24 make any sense to even ask them, "Why are you going there?" Because  
25 they were staying somewhere there, not where we were.

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1 MR. SHALA: I want to show to the witness his testimony in --  
2 given to the Defence, Part 1, dated 22 March 2021, to refresh his  
3 memory.

4 PRESIDING JUDGE VELDT-FOGLIA: Yes, I see that.

5 MR. SHALA: Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

7 MR. SHALA: Thank you.

8 [Interpretation] Court Officer, could you please put document  
9 DSM00056 to 00067 on the screen. It's the English version. And  
10 document DSM00716-00726, the Albanian version. Page 6 of the  
11 document in both languages.

12 Q. Mr. Witness, in your statement given on 22 March of 2021 to the  
13 Defence Counsel, to the question of the lawyer, "Why did he have to  
14 go to Zllash?" referring to Salih Mustafa, you answered:

15 "Somebody called him on the phone, on a satellite phone, because  
16 there were many wounded persons in their area, so he left towards  
17 there in a hurry."

18 Do you remember stating this?

19 A. Yes.

20 Q. Do you remember this is what happened that day?

21 A. Yes.

22 Q. Can you please tell us once more why did Salih Mustafa have to  
23 leave in a hurry towards Zllash that day?

24 A. When we wanted to leave, I met Jusuf, I asked, "Why are you  
25 leaving so hastily?" He said, "They called Salih. There are so many

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1 wounded." And I said, "I will come with you." And he said, "No, no,  
2 it's difficult." And I said, "No, I really want to come." And I  
3 wanted, to tell you the truth, to drive that car again. So I went up  
4 to a village in Gollak. They continued further, whereas I came back  
5 with a tractor with other soldiers. I came back to Barileve.

6 Q. Thank you. Again, when you gave your statement to the  
7 Defence Counsel, asked by him, how long before the 22nd of April was  
8 this, you answered:

9 "Maybe four or five days before the 22nd of April, 1999."

10 Do you remember stating this?

11 A. Yes, that's correct. Because the 12th of April, then 22nd of  
12 April, the middle would be four or five days.

13 Q. Thank you. Do you know or have you heard of Salih Mustafa being  
14 in Barileve village on any other occasion in the time-frame between  
15 24 March 1999 and the day when you met him for the last time in  
16 April 1999? And did he spend the night there?

17 PRESIDING JUDGE VELDT-FOGLIA: Shall we ask one question at a  
18 time.

19 MR. SHALA: Okay.

20 THE WITNESS: [Interpretation] Can I answer?

21 PRESIDING JUDGE VELDT-FOGLIA: Yes, you may.

22 THE WITNESS: [Interpretation] Of course he passed. But for me  
23 to know that when I met with Jusuf, it was easier to understand  
24 whether he was there or not. Because Jusuf was the person who  
25 oriented us and who kept us there. And that's why, whether he came

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1 on other occasions or not, that I don't know because it wasn't  
2 necessary for me to meet him at every single occasion, him or whoever  
3 else.

4 Q. Thank you, Mr. Witness.

5 MR. SHALA: Your Honour, may I?

6 PRESIDING JUDGE VELDT-FOGLIA: Please confer with your  
7 co-counsel.

8 [Specialist Counsel confer]

9 MR. SHALA: [Interpretation]

10 Q. Mr. Witness, have you ever heard of a unit called BIA?

11 A. Yes, I have.

12 Q. Can you tell us when did you hear for the first time about this  
13 unit?

14 A. I cannot tell you exactly when, but we heard that this unit was  
15 formed after the killing of the three, now martyrs, great Albanians,  
16 Ilir, Bahri, and Agron, and was named after them.

17 Q. You yourself, were you a member of this unit?

18 A. Officially and based on documentation, I don't know. From  
19 geographical point of view, we were further from Prishtine and we did  
20 not bother who was where. We helped, we contributed to 151st Brigade  
21 to which we did not we belong. We were a voluntary unit, and we, as  
22 a unit, were more of a humanitarian than a military unit. I cannot  
23 say whether we were or not because, officially, we did not know. We  
24 knew that we were part of guerrilla, a smaller unit, but that we  
25 understood after the war.

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1 Q. At the time you met Salih Mustafa, did you know his position,  
2 his military position? What position he held?

3 A. We knew that Jusuf Shalaku was our person in charge and that he  
4 was the person in charge of Jusuf Shalaku.

5 Q. Did you know to which unit did Salih Mustafa belong at that  
6 time, I mean March/April 1999?

7 A. I understand. We knew that he was one of the persons  
8 responsible in the guerrilla. Whether he was responsible for the  
9 entire guerrilla or for another unit that was part of the guerrilla,  
10 that I don't know.

11 Q. During the war, starting from January 1999 and up to June 1999,  
12 apart from the voluntary unit that you mentioned here, were you part  
13 of any other unit?

14 A. No, I was not.

15 Q. Do you remember, after the war, with which activity did you  
16 deal? I'm speaking about the period between June 1999 and June 2000.

17 A. I worked before the war in a factory --

18 Q. The question was after the war.

19 A. I worked in a factory before the war, buffer factory. And when  
20 the war ended on 12 June 1999 - not exactly on that date but a bit  
21 later - we returned to work in the factory. But there was not much  
22 work, just to continue and set up the work there.

23 Q. During 1999, did you work also in the police?

24 A. No.

25 Q. Thank you.

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1 MR. SHALA: Your Honour, may I?

2 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

3 MR. SHALA: Thank you.

4 [Specialist Counsel confer]

5 MR. SHALA: [Interpretation]

6 Q. Mr. Witness, earlier on during your testimony you mentioned a  
7 car of Golf make, four-wheel drive. Do you know who was the owner of  
8 that car?

9 A. Jusuf Shalaku, the late Cufa.

10 Q. During the times you saw Salih Mustafa, do you remember -- when  
11 he came to Barileve, do you remember how he came there? By some  
12 vehicle or ...

13 MS. D'ASCOLI: Your Honours, excuse me.

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

15 MS. D'ASCOLI: Thank you, Your Honours. Sorry to interrupt, but  
16 I don't think it's been established exactly when -- which are the  
17 times the counsel is referring to.

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you take off  
19 your headphones, please.

20 So --

21 MS. D'ASCOLI: I think that we heard that the witness met -- saw  
22 Mr. Mustafa one time earlier between --

23 PRESIDING JUDGE VELDT-FOGLIA: Two times.

24 MS. D'ASCOLI: Exactly. So --

25 PRESIDING JUDGE VELDT-FOGLIA: My question -- my question would

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1 be -- because I see what you are pointing at, and I had it reserved  
2 for the Panel in order not to interrupt, but you posed the question  
3 for which I'm grateful. I would specify it if he can say about the  
4 two times he met him, and then the third time you can make it a  
5 little bit more general. But at least for the two times he met he  
6 can say something and maybe he has more knowledge.

7 Would that be agreeable for Madam Prosecutor?

8 MS. D'ASCOLI: Yes, Your Honours. As long as it is clear to  
9 which time we are talking about.

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

12 MR. SHALA: Thank you.

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

14 THE INTERPRETER: Microphone, please.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you put on your  
16 headphones again. Thank you.

17 MR. SHALA: [Interpretation]

18 Q. Mr. Witness, during those two times you met Salih Mustafa, that  
19 is, when he came to Barileve village, do you recall how he came  
20 there, whether he came by some transportation means or --

21 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you don't have  
22 to -- the question is clear. How did he come. That's it. He can  
23 fill it in.

24 THE WITNESS: [Interpretation] During the first time, I don't  
25 know how he came. But the second time he came by that Golf,

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1 together with -- car, together with Jusuf. That's why I remember it  
2 more, because it was an opportunity for me to drive that car, and I  
3 had a very special feeling driving that car.

4 MR. SHALA: [Interpretation]

5 Q. Do you remember when he came together with Jusuf, did you  
6 yourself ask them where they came from?

7 A. No, I did not. I only asked them whether they were okay,  
8 whether they had any problem. That's all I asked.

9 Q. [Microphone not activated].

10 THE INTERPRETER: Microphone, please.

11 PRESIDING JUDGE VELDT-FOGLIA: Please use the microphone. And  
12 your time is almost up, I would say.

13 MR. SHALA: Yes, okay. And I am for one minute. Thank you.

14 [Specialist Counsel confer]

15 MR. SHALA: Your Honour, thank you very much. We don't have any  
16 more questions for the witness. I am finished now. Thank you.

17 Q. [Interpretation] Mr. Witness, thank you very much. I have no  
18 other questions for you.

19 A. Thank you. Thank you very much to you and to the Panel.

20 PRESIDING JUDGE VELDT-FOGLIA: Now we will see how to proceed.

21 Madam Prosecutor, my proposal, like every day we have done up  
22 till now, we can take a break now, the lunch break. It's 12.00. We  
23 do that for one and a half hour. And afterwards we continue with the  
24 time we have left, taking into account that we are now stopping  
25 earlier. Or we can continue right away.



1 MS. D'ASCOLI: Yes, Your Honours. I would go with the option of  
2 the lunch break so that I organise the references and everything.  
3 Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well.

5 Mr. Witness, we will have a break now of one and a half hour,  
6 and after that the -- your testimony will continue with the questions  
7 by the Specialist Prosecutor's Office, yes?

8 So I will ask Madam Court Usher to usher you out and we see you  
9 back in, yeah, one and a half hour.

10 THE WITNESS: [Interpretation] Okay. Thank you.

11 [The witness stands down]

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 The hearing is adjourned till 1.35.

14 --- Luncheon recess taken at 12.08 p.m.

15 --- On resuming at 1 .33 p.m.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. Appearances, I will  
17 call now. We are in the same composition, so that is noted for the  
18 record.

19 Yes. We are now going to continue with the cross-examination by  
20 the Specialist Prosecutor's Office. I will usher the witness in.

21 Apparently not. Madam Court Usher, is there a point to raise?  
22 I see some movements on my left-hand side.

23 You have the floor, Mr. Shala.

24 MR. SHALA: Yes, thank you, Your Honour.

25 I just want opportunity to clarify something with witness,

1 meaning his answer given in page 25, line 11 to 16.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes.

3 MR. SHALA: Because he mentioned he --

4 PRESIDING JUDGE VELDT-FOGLIA: Wait. Page 25?

5 MR. SHALA: -- were in one place --

6 PRESIDING JUDGE VELDT-FOGLIA: Yes.

7 MR. SHALA: Yes. No, 42 page.

8 PRESIDING JUDGE VELDT-FOGLIA: Oh, 42. Then we have to correct  
9 that transcript. Page 42, line 11 till 16. Yes. I will look it up.

10 MR. SHALA: Yes. And he mentioned the village in Gollak. I  
11 just want to clarify the name of the village --

12 PRESIDING JUDGE VELDT-FOGLIA: The name --

13 MR. SHALA: -- to have.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay. Yes, that we can --

15 MR. SHALA: And in that sense, to use the map.

16 PRESIDING JUDGE VELDT-FOGLIA: I'm looking at it now. So  
17 page 42, line 11 till 16, and I can read it:

18 "When we wanted to leave, I met Jusuf, I asked, 'Why are you  
19 leaving so hastily?'"

20 Is that --

21 MR. SHALA: So, no, it is --

22 PRESIDING JUDGE VELDT-FOGLIA: "He said, 'They called Salih.  
23 There are so many wounded.' 'I will come with you.' 'No, no, it's  
24 difficult.' And I said to drive that car again. So I went up to a  
25 village in Gollak."

1 MR. SHALA: Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: "They continued further, whereas  
3 I came back with a tractor with other soldiers. I came back to  
4 Barileve."

5 And you want to know which village he meant with "a village in  
6 Gollak."

7 MR. SHALA: Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: And I heard you saying that you  
9 would like to show him the map too.

10 MR. SHALA: Yes, yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Shall we first start with -- or I  
12 propose to first start asking him which village he meant.

13 MR. SHALA: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: And then if it is necessary, you  
15 can show him the map.

16 Very well. Madam Prosecutor, so we will start a little bit  
17 later.

18 MS. D'ASCOLI: Of course, Your Honours. No problem.

19 MR. SHALA: [Microphone not activated].

20 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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

23 Yes. Yes.

24 [The witness takes the stand]

25 PRESIDING JUDGE VELDT-FOGLIA: I will also still be giving an

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1 oral order regarding the items that the SPO intends to use during its  
2 questioning.

3 Welcome back, Mr. Witness. I hope you had a good break.

4 THE WITNESS: [Interpretation] Thank you. I had a good break.

5 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will be continuing  
6 with the cross-examination by the Specialist Prosecutor's Office, but  
7 before that, Defence Counsel wants to clarify one point in -- one  
8 point of the answers you have given this morning before the break.

9 So I first give the floor to Defence Counsel.

10 You have the floor.

11 MR. SHALA: Thank you, Your Honour.

12 Q. [Interpretation] Mr. Witness, after the question -- Defence  
13 question on page 42 of the transcript, lines 11 and 16, you stated,  
14 among other things, that, "I went to a village located higher in  
15 Gollak."

16 Do you remember which village you went to in the region of  
17 Gollak?

18 A. Yes, I do.

19 Q. Which is that village?

20 A. That should be village of Radashec.

21 Q. From Barileve to Radashec, how many villages you go through to  
22 go there? How many villages you pass through?

23 A. Not including Barileve, there should be four or five villages  
24 for certainly.

25 Q. Thank you.

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1 MR. SHALA: Your Honour, I want to show him the map and to see  
2 which villages they passed on that way.

3 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

4 MR. SHALA: Thank you very much.

5 [Interpretation] Mr. Court Officer, could you please show the  
6 map DSM00066.

7 Q. Mr. Witness, can you see a map in front of you?

8 A. Yes, I do see it. It's clear.

9 Q. Can you show us on the map, starting from Barileve, ending at  
10 Radashec, the names of all the villages that you passed.

11 A. Yes. Number 1, it's circled, number 1, from Barileve. Number 2  
12 is circled also, Vranidoll. Number 3, Rimanishte. Circled number 4,  
13 village of Sharban. Number 5, circled, Sigeve, which I did not  
14 remember but now I see it here. And with number 6 is Radashec.

15 Q. Do you remember how long was the journey from -- from Barileve  
16 to Radashec?

17 A. It was a very long journey, because it was muddy, it was rainy,  
18 and we had many difficulties. We -- many times we were stuck in the  
19 mud by car. We walked. We didn't have a watch to keep track of time  
20 of when we started and when we arrived. But we walked for a long  
21 time. We were very tired. I do not dare give you an exact time  
22 because I don't know.

23 Q. Thank you, Mr. Witness.

24 MR. SHALA: Your Honours, thank you very much. I don't have  
25 further questions for the witness. I just want to know for the time

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1 of Prosecutor that they have to questioning the witness.

2 Thank you very much.

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

4 We gave an oral order on that, as you may recall, and we  
5 decided, and that was half December of last year, the 13th, that the  
6 cross-examination shall, in principle, not last longer than the  
7 direct examination. That is what we decided. But this is without  
8 prejudice to the cross-examining party's right to request additional  
9 time, if needed, and by providing appropriate justification.

10 It is fairly open, I would say, but it has to be within the  
11 reasonable -- so does that answer your question? I see you nodding.  
12 Very well.

13 Okay. Madam Prosecutor, before I give you the floor, I have to  
14 still give an oral order in order for you to be able to proceed.

15 The SPO has requested leave from the Panel, via e-mail dated  
16 4 April 2022, at 9.27 in the morning, to use three newly disclosed  
17 items in its cross-examination of Defence Witness 700. The material  
18 concerned was disclosed shortly thereafter. That was at 10 .48.

19 The Panel notes that the newly disclosed items are limited in  
20 length and scope, some are open-source materials and have been  
21 collected or discovered by the SPO in recent days in preparation for  
22 its cross-examination of Defence Witness 700.

23 The Panel finds that the SPO has shown good cause for not  
24 disclosing the material previously. The Panel also notes that the  
25 Defence does not oppose the use of these items by the SPO.



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1 that you can mix up dates of events so distant in time when it comes  
2 to -- to try to be precise? Is it fair to say that you can mix up  
3 dates?

4 A. Yes, it is possible, because it's been 23 years since then.  
5 It's not intentional. Those dates are easily confused. It's not in  
6 our interest to confuse the dates and mix up. It's just memory.

7 Q. Of course. So that is, in fact, what happened in the first  
8 statement that you gave to the Defence as we heard today during  
9 direct examination; correct?

10 MS. D'ASCOLI: I will also give the references. This was at  
11 page 15 of the live transcript, lines 20 to 21.

12 Q. Where you said: "I was mixed up with the dates, and it was  
13 later corrected to 12 April from the 22nd."

14 Then again at page 18 of the live transcript, lines 24 to 25,  
15 where you said:

16 "Long time has passed. As I said, I mixed up 22nd of April with  
17 the 12th of April."

18 Do you remember that?

19 A. Yes, I do remember.

20 Q. So to sum up, in your first Defence statement, you said you  
21 remembered that the death of those two men, Mr. Kurti and Mr. Kaciu,  
22 was on the 22nd of April, while, in fact, they died on 12th of April;  
23 correct?

24 A. Yes, that is correct.

25 Q. Okay. And it was, in fact, the Defence team who corrected your



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1 statement; right?

2 A. Yes.

3 Q. You did not correct it yourself?

4 A. No. We corrected it. We -- I spoke to my people in the village  
5 and to the family members, because the family members were also  
6 offended that the dates got confused. But it wasn't intentional.  
7 There was nothing malicious about it. So it was just a matter of  
8 putting number 1 instead of 2. But I don't think that it's a grave  
9 mistake.

10 Q. No, of course. I was just asking whether it was, in fact, the  
11 Defence who told you about the mistake, meaning you didn't realise  
12 that yourself, correct, before the Defence team made you notice that  
13 mix-up of dates; correct?

14 A. Yes, yes, the counsel found out, and he also showed me the  
15 photos where I saw the mistake.

16 Q. Okay. You also said in direct examination today that you did  
17 not have any reason or explanation for that; do you remember that?

18 MS. D'ASCOLI: This is at page 23 of the live transcript, lines  
19 2 to 6.

20 Q. Do you remember that?

21 A. Yes.

22 Q. You added, lines 2 to 3 of the same page, 23:

23 "We had victims on a daily basis, and these two were killed on  
24 the day we were attacked."

25 Do you remember that?

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1 A. Yes, of course.

2 Q. Okay. I understand there were many offensives, both big and  
3 small, by the Serbs in that period, March to April 1999; is that  
4 correct?

5 A. Yes, yes, that is correct.

6 Q. So is that also one of the reasons that made it or makes it  
7 difficult to be specific about dates in that time-frame,  
8 March/April 1999?

9 A. Yes. Because if you go to a wedding, for example, if it is a  
10 happy occasion, you might forget things. Not to -- not to mention  
11 the things that we have experienced.

12 Q. Okay. You had, in fact, also gave -- given this explanation in  
13 your second Defence statement, the one dated 19 April 2021, DSM00068  
14 to 00075 at page 3. And when you were asked about that, your answer  
15 was: "Yes, I understand."

16 I'm citing, I'm reading.

17 "There were at the time every day small Serbian offensives and  
18 that why I can easily mix the dates."

19 Is that correct? Do you remember saying that?

20 A. Yes.

21 Q. I'm now going to move to the times you saw Salih Mustafa in  
22 Barileve in 1999. I will sum up what you said this morning, and I  
23 will continue with some follow-up questions.

24 So you testified today that the first occasion when you saw  
25 Mr. Mustafa - and we're talking about 1999 - was in

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1 February/March 1999, when there was still snow. This was at page 38,  
2 lines 14 to 15 of the live transcript. Is that -- do you remember  
3 that?

4 A. Yes.

5 Q. Okay. The second occasion was in April 1999 and you said, when  
6 trying to place it in time, between the 12th and the 22nd of April.  
7 This was at page 39 of the live transcript, lines 22 to 23.

8 Do you remember that?

9 A. Yes.

10 Q. And you also testified that you remembered well that time  
11 because you drove in the car with Jusuf Shalaku and  
12 Mr. Salih Mustafa. This was between pages 40 and 41. Is that  
13 correct?

14 A. Yes.

15 Q. You also said at page 41, line 8, that Mr. Shalaku and  
16 Mr. Mustafa were on their way to Zllash; correct? The second part of  
17 the trip.

18 A. Yes.

19 Q. So you had mentioned - this was at page 42 and 43 - that you  
20 continued with them only up to a certain village in Gollak, which we  
21 now -- right now learned was Radashec; is that correct?

22 A. Yes.

23 Q. And so you did not -- you did not continue with them and you  
24 said you went back to Barileve by tractor. Page 42, lines 11 to 16.  
25 And they continued to Zllash. Is that correct?

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Cross-examination by Ms. D'Ascoli

1 A. Yes, that is correct.

2 Q. Okay. So the village we just learned where you left -- where  
3 they left you was Radashec. And then you separated -- you parted  
4 ways and they continued to Zllash. Is that correct?

5 A. Yes.

6 Q. Now, with regard to the time of this trip, you already told us  
7 that you cannot describe precisely when it was - this was at page 40  
8 of the live transcript, first, lines 4 to 5, and then again 12 to 13  
9 - and that you could not recall the exact date of this specific trip.  
10 Correct?

11 A. No, I don't know the exact date, but it should be around that  
12 time.

13 Q. Okay. So is it fair to say that you can only give an  
14 approximation of when that encounter and that trip happened, in  
15 between the 12th and the 22nd of April; is that fair to say?

16 A. Yes, that is fair. Because between 12 and 22nd, there are  
17 several days in between which I do not dare -- because I am under  
18 oath, that -- I do not dare say that it is precisely that date. And  
19 I don't know precisely the date.

20 Q. Okay, that is clear. The Defence Counsel put to you the  
21 indication that you gave in your first Defence statement where you  
22 said that this trip was -- I'm quoting from page 6 of the Defence  
23 statement dated 22 March 2021. At page 6 you said:

24 "This trip was perhaps four to five days before the 22nd of  
25 April 1999."

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1 Do you remember saying that?

2 A. Yes, I said that.

3 Q. Okay. Then in the second Defence statement, dated  
4 19 April 2021, when you were asked to clarify or explain the mix-up  
5 with dates between the 12th and the 22nd, in relation to this same  
6 trip with Mr. Mustafa you said -- I'm quoting from page 5 of the  
7 DSM00068 to 00075. You said -- the question was:

8 "Do you remember these questions and answers during our last  
9 interview?"

10 "Yes, it was several days before April the 22nd. It is  
11 accurate."

12 Do you remember saying that?

13 A. Yes.

14 Q. So -- I mean, you said already you cannot be accurate. But on  
15 one hand, we have four to five days; on the other hand, we have  
16 several days.

17 Would it be fair to say that you actually cannot really say  
18 whether it was one or two or three or five days before the 22nd of  
19 April?

20 A. I cannot because the date of 12th, we remember many things from  
21 that date, and also from the 22nd. So it could be four or five days.  
22 The 12th of April -- so between 12th of April and 22nd.

23 Q. Okay. So you cannot really say when it was, we understand that.  
24 But I understand you can't really say also how many days before the  
25 22nd of April that meeting happened; is that correct?

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1 A. Prosecutor, earlier we mentioned the dates when those people  
2 were killed, they were killed on the same day, on the same -- at the  
3 same time. And even their tombstones, the date differs there. That  
4 is why --

5 Q. Let me -- sorry, Mr. Witness, let me interrupt you there. My  
6 question was simply whether it is fair to say that you cannot say how  
7 many days the trip with Mr. Mustafa was before the 22nd of April. Is  
8 that correct? That was the scope of my question. If you can just  
9 please answer the specific question I asked.

10 A. Yes, I understood, but I cannot give you an exact date. 13th or  
11 14th or 19th or 22, I cannot give an exact date for me to be certain  
12 to give you to.

13 Q. Okay. That's -- that's clear.

14 Now, with regard to the role that Mr. Shalaku and then  
15 Mr. Mustafa had, I wanted to clarify some evidence you gave earlier.

16 You told us today that -- this was at page 44, line 14, that you  
17 knew that Jusuf Shalaku was the person in charge of your group, unit;  
18 correct?

19 A. Yes.

20 Q. And that you knew - and the reference is the same, is at page  
21 44, line 14 - that you knew that Salih Mustafa - I'm reading - "was  
22 the person in charge of Jusuf Shalaku."

23 Is that correct?

24 A. Yes.

25 Q. Earlier this morning, you told us - and this was at page 9,

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1 line 14 - you told us that Jusuf Shalaku was your superior; correct?

2 Your commander.

3 A. Yes.

4 Q. Did you consider also Mr. Salih Mustafa as one of your  
5 superiors?

6 A. No. Salih Mustafa was considered by Jusuf as his superior. We  
7 did not have such contacts or orders from him. We took them -- not  
8 orders, but suggestions from Jusuf and we reported to Jusuf on them.

9 Q. Yes. But logically speaking, if Jusuf was your superior, your  
10 commander, and if Salih Mustafa was Jusuf's commander, wouldn't  
11 Salih Mustafa be also your superior?

12 A. Probably, yes.

13 Q. Probably or yes?

14 A. Yes, he was.

15 Q. Okay. I wanted to clarify that because, in fact, that's what  
16 you said in the statement to the Defence Counsel. This was in  
17 relation to the question of what was the purpose of Salih Mustafa to  
18 stay in Barileve. And I'm quoting from page 6 of the Defence  
19 statement dated 22 March, DSM00056 to 00067. The answer you gave --  
20 I'm just reading this -- the beginning of the sentence that we -- we  
21 are discussing for the purposes of superior versus subordinate. You  
22 said:

23 "Because he was" -- in relation to Salih Mustafa, "because he  
24 was our superior and we were his subordinates."

25 Do you remember saying that?

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1 A. For Jusuf, yes. But for Salih, I don't remember. It could be.  
2 But if you're saying that's how it is written, it should be so. If  
3 he was Jusuf's superior, then he should have been our superior as  
4 well.

5 Q. I was citing what you actually said in your answer -- in one of  
6 your answers to the questions of the Defence Counsel. What I read  
7 were your words. We can call up the statement if it is more clear,  
8 but I was citing what you answered in relation to Salih Mustafa. You  
9 said "because he was our superior and we were his subordinates."

10 Does that refresh your recollection of what you said during that  
11 interview?

12 A. I remember it, but at that time, it was more broadly understood  
13 with the Defence lawyer, and here it is more short. And that's why  
14 I'm saying again, since Shalaku was our person in charge, he - Jusuf  
15 - should have his person in charge -- person who was in charge of  
16 him. So we respected Jusuf and the others.

17 Q. And so let me ask again: Did you consider yourself a  
18 subordinate of Mr. Salih Mustafa?

19 A. No.

20 Q. So then can you explain --

21 MS. D'ASCOLI: Maybe we can call up the statement so that the  
22 witness can see the text.

23 MR. VON BONE: Your Honour, I have an issue that I would like  
24 to --

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



1 THE INTERPRETER: Microphone for Your Honour, please.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I will ask the  
3 Court Usher to accompany you out of the courtroom because we need to  
4 discuss something, and then I will bring you back. Okay?

5 [The witness stands down]

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 Defence Counsel, you have the floor.

8 MR. VON BONE: Yes, Your Honour, it appears that the Prosecutor  
9 is trying to create some kind of direct subordinate, command --  
10 commander-subordinate relation here. But I think that the way that  
11 question is being posed is far too general as to what it is. I mean,  
12 Mr. Shehu would be also a commander and maybe he would think that he  
13 would be his subordinate, too, or any other person who would have any  
14 other kind of position in the ranks of the KLA.

15 So I'm not -- I just want to make sure that whether there is  
16 here a direct unit in which the person is subordinate to  
17 Salih Mustafa or whether Salih Mustafa might have any other kind of  
18 position and which he refers to as his -- as a commander, and him  
19 being apparently in a lower position or not in the same position,  
20 being a subordinate in that perspective.

21 So what I'm trying to say is would Prosecution make sure, or can  
22 it be made sure, that we are speaking not in general terms but in  
23 direct terms of this subordinate-command issue. Yeah?

24 PRESIDING JUDGE VELDT-FOGLIA: I will give --

25 MR. VON BONE: I'm not sure whether I have made myself clear

1 enough. But it's my feeling that the unit of Mr. Mustafa from BIA,  
2 so to speak, and the unit of this -- whatever the name of the unit  
3 was there in Barileve or Vranidoll, whether it had any relation with  
4 each other at all.

5 So in that perspective, I think it is important to establish  
6 what was then the -- whether actually the witness knows anything  
7 about the relation between his unit or the unit or position that  
8 Mr. Mustafa had. Not simply saying, oh, Mr. --

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

10 MR. VON BONE: -- no, Mr. Jusuf is your superior and he is -- he  
11 reports to whatever, to Mr. Mustafa, and, therefore, you are his  
12 subordinate, as if it would be in the same unit. And I think that is  
13 what needs to be established at least before we can do this general  
14 terminology of being a commander and just saying, Is it fair to say  
15 this or is it fair to say to say that, by the way, which the Defence  
16 finds closed questions, in which already an answer is given. But,  
17 anyway, that is a side issue from this.

18 So I hope I made my point clear. And I hope that the Prosecutor  
19 can elicit that point at least.

20 PRESIDING JUDGE VELDT-FOGLIA: I will tell you what I think of  
21 this for now, but I first want to hear the Prosecutor.

22 Please, Madam Prosecutor, you have the floor.

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

24 Well, Your Honours, I disagree because I simply put to the  
25 witness words that the witness himself used. He said, in relation to

1 Mr. Mustafa, that he considered him -- consider Mr. Mustafa their  
2 superior and "we were his subordinates."

3 And then today also he added the line -- the line or the chain,  
4 let's say, between Jusuf and Mr. Mustafa and in addition to the  
5 qualification where -- over the unit where Mr. Nreci might have  
6 served.

7 It is not clear so far, I would say, because today he told us  
8 that he was part of the guerrilla unit and that he understood that  
9 after the war. This was at page 44 of today's transcript. In the  
10 statement, too, he said that they belonged to the guerrilla. They  
11 were guerrillas. And then he said that they fell under Brigade 153.

12 We know that BIA was existing since 1998. The Brigade 153  
13 was -- was formed only later on, in February -- later 1999, so I was  
14 going to also explore that. So I think there are elements to that.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. I am of the view that,  
16 Defence Counsel, it's really not too general. Because as  
17 Madam Prosecutor is stating, for now, she is only using parts of his  
18 testimony both before this Court and also in his prior statements  
19 that -- where he is referring to this relationship of commander and  
20 subordinate. And not only what Madam Prosecutor has said about "he  
21 was our superior and we were his subordinates," as an answer to the  
22 question, "What was the purpose of Salih Mustafa to stay in  
23 Barileve?"

24 He said:

25 "He was the head of the guerrilla and the majority of the KLA

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1 soldiers in Barileve belonged to the guerrilla."

2 That's page 4 of his first Defence statements.

3 And on page 6, he is saying: "How can one not meet with the  
4 commander?"

5 So I don't think that, for now, the -- Madam Prosecutor is  
6 overstepping or insinuating. So we will proceed for now.

7 So, Madam Court Usher, can you bring --

8 MR. VON BONE: May I just make another remark on that issue,  
9 Your Honour?

10 PRESIDING JUDGE VELDT-FOGLIA: No. I want to continue now.

11 [The witness takes the stand]

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

13 THE WITNESS: [Interpretation] Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. Madam Prosecutor will  
15 continue with the cross-examination.

16 You have the floor.

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

18 Q. Mr. Witness, just a second. I need to find the point at which  
19 we were and to go back to the questions that I had asked you.

20 MS. D'ASCOLI: In the meantime, I think was calling up the  
21 statement. I'm not sure if that is -- has been brought up on the  
22 screen? DSM00056 to 00067. And I would first need page 6, please.

23 Q. So, Mr. Nreci, can you please comment on --

24 MS. D'ASCOLI: If we can move a little bit further down on the  
25 page. Sorry, it's page 5, the previous page. The end of the page.

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1 Yeah, thank you.

2 Q. Mr. Nreci, I was reading from the answer that you gave to the  
3 Defence Counsel. I'll read again the question and then the answer.

4 "What was the purpose of Salih Mustafa to stay in Barileve?"

5 And your answer was:

6 "Because he was our superior and we were his subordinates. He  
7 would go to Llapashtice or Majac, as he would go to the headquarters  
8 of Remi, that is the commander Rrustem Mustafa, who was the  
9 commander, and on his way back, he would pass through Barileve ..."

10 So, again, I just wanted to understand why are you now resisting  
11 the question when I asked: So did you consider Salih Mustafa your  
12 superior, and you said no?

13 Can you please explain? You said before -- I mean, I'm reading  
14 from the statement. You said you considered him your superior and  
15 you said "we were his subordinates." Don't you remember that now?

16 A. Now the question is very clear. Because our main commander was  
17 Rrustem Mustafa. There were other commanders as well. However,  
18 personally for us, as a unit, we would report to Jusuf Shalaku and  
19 that's why I said no. Because he could be in the Prishtine part and  
20 then we would have to wait for the commander. So in that sense, I  
21 said no. It was Jusuf, the one who was near us.

22 So this is what I wanted to say.

23 Q. I understand that you considered Jusuf Shalaku as your -- the  
24 one to -- I want to use your words, as your superior. But my  
25 question was in relation to Mr. Salih Mustafa. Because you said

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1 before to the Defence: "... he was our superior and we were his  
2 subordinates."

3 Now, whether that is direct or indirect, why are you now saying  
4 that he was not your superior? I'm not talking about your direct  
5 superior.

6 A. I understood you correctly. He was a superior, and I did not  
7 deny it in front of the lawyer before the war or after the war. But  
8 in the sense of proximity, the person who was closer to us who could  
9 give us instructions and to whom we could report was Mr. Shalaku.  
10 I'm not denying anything and saying that he was not a superior. We  
11 have respected him and we will respect him for the rest of our lives.

12 Q. Okay. So let me see if I got it correctly.

13 You're saying that your direct superior or direct commander was  
14 Jusuf Shalaku; is that correct? The one with whom you would deal  
15 directly?

16 A. Yes.

17 Q. Okay. But was Salih Mustafa also one of your superiors? Yes or  
18 no?

19 A. Yes, after Jusuf. It is impossible to respect Jusuf and not to  
20 respect him.

21 Q. Okay. I understand. Thank you for clarifying.

22 Then I would like to ask for, I mean, your confirmation or your  
23 explanation also in relation to another part of the statement.

24 MS. D'ASCOLI: It is the same statement. If we go to page 4,  
25 towards the end of the page.

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1 Q. Here, you were asked --

2 MS. D'ASCOLI: The centre part is fine. Thank you.

3 Q. Here you were asked how -- by the Defence Counsel -- I will read  
4 the question and the full answer.

5 "How did you get to know Mr. Salih Mustafa?"

6 This was the question of the Defence counsel.

7 And your answer was:

8 "I was introduced to him through a friend of mine with whom I  
9 used to work with before. This was at the beginning of 1998. From  
10 then on, we kind of joined the KLA ranks as the KLA was expanding.

11 "Then we were in contact with him as he was the head of the  
12 guerrilla, and the majority of the KLA soldiers in Barileve belonged  
13 to the guerrilla."

14 Do you confirm that?

15 A. I admit that I said this even before to the Defence Counsel.

16 Q. Okay. So that is correct. We agree about that?

17 A. Yes.

18 Q. Okay. Now, since we're talking about 1998, with regard to your  
19 role -- I understand you joined the KLA in 1998; is that correct?

20 A. Yes, in the summer of 1998 or, rather, late spring.

21 Q. And throughout the war, I mean, between 1998 and 1999, did you  
22 have any rank?

23 A. No. Ranks, positions, appointments came later. I don't know  
24 exactly when and how it happened, but they came much later. Just  
25 about before the war ended.

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1 Q. Okay. So you were a soldier, a simple soldier, I mean, without  
2 any specific rank?

3 A. Yes.

4 Q. Okay. Now in relation to both your role and your tasks. So  
5 today at page 44, lines 9 to 11 of the live transcript, you said that  
6 you knew you were part of a guerrilla unit, that you understood that  
7 after the war; is that correct? Do you remember that evidence?

8 A. Yes, this is what I said, that we were part of that unit. We  
9 understood that after the war. We did not know how the guerrilla  
10 operated because it was not possible for somebody to explain it to us  
11 in longer terms.

12 Q. But did you consider yourself part of the guerrilla, as you told  
13 us; is that correct?

14 A. Yes, always, because the brigades also operated there. There  
15 were different units with uniforms, without uniforms, with different  
16 types of weapons. But in the guerrilla unit, we operated usually in  
17 smaller groups, with smaller number of people.

18 Q. Okay. I understand. Do you know when Brigade 153 was formed?

19 A. No. I apologise, but I really don't know.

20 Q. No need to apologise. And do you know when BIA was formed?

21 A. No, I don't know when BIA was formed. I know we were a  
22 guerrilla unit, but when it was created, that I don't know. And the  
23 acronym, we found out what it meant quite later.

24 Q. Okay. But I understand you -- from what we read in your  
25 statement at page 4, that you knew that when you joined the KLA you



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1 were part of a -- yeah, an expanding unit. You said "as the KLA was  
2 expanding."

3 So were you -- were you part of these units that were an  
4 expansion on the territory? Yes or no?

5 A. Yes.

6 Q. Okay. And to sum up your tasks, you told us this morning - and  
7 I'm summarising from page 10 of the live transcript - that your main  
8 tasks were to help the population, to help the population move, to  
9 observe enemy positions, and to help with food and other aid; is that  
10 correct?

11 I summarised from page 10, lines 14 to 25 of today's live  
12 transcript.

13 Is that a fair summary of your tasks?

14 A. Yes.

15 Q. Okay.

16 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, do you have a  
17 follow-up question on this? Because now you cited what was in the  
18 transcript, or am I mistaken?

19 MS. D'ASCOLI: Yes. I just wanted to make sure that there was  
20 nothing else and that those were his tasks, in fact.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. Because I didn't hear you  
22 ask: Was there something else you did? Or did you say that?

23 MS. D'ASCOLI: No. I can ask that --

24 PRESIDING JUDGE VELDT-FOGLIA: No. But if you only summarise,  
25 then I don't see -- it's -- we have seen it also --

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1 MS. D'ASCOLI: Yes, I was trying to understand his role --

2 PRESIDING JUDGE VELDT-FOGLIA: -- with the Defence Counsel --

3 MS. D'ASCOLI: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: -- a step-up question, okay, but  
5 only summarising, I don't see the need because we can re-read it all.

6 MS. D'ASCOLI: Of course, Your Honours. I was trying to  
7 understand better the role that the witness had.

8 Q. Is there anything else besides the tasks that I just listed,  
9 that we just discussed?

10 A. No, nothing of importance, in addition to what you already  
11 mentioned.

12 Q. Okay. Thank you.

13 MS. D'ASCOLI: Your Honours, just one brief minute?

14 [Specialist Prosecutor confers]

15 MS. D'ASCOLI: Thank you, Your Honours. We're going until 3.00;  
16 is that correct?

17 PRESIDING JUDGE VELDT-FOGLIA: Yes. The programme is -- thank  
18 you for reminding me. I can set out the programme. That is  
19 important for all of us, of course, to know.

20 We will have a normal session of one and a half hour. We  
21 started at 1.30, so we will continue to 3.00. Then we will have  
22 15 minutes' break, and then we continue till 4.00.

23 And then tomorrow we have four sessions.

24 MS. D'ASCOLI: Perfect. Thank you, Your Honours. Then I can  
25 say that I will finish before the break, by 3.00.

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1           PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you. Please  
2 proceed.

3           MS. D'ASCOLI: Yes.

4           Q. Mr. Witness, I will now move to a different part.

5           I wanted to ask you if you're friends with Brahim Mehmetaj,  
6 nickname Bimi?

7           A. It is difficult to answer with "yes" or "no," but I do know him.

8           Q. Okay. So you know him. But do you consider him a friend?

9           A. Not a very close friend. We do not meet very often. If I  
10 consider someone a friend, I visit them frequently. But I don't  
11 remember him meeting for the last time.

12          Q. Okay. That's clear.

13          PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, you could also  
14 ask: How do you know him? You went straight to a specific point.  
15 But you can also give some space to the witness to answer.

16          MS. D'ASCOLI: Sure. Thank you for the suggestion,  
17 Your Honours.

18          Q. Mr. Witness, can I ask how you know Mr. Mehmetaj?

19          A. I met him after the war. He had a restaurant at Pallati i  
20 Rinise location. We had coffee there. We spent time there with my  
21 friends, with my children, and other friends. I know him from there.  
22 I did not know him before the war. I'd never seen him before the  
23 war.

24          Q. Okay. So you did not know him during the war; is that correct?

25          A. No, I did not know him.

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1 Q. Okay. I just -- now I would like to show you some Facebook  
2 posts from Mr. Mehmetaj's account.

3 MS. D'ASCOLI: Can I please have ERN SPOE00325341 to 00325341 on  
4 the screens.

5 Q. While this is coming up, I will ask you, Mr. Witness, whether  
6 you recall commenting on a Facebook post by Mr. Mehmetaj shortly  
7 after Mr. Mustafa's transfer to The Hague. Do you remember that?

8 And this is -- the photo that is now appearing is the post that  
9 you commented on. It is dated 26 September 2020. Do you remember  
10 this post?

11 A. I remember the photo. I don't use Facebook very often. It is  
12 possible that I did it or it's possible that I had my nephew write.  
13 I must look at it further. I don't know exactly. Honestly, I  
14 don't -- I don't remember. I don't post about anyone.

15 Q. Of course. No problem. I will call up the specific comment I  
16 wanted to ask you about so that you can tell us.

17 MS. D'ASCOLI: The photo can be removed. And if I can now  
18 please have on the screens SPOE00325348, and next to it the English  
19 translation, SPOE00325348-ET.

20 If we can zoom in on the fourth comment.

21 Q. Mr. Nreci, do you see your comment on the right-hand side of the  
22 screen? It is the original one. It's the fourth in order from the  
23 top of the page. Can you see that?

24 A. Yes.

25 Q. So the comment says:

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1 "Eternal respect for the Liberators and their families."

2 Is this your comment? Do you confirm these words or not?

3 A. I see my name and what has been written under it. And even if  
4 it isn't, I would like it and I would accept it. We must respect  
5 forever for the liberators and also for NATO. It's -- I have written  
6 it. I'm glad I did it. I respect the liberators. I did not mention  
7 any names. I didn't say Bislim or anyone else. Only respect for  
8 liberators. And I will publicly declare that I have utmost respect  
9 for the liberators.

10 Q. Okay. I understand from your statement and your evidence today  
11 that you knew Salih Mustafa from 1998; correct?

12 A. By name. I know Salih Mustafa by name and from a distance from  
13 a really long time ago. But I met him personally in 1998. I saw him  
14 for the first time and spoke to him for the first time when he came  
15 to Barileve.

16 Q. And this was when in 1998?

17 A. Late spring or beginning of summer. I know we wore T-shirts and  
18 short sleeves. It was late spring or beginning of summer.

19 Q. And this was the only time you met him in 1998 or not?

20 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor.

21 MS. D'ASCOLI: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: Maybe less leading, I would  
23 suggest. I have the feeling that --

24 MS. D'ASCOLI: Yes, I -- because it is in his statement so --

25 PRESIDING JUDGE VELDT-FOGLIA: I know, but still --

1 MS. D'ASCOLI: Yes, of course, Your Honours.

2 PRESIDING JUDGE VELDT-FOGLIA: -- just give it a try because ...

3 MS. D'ASCOLI: Of course, Your Honours.

4 Q. Mr. Witness, I will rephrase. Was that the only time that you  
5 met Mr. Mustafa in 1998 or were there other times?

6 A. I don't remember meeting at a specific place, but with  
7 Salih Mustafa and Jusuf Shalaku we met to organise the matters in the  
8 village. That was the conversation and the meeting, the topic of the  
9 meeting. That was the meeting. We discussed organisation,  
10 mobilisation, and prepare for the war. It was a very short meeting  
11 because I was the one who actually didn't have much time.

12 Q. Okay. Have you maintained contacts with Mr. Mustafa after the  
13 war?

14 A. Yes. But we did not see each other often because it's the  
15 circumstances of life. We could not meet often because of life. We  
16 had to have time as well, because we were busy with families, with  
17 work. So we did not meet very often.

18 Q. I understand. Can you qualify what "not very often" meant or  
19 can you qualify how many times, more or less, how often you, more or  
20 less, you would meet? If can you say it.

21 A. It's possible that I met him once in six months or in a year. I  
22 live in Barileve. That is 15 kilometres from Prishtine. That is  
23 why -- because of the obligations I have in a village, you need to  
24 have a reason to go to Prishtine, either to meet up with a friend,  
25 just for a short visit, and return to the village.

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1 Q. I understand. And have you been in touch with him after his  
2 arrest?

3 A. No.

4 Q. And have you been in touch with any family member of  
5 Mr. Salih Mustafa after his arrest?

6 A. Yes, with his brother, Arben.

7 Q. Can you tell us what was the occasion and when was that? If you  
8 remember.

9 A. I don't remember the exact date, but we met at the petrol  
10 station. He told me that the counsel is in Prishtine and wanted to  
11 have some names or anyone that has -- that can give any information  
12 related to the case and he said that one of those people -- I'm also  
13 one of those persons. I think the following day or two days later  
14 they called me. I don't remember exactly. One or two days later. I  
15 met with him and with the Defence Counsel who is present today.

16 Q. So was Mr. Arben Mustafa the person who put you in touch with  
17 the Defence team for Salih Mustafa?

18 A. Yes.

19 Q. Okay, I see. Do you know Mr. Nazmi Verbovci?

20 A. Yes, of course, I do.

21 Q. How do you know him?

22 A. I know him because he is also from Barileve. But I also know  
23 his father because he offered his house. From the first moment that  
24 the population moved, he told us that the house was ours to use, and  
25 so we used that house - us, meaning the soldiers - to rest there, to

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1 stay there. That is why I know them. I also know his son who was  
2 also a soldier.

3 Q. So do I understand that Mr. Nazmi Verbovci was also -- was in  
4 the KLA; is that correct?

5 A. Yes.

6 Q. And what was his role; if you know?

7 A. He was a soldier. And since he was from the neighbourhood, he  
8 was also a coordinator for the transfer of people, whether they were  
9 from that area, transferring people from Gollak to Barileve or vice  
10 versa. So he had the coordinator role. He coordinated those  
11 movements.

12 Q. Was he also a member of the guerrilla as yourself?

13 A. Yes.

14 Q. And do you know whether his commander was also -- superior was  
15 also Jusuf Shalaku, like for yourself?

16 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, you could also  
17 ask him: Do you know who his commander was?

18 MS. D'ASCOLI: Yes, I will rephrase it, Your Honour.

19 Q. Do you know who his commander was?

20 A. Yes, Jusuf, because he was the commander of 20 of us who were  
21 there.

22 Q. Okay. Mr. Nreci, did you follow any of the court sessions of  
23 this trial in the past weeks or months?

24 A. I tried to follow them. I could not follow all of them because  
25 of my obligations. I was not able to follow them all.



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Cross-examination by Ms. D'Ascoli

1 Q. Do you remember which ones you followed? Which witnesses, that  
2 is.

3 A. Honestly, I followed the first part. The witness was Fatmir. I  
4 don't remember any -- I don't know.

5 Q. You mean Mr. Humolli, Fatmir Humolli?

6 A. Yes, yes. And the rest of the trials I might have followed a  
7 little bit or whatever I could follow from the news. I did not have  
8 much time to follow the trial.

9 Q. Okay.

10 MS. D'ASCOLI: Your Honours, I now have some questions that go  
11 into personal details of the witness and that should not be discussed  
12 in public, so if we can please move into private session. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well.

14 Mr. Court Officer, could you bring us into private session.

15 [Private session]

16 [Private session text removed]

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Witness: Bislim Nreci (Private Session)

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Cross-examination by Ms. D'Ascoli

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Witness: Bislim Nreci (Private Session)

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Cross-examination by Ms. D'Ascoli

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Witness: Bislim Nreci (Private Session)

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Cross-examination by Ms. D'Ascoli

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Witness: Bislim Nreci (Private Session)

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Cross-examination by Ms. D'Ascoli

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Witness: Bislim Nreci (Private Session)

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Cross-examination by Ms. D'Ascoli

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Witness: Bislim Nreci (Private Session)

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Cross-examination by Ms. D'Ascoli

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Witness: Bislim Nreci (Private Session)

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Cross-examination by Ms. D'Ascoli

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Witness: Bislim Nreci (Private Session)

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Cross-examination by Ms. D'Ascoli

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Witness: Bislim Nreci (Private Session)  
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7 [Open session]

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

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

10 Madam Prosecutor, please proceed.

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

12 Q. Mr. Nreci, thank you very much for answering my questions. I  
13 don't have further questions in cross-examination. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Yes, we will now --

15 THE WITNESS: [Interpretation] Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: We will now have 15 minutes of  
17 break and then we will continue till 4.00. And we will see where we  
18 end. Tomorrow there is a new day.

19 Defence Counsel, you have the floor.

20 MR. VON BONE: Could Mr. Mustafa stay in the courtroom in that  
21 shorter break?

22 PRESIDING JUDGE VELDT-FOGLIA: I will ask security because --  
23 and I see also CMU saying yes. So that --

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

25 PRESIDING JUDGE VELDT-FOGLIA: Yes? So that is arranged for.

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Questioned by Victims' Counsel

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1 Mr. Witness, Madam Court Usher will usher you out. 15 minutes  
2 of break and then we come back and we work till 4.00.

3 THE WITNESS: [Interpretation] That's fine. Thank you.

4 [The witness stands down]

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

6 So at five minutes to half past 3.00, we meet again.

7 The hearing is adjourned.

8 --- Recess taken at 3.10 p.m.

9 --- On resuming at 3.25 p.m.

10 PRESIDING JUDGE VELDT-FOGLIA: We are in the same composition.

11 Very well.

12 I will ask Madam Court Usher to bring the witness in. Thank you  
13 for that.

14 [The witness takes the stand]

15 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Nreci. Now --

16 THE WITNESS: [Interpretation] Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Mm-hm. I now give the floor to  
18 Victims' Counsel for her questioning, if any.

19 Victims' Counsel, you have the floor.

20 MS. PUES: Thank you, Your Honours. Yes, I would like to  
21 explore only two very brief aspects, so it shouldn't take much time.

22 Questioned by Victims' Counsel:

23 Q. Good afternoon, Mr. Witness. I am Victims' Counsel and would  
24 like to follow up just with a couple of questions on things that are  
25 still slightly unclear to me.

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Questioned by Victims' Counsel

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1 I would like to go back to -- or revisit the date when Mr. Kurti  
2 and Mr. Kaciu died.

3 I understood from what you explained today that your memory was  
4 helped with the photographs of the gravestones of those two that we  
5 saw earlier. And in this context, I wonder, do you know how the  
6 families were given the dates that appear on those gravestones?

7 A. Those were known. On the 12th of April, there was offensive  
8 there, and they died in the evening, and their families were not very  
9 far. They found out quite shortly after that they no longer had  
10 their loved ones alive.

11 So this date is not easy to forget by family members, but also  
12 by friends and acquaintances.

13 Q. Okay. Thank you for that.

14 Now, you yourself first explained that you thought it was the  
15 22nd of April and you also explained then later that you now link it  
16 to the 12th. Though, how do you remember that it was 12th of  
17 April and not the 11th, given that we have as a starting point those  
18 two gravestones, in the first place, and we saw them earlier, and you  
19 yourself pointed to the fact that one actually featured the 11th of  
20 April?

21 A. It is probably what we -- or you call a technical mistake either  
22 by the worker who engraved the dates on the gravestone or by someone  
23 who did not know. Because it is very true that they died in the same  
24 minute. Maybe one died half a minute earlier or after, but they died  
25 on the same day. So they both died not on the 11th but on the 12th.

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Questioned by Victims' Counsel

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1 Q. Thank you for that, Mr. Witness.

2 Now, I would now like to change to one further aspect that is  
3 much later, and that is today in the transcript page 55. You  
4 explained to us that you gave -- or talked to the Defence Counsel a  
5 second time in which then corrections were made as to the date that  
6 we discussed just now, from 22 April to 12 April.

7 And in this context you mentioned - and here we'll find this on  
8 page 55 of today's transcript, line 25, and the subsequent page on  
9 top - that the family members were also offended that the dates got  
10 confused.

11 Here I would like to know when did you speak -- or did you speak  
12 to the family members after you spoke to the Defence? When was that;  
13 where; and why did you speak to those two families?

14 A. I did not speak to them. There was no reason for me to speak to  
15 them.

16 I realised that it was a mistake, and now either they have to  
17 change the gravestone, and you need money for that, and probably the  
18 family does not have the means to do that. But I did not contact the  
19 family members of the deceased. Because if you contact the families,  
20 then it may lead to a problem. You need to help them and it may  
21 bring many other things.

22 Q. Okay. I understand. But in that context - and now here I would  
23 like to quote again from the transcript on page 55, starting in  
24 line 24, when you were asked about the corrections to the Defence  
25 statement:

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Questioned by Victims' Counsel

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1 "We -- I spoke to my people in the village and to the family  
2 members, because the family members were also offended that the dates  
3 got confused. It wasn't intentional. There was nothing malicious  
4 about that. So it was just a matter of putting number 1 instead of  
5 number 2."

6 And here, just to be clear -- this is end of quote. Just to be  
7 clear from my side, again, this is not about suggesting any  
8 intentional mistakes but trying to understand why you refer to  
9 speaking to the family members if you haven't?

10 A. The translation, I spoke to family members, with one family  
11 member. In Kosovo, the family members is in general. And when you  
12 say "I spoke to one member," it means that you spoke to one of --  
13 members of that family. But when you say "with the family members,"  
14 it means that you went to their house and you spoke to them.

15 So we contacted with one of those young men and we discussed  
16 this, but not with the family. Because that family includes parents,  
17 wives, children, everybody. So there is a distinction when you say  
18 "we spoke to family members." That person, for example, particular  
19 person of the family, if need be, can speak to the father or to the  
20 brother, and so on.

21 Q. Okay. I understand you didn't speak to the entire family but  
22 only to one person. But why did you speak to a member, one member of  
23 the Kurti or Kaciu families?

24 A. It was a mixup of dates. Bedri and Kaciu died in the same  
25 moment. And, therefore, to tell you the truth, they themselves did



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Re-examination by Mr. Shala

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1 not notice.

2 Q. Okay. Thank you. Those were my questions.

3 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Thank  
4 you, Victims' Counsel.

5 Very well.

6 THE INTERPRETER: Microphone, please.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.  
8 Defence Counsel, do you wish to proceed with the redirect  
9 examination of the witness?

10 MR. SHALA: [Microphone not activated].

11 PRESIDING JUDGE VELDT-FOGLIA: Microphone.

12 MR. SHALA: It's good, this? Yeah, okay.

13 Only one question regarding to this answer of [indiscernible]  
14 regarding these two dates. I want to clarify it is date meaning date  
15 that is on grave or date, 22nd of the --

16 PRESIDING JUDGE VELDT-FOGLIA: You don't have to justify.  
17 Please proceed.

18 MR. SHALA: Thank you.

19 Re-examination by Mr. Shala:

20 Q. [Interpretation] Mr. Witness, to the question of the  
21 Victims' Counsel, you said that you contacted family members in  
22 relation to the mistake with the date. When you say "date," do you  
23 mean the dates engraved on the gravestone or the date, dates that you  
24 gave the Defence Counsel?

25 A. I'm referring to the dates on the gravestone.

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1 MR. SHALA: Your Honour, I don't have further question. Thank  
2 you.

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

4 MR. SHALA: [Interpretation]

5 Q. Thank you, Mr. Witness.

6 PRESIDING JUDGE VELDT-FOGLIA: Let us see. Madam Prosecutor,  
7 would you like to proceed with rejoinder examination of the witness?

8 MS. D'ASCOLI: No, thank you, Your Honours. Nothing further.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 Victims' Counsel?

11 MS. PUES: No, thank you, Your Honours.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then it's the turn  
13 for the Panel.

14 Mr. Nreci, you have been asked several questions by the  
15 Defence Counsel and the Prosecutor and the Victims' Counsel, and I  
16 ask you to bear a little bit more because the Panel would like to  
17 receive some further clarification on just a few issues, and for  
18 that, I will give the floor to my colleague on my left hand.

19 Please, you have the floor.

20 JUDGE BITTI: Thank you, Madam Presiding Judge.

21 Questioned by the Trial Panel:

22 JUDGE BITTI: Mr. Nreci, I hope I don't pronounce -- I hope I  
23 pronounce more or less correctly your name and forgive me if I don't  
24 do it very well.

25 I will refer to your statement to the Defence at DSM00062, where

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1 you explain that you drove Mr. Salih Mustafa in a red Golf from  
2 Barileve back to a village in Gollak, and you explained that that  
3 village was Radashec; is that correct?

4 A. Yes.

5 JUDGE BITTI: Could you tell us what happened in Radashec?

6 A. In Radashec, we stopped there. I saw a tractor loaded with  
7 soldiers who was going -- who were going to Vranidoll. When I was  
8 informed that they were going to Vranidoll, I got off the car and got  
9 on the tractor that was going to the point where I was going back to.

10 JUDGE BITTI: Okay. I am also interested in what happened with  
11 Salih Mustafa when you dropped him in Radashec. Because in your  
12 statement to the Defence you said:

13 "Yes, he met there with other soldiers and took him with another  
14 vehicle and left."

15 So do I understand well that there was a vehicle which was used  
16 by Mr. Mustafa in Radashec?

17 A. Yes. But whose vehicle it was, that I don't know. It was in  
18 that yard. And they said, "We will go with this vehicle. It's more  
19 suitable for the terrain in that part."

20 JUDGE BITTI: Do you remember which kind of vehicle was it?

21 A. No.

22 JUDGE BITTI: Do you remember if he took that vehicle with other  
23 people? Was there other soldiers with him, taking that vehicle?

24 A. Probably there were, but now -- because I hastened a bit. I  
25 believe there were, because I don't think that he left on his own.

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1 The tractor was not waiting for me, so I hurried to get on the  
2 tractor and go back to my point.

3 JUDGE BITTI: When you speak about another vehicle more adapted  
4 to the terrain, you mean from the terrain which was from Radashec to  
5 Zllash?

6 A. Yes, for that terrain. Although I did not know it at the time  
7 and I don't know it to this day. I'm not familiar with it.

8 JUDGE BITTI: Okay. How much time did it take you to go back to  
9 Barileve in tractor?

10 A. We left in the evening by vehicle, and we arrived in the  
11 morning, after it dawned.

12 JUDGE BITTI: Okay. So it took you the night to go by tractor  
13 from Radashec to Barileve.

14 A. It was not the entire night. We spent half of the night to get  
15 there. So the way to and the way back took the entire night.

16 JUDGE BITTI: Okay. So from Barileve to Radashec and then back  
17 in tractor from Radashec to Barileve, it was the entire night?

18 A. Yes, yes.

19 JUDGE BITTI: Thank you. I have another question, which is in  
20 relation with your -- again, the same statement at DSM00064. The  
21 question was the following:

22 "Did Salih Mustafa ever tell you anything about the situation in  
23 Zllash? "

24 And your answer was:

25 "No, not with him but with other soldiers. Geographically, we

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Questioned by the Trial Panel

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1 are far from Zllash."

2 Then the following question was:

3 "What was being discussed with other soldiers about Zllash?"

4 And then you said: "We discussed with these soldier about how  
5 it was there in," but you don't develop.

6 Could you develop today, what did you discuss with these  
7 soldiers about what was in Zllash?

8 A. Not only with them, but with all other groups or persons whom we  
9 met, the only discussion that was made was: Are all of you okay? Is  
10 there any victim? Is there any food? Do you have enough clothes?  
11 Because there were many who did not have clothes. They were poorly  
12 clothed. Only in socks.

13 So this was a major concern. So the main discussions we had  
14 amongst each other was how to survive the winter.

15 JUDGE BITTI: But my question was more about the situation in  
16 Zllash. The only thing you discussed about Zllash was clothes and  
17 food?

18 A. That's very correct. Because there, that was very far, that  
19 location, and the food was scarce. So our main concern was how to  
20 make it possible for them to get food supplies.

21 JUDGE BITTI: Okay. Thank you very much.

22 I have no further questions, Madam Presiding Judge.

23 Thank you very much, Mr. Nreci.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Mr. Nreci, we have arrived at the end of your testimony, and I

1 would like to thank you for the efforts you have put in giving your  
2 testimony, and I believe it will help us to further find -- try to  
3 find the truth.

4 I wish you a safe trip home. And, again, thank you very much.  
5 Madam Court Usher will usher you out of the courtroom.

6 And I remind you that you shall not discuss your statement you  
7 have given before the Specialist Chambers with anyone.

8 Good-bye.

9 THE WITNESS: [Interpretation] Thank you very much. Greetings to  
10 all of you, including Salih Mustafa.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 [The witness withdrew]

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

14 Tomorrow we will continue at 9.30 with -- oh, you -- but I was  
15 going to ask you, don't worry. With Witness 800. But before that, I  
16 want to do my usual round to see if there's something important we  
17 should discuss.

18 Madam Prosecutor.

19 MS. D'ASCOLI: Nothing from our side, Your Honours. Thank you.

20 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel.

21 MS. PUES: No, thank you.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 Defence Counsel, you have the floor.

24 MR. VON BONE: Yes, Your Honour. That concerns some practical  
25 scheduling matters.

1 As I see it now and getting one person a day, that would mean  
2 that we would end on 6th of May, if I follow the schedule of  
3 April and then the schedule of May.

4 And the question that I have concerns the tentative -- the  
5 tentative schedule in the period of 11 and 13 May. I received  
6 earlier a message at the beginning of March regarding that, and that  
7 said the following: That 4, 5, and 6 of May are court dates; and  
8 then in the week after, it is 11 May, and then 12 and 13 May are  
9 tentatively. And what the Defence is asking is could we get maybe  
10 tomorrow any light on that week so that we know where we stand on  
11 that week.

12 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Your  
13 request is the week of the 11 May --

14 MR. VON BONE: Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] -- what  
16 the exact court dates will be.

17 MR. VON BONE: Yeah. Because there is two dates apparently  
18 tentative, 12 and 13, and if it would be only one day, I just wonder  
19 what it would be.

20 Second question would be: If the witnesses are going in the  
21 tempo that we have now, meaning that we would end on 6 May, then what  
22 actually would be done after 6 May? What would be possibly the next  
23 things that would be happening in that week?

24 Just a matter of scheduling for us. It is important because  
25 team members come and go, so we just wanted to know how and what.

1           PRESIDING JUDGE VELDT-FOGLIA: We will give you further  
2 information on this. We have given information for the month of  
3 April and we have tentative dates for the month of May. But we first  
4 had to see how it was proceeding with the witnesses and at what pace.  
5 But you will be informed in due time.

6           Very well. Thank you for your remarks.

7           Very well. Then we see each tomorrow at 9.30.

8           The hearing is adjourned.

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

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