

1 Wednesday, 6 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: Thank you.

11 First of all, I will call appearances.

12 Mr. Prosecutor, who is present for the SPO today?

13 MR. MICHALCZUK: Good morning, Your Honours. Good morning,
14 everyone. The Prosecution is represented today by Silvia D'Ascoli,
15 Associate Prosecutor; Line Pedersen, our Case Manager; and myself,
16 Cezary Michalczuk, SPO Prosecutor. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Victims' Counsel, you have the floor.

19 MS. VOSENBERG: Good morning, Your Honours. Good morning,
20 everybody. The participating victims are represented by
21 Victims' Counsel, Anni Pues, and by myself, Brechtje Vossenbergh,
22 co-counsel.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Defence Counsel, you have the floor.

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

1 represented by Mr. Shala, co-counsel; myself, Julius von Bone;
2 Mr. Fatmir Pelaj, interpreter/investigator. In the courtroom is also
3 present Mr. Mustafa.

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

5 And for the record, you are appearing before Trial Panel I.

6 Today we will hear the testimony of Defence Witness 800,
7 Mr. Nazmi Vrbovci.

8 Madam Court Usher, can we please usher the witness into the
9 courtroom.

10 [The witness entered court]

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Vrbovci, good morning, and
12 welcome to the Specialist Chambers. Can you hear me fine?

13 THE WITNESS: [No interpretation].

14 PRESIDING JUDGE VELDT-FOGLIA: I don't hear an answer through
15 the microphones.

16 THE WITNESS: [Interpretation] Yes, I hear you well. I hear you
17 very well.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Vrbovci. Good.
19 First of all, how are you?

20 THE WITNESS: [Interpretation] Good.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well. Today, Mr. Vrbovci,
22 we will start with your testimony. And you are called to testify
23 before the Specialist Chambers in the case of The Specialist
24 Prosecutor against Mr. Salih Mustafa in order to assist the Panel to
25 reach a verdict. After you have taken your solemn declaration to

1 tell the truth, you will be asked questions by, first, the
2 Defence Counsel of Mr. Mustafa, sitting on your right hand; then you
3 will be asked questions by the counsel for the Prosecution, on your
4 right hand next to the Panel, and then -- with the toga in purple;
5 and then by the Victims' Counsel sitting next to you. Do you see
6 that on your right hand? You can turn there. Okay. Very well. And
7 at the end, you will be asked questions by us, the Judges of the
8 Panel.

9 Yes, have you understood that?

10 THE WITNESS: [Interpretation] Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Very well. I would like to
12 provide you with some guidance for answering the questions that you
13 will be asked.

14 Mr. Vrbovci, listen carefully to each question. If you don't
15 understand, feel free to ask for the question to be repeated.

16 We want you to tell the truth and to tell you what you saw, what
17 you heard, what you sensed, what you experienced. If you found out
18 in some other way, please tell us and explain us how.

19 You may not remember all the details of the events, and this is
20 perfectly fine. Please testify on what you remember. You can say,
21 "I don't remember," "I don't know," as long as you tell the truth.

22 Please answer the questions and do not deviate from what you are
23 asked.

24 I also remind you that you may object to provide your testimony
25 on issues that might incriminate you, pursuant to Rule 151(1) of the

1 rules. That's a right you have.

2 Have you understood all this?

3 THE WITNESS: [Interpretation] Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well. I would like to give
5 you some practical advice, Mr. Vrbovci.

6 It is important, because everything we say here is translated
7 and recorded, to speak at a slow pace, to speak in the microphones,
8 and to speak clearly. This will allow the interpreters to translate
9 everything. Very important is that you should only start speaking
10 when the person asking you a question has finished. So please count
11 in your head up till five after the question has finished, and only
12 then start with your answer, in order to enable the translation of
13 what the person before you was saying to be finished. If not, we
14 will have overlapping speakers, and that's impossible to translate.
15 And that's an important point.

16 If I raise my hand, please stop talking. I won't say it out
17 loud, or I will try not to say it out loud, because then I will
18 interfere with the interpretation and I don't want to do that.

19 Sometimes will you be asked to take off your headphones or even
20 be ushered out of the courtroom, and that is the case when something
21 needs to be discussed with regard to the questions you are posed.
22 And because we don't want to influence you, you're requested to be
23 ushered out or to take off your headphones so you cannot hear what we
24 are saying.

25 If you have any questions, if you need a break, please raise

1 your hand and then you will be given the floor.

2 Is that all clear for you?

3 THE WITNESS: [Interpretation] Yes, it is clear.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well.

5 Another question, Mr. Vrbovci. Do you speak English?

6 THE WITNESS: [Interpretation] No.

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

8 As we must do with every witness, I will now ask you to read
9 your solemn declaration to tell the truth, and it's an offence within
10 the jurisdiction of the Specialist Chambers to give a false
11 testimony.

12 Have you understood that?

13 THE WITNESS: [Interpretation] Yes, it's clear.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Clerk, can you please
15 assist the witness with his solemn declaration to tell the truth.

16 And, Mr. Vrbovci, you can now read the text.

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

21 WITNESS: NAZMI VRBOVCI

22 [Witness answered through interpreter]

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you. You are now under
24 oath to tell the truth.

25 We can now begin with the testimony of Mr. Vrbovci, and we will

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1 start with the interrogation by the Defence Counsel.

2 Defence Counsel, you have estimated two hours, I saw on the
3 list, for the interrogation; is that right? Yes. If there are any
4 changes, please inform us for reasons of planning. Yes?

5 You have the floor.

6 MR. SHALA: Yes. Thank you.

7 Examination by Mr. Shala:

8 Q. [Interpretation] Good day, Mr. Witness.

9 A. Good day.

10 Q. Mr. Witness, we are going to discuss the period of 1999; namely,
11 the situation in Kosovo at that time.

12 Can you please tell us where did you live in 1999?

13 A. I lived in Barileve village.

14 Q. And where do you live today?

15 A. There, I live in the same village.

16 Q. During 1999 and specifically during the period of March of that
17 year, March and April of 1999, can you tell us a little bit about the
18 security situation in your village?

19 A. Yes, I can.

20 Q. Please, go ahead.

21 A. Like in every other place in Kosovo, the situation was not good
22 in my village. Fightings were going on, pressure was brought to bear
23 on us, so we -- all of us had to engage ourselves, whoever wanted to
24 do so, to form our units, our groups, to stand up for the population,
25 to protect the population, to accommodate the population, especially

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1 in our village, in our neighbourhood, Verbovci neighbourhood, in
2 Barileve, where I stayed all the time.

3 Q. You said that you started to organise yourself in the military
4 sense and set up your units. Can you please tell us how did you go
5 about it, how did you decide to do that, and how did it function?

6 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, for a moment.

7 Can you take off your headphones.

8 Defence Counsel, I see the word "units" in the answer of the
9 witness, but did he say -- yeah, he might have implied it, but he
10 didn't say anything about the military. Or did he? Did he use that
11 word that -- I didn't hear him use the word that - let me see it here
12 - "to organise yourself in the military sense and set up your units."

13 But "in the military sense" he did not say at all.

14 You can rephrase it. I can imagine that he was implying that
15 but he was not saying that, so let's keep to the wording of
16 Mr. Witness. Yeah?

17 MR. SHALA: Okay.

18 Q. [Interpretation] Mr. Witness, when you referred to the word
19 "unit," what do you imply, that is, your organisation in units?

20 A. A unit is a group of 10, 20, 30, members. We were all
21 co-villagers, friends, with the sole purpose of protecting the
22 population against the Serb paramilitary groups.

23 Q. Yes, I understand that was the purpose, to defend the
24 population. But this unit, what concrete tasks did it have?

25 A. Its task was to help people pass through that passage which was

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1 in our neighbourhood, Verbovc. We were there to help the population
2 pass through that passage, to go to -- from Llap to our village. We
3 stood guard. We observed where Serb military and police positions
4 were. These were our duties. People came from Llap and settled in
5 what we call -- in a pasture between two hills. That's where people
6 stayed until evening, in order then to pass to the other side, to
7 pass to Vranidoll.

8 Q. Thank you, Mr. Witness. You said that was the only passage
9 point from Llap area. From Llap area to where?

10 A. They passed Vranidoll, Rimanishte, and, I don't know, other
11 places. That was not my responsibility. I was responsible only for
12 my neighbourhood and my house --

13 THE INTERPRETER: Can they be asked to wait for the question and
14 answer, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes.

16 There's a request from the interpretation booth that please wait
17 for each other when answering and posing questions. So please leave
18 some time between the question before answering in order to
19 understand it well.

20 Please proceed, Mr. Witness, if you had not finished your answer
21 yet.

22 THE WITNESS: [Interpretation] Yes, you can ask me.

23 MR. SHALA: [Interpretation]

24 Q. Mr. Witness, from the Llap zone, people had to go through
25 Barileve to go to other places and that was the only place they could

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1 go there. From that point, where could people go to?

2 A. Gollak. But it was not my responsibility to know where they
3 went. They were elderly people, children, and so on.

4 Q. Mr. Witness, I am not asking you where they went. Where could
5 they go. That is the question.

6 A. I know that they could go only to Vranidoll and then, after
7 that, I don't know. They knew where they were going.

8 Q. I am not asking about those people. I am asking to come to that
9 point, Vranidoll, from there, where can one go to? To what part of
10 Kosovo? What part of -- what city?

11 A. I think to Prishtine. That was the closest town, only 30
12 kilometres, I think -- 20 kilometres.

13 THE INTERPRETER: Correction: 12 kilometres to Prishtine.

14 THE WITNESS: [Interpretation] There was the main road
15 Prishtine -- to Prishtine.

16 MR. SHALA: [Interpretation]

17 Q. Let's go back to the units. Do you remember what time-period
18 was it when you decided to set up those unit?

19 A. It was March and April.

20 Q. What year?

21 A. 1999.

22 Q. Can you tell us, please, who was the one that thought or
23 proposed or came up with the idea of setting up such units?

24 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait.

25 Please proceed with your answer.

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1 THE WITNESS: [Interpretation] I don't know who came up with this
2 idea. Of course, the superiors who led the war, they should know
3 more. I know only about our neighbourhood, Lumnice, Verbovc.

4 Q. Yes, that's why I'm asking you about that place, where you were,
5 about the units set up in Barileve village. How did you realise that
6 a unit was set up and that you had to join it?

7 A. I acted.

8 Q. Tell us.

9 A. I cooperated with reliable, trustworthy people because the
10 situation was very precarious. You had to work illegally. And
11 because of the great pressure we were subjected to, we were obliged
12 to do that. Because nobody wanted the war.

13 Q. Was there anyone outside of Barileve who told you to set up the
14 unit, or you yourselves decided to set it up?

15 A. We cooperated with superiors. People who had ideals. With
16 these people, we started and we worked and we established the units
17 in Barileve.

18 Q. Do you know how many units Barileve had?

19 A. One in Lumnice neighbourhood, one in my house, in Verbovc
20 neighbourhood.

21 Q. How many members did Lumnice unit have?

22 A. I don't know because the unit in Lumnice moved about. They went
23 to Majac because there were more frequent fightings there. They went
24 to their rescue. They rested. But generally, most of us were from
25 Barileve. There were some others who were in my house.

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1 Q. How many members did the Verbovc unit had?

2 A. Always from ten to 20 people were accommodated in my house. And
3 we cooperated with the unit of Lumnice neighbourhood.

4 Q. What unit did you personally belong?

5 A. That of Verbovc. First I was in Lumnice unit and then I had to
6 pass to the other one in Verbovc.

7 Q. Did this unit have a commander?

8 A. I don't know about the commanders. We had a person in charge.
9 Because we all referred to one another as commanders.

10 Q. Who was the one more responsible?

11 A. My closest friend, Jusuf Shalaku, who was one of the first
12 activists.

13 Q. When you say all of you were commanders, in a sense, what do you
14 mean?

15 A. We always addressed one another as commanders. That's why I
16 said all of us were commanders. But one was, of course, a real
17 commander.

18 Q. You said that Jusuf Shalaku was commander and was your best
19 friend. Was he from Barileve?

20 A. No. He came to help us. He was from Shkabaj village.

21 Q. How far is Shkabaj village from Barileve?

22 A. About 15 kilometres.

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, for my
24 understanding.

25 Can you take off your headphones, please, Mr. Witness. Thank

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1 you.

2 The question was: "Did this unit have a commander?" And then
3 he said: "I don't know about the commanders." And then he says was
4 -- "who was the one more responsible?" And he says: "My closest
5 friend, Jusuf Shalaku ...". And then you make a summary: "You said
6 that Jusuf Shalaku was the commander ...". But he didn't say he was
7 the commander. I just say that he was the one in charge and you can
8 translate it as a commander, but he started off with saying, "I don't
9 know about the commanders."

10 So I would prefer that you -- that you ask a more -- a question
11 in this regard to see what he meant. Because he -- apparently he
12 didn't want to say that he was the commander. At least that was --
13 were his wording.

14 So don't put words in his mouth, I would say. But you can
15 rephrase it, I'm sure.

16 MR. SHALA: [Interpretation]

17 Q. Mr. Witness --

18 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]. Thank
19 you for your patience.

20 MR. SHALA: [Interpretation]

21 Q. Mr. Witness, in your answer earlier on, you said there weren't
22 commanders but there was someone in charge. Is it accurate?

23 A. Yes.

24 Q. Does it mean that Jusuf Shalaku was only in charge?

25 A. We regarded him as our commander, but he was in charge. I was

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1 the coordinator.

2 Q. You recall when he came to -- Jusuf Shalaku came to Barileve?

3 A. In March. Right to my house.

4 Q. Can you tell us whether before March there were any military
5 actions taken by the Serb army and the police in that region?

6 A. No, not in our village.

7 Q. You said that many people passed through Barileve village
8 because it was a good passage point.

9 A. Yes, that's how it was.

10 Q. Was it the only place where people could pass from Llap to go to
11 other parts of Kosovo?

12 A. From Podujeve up to Verbovc, there was no other place to pass.
13 That was the only one. People were afraid, you know, when they
14 passed.

15 Q. When you are saying people had to make sacrifices, they were
16 afraid, why?

17 A. Because Serb forces were stationed on both sides. They were
18 1 kilometre and a half far from my house, and on the other side, from
19 the Vranidoll side, they were 1 kilometre away. Behind our back,
20 they were 3 kilometres away on the border with Breznice [phoen]
21 village. So we were like in a triangle, in the middle of triangle.

22 Q. So apparently Barileve, as you say, was in this triangle
23 surrounded by police or military -- army forces. You still,
24 nevertheless, managed to -- to pass these people from that point in a
25 safe way?

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1 A. Get -- let us understand each other. Barileve has many
2 neighbourhoods. It has about 1300 houses. But when I said
3 "triangle," I meant Verbovci neighbourhood. Because Barileve is
4 quite a wide village. It couldn't be the whole village within
5 triangle. I meant my -- only my neighbourhood.

6 Q. Just to be more clear. So apparently only Verbovc was part of
7 that triangle?

8 A. Yes. The other parts, they were not. I explained it to you
9 with kilometres, how far the forces were stationed. 1 kilometre,
10 1 kilometre and a half, and 3 kilometres. That's where we were.

11 Q. Were there people coming from other regions of Kosovo to
12 Barileve, displaced people?

13 A. Yes, there were displaced people in other neighbourhoods. I
14 know that in Leze [phoen] village there were many. Yes, there were
15 displaced people in other neighbourhoods.

16 Q. You are referring to some neighbourhoods in your answers. Can
17 you tell us exactly how many neighbourhoods does Barileve have, if
18 you can?

19 A. Yes, I can. I know everybody. Eight neighbourhoods at least.
20 At least eight.

21 Q. When you say "at least," you mean there may be more?

22 A. Yes, I would say up to ten.

23 Q. To your knowledge, how many neighbourhoods are there?

24 A. Ten.

25 Q. During this time-period, March of 1999, March/April of the same

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1 year, was there military activities in Barileve?

2 A. In 1999, fightings -- I may say there were fightings and there
3 weren't fightings. When I say there were and there weren't, I mean
4 that, in March, the police forces came in the middle of Barileve.
5 They went up to the end of Barileve and killed a professor called
6 Selim Berisha. I said in my statement -- I think I gave another name
7 because for the moment I forgot when I gave the statement. But his
8 name is Selim Berisha. He was a teacher in Ali Kelmendi school in
9 Barileve. He was killed in his own home. That's where situations
10 started to deteriorate in Barileve.

11 Q. Do you recall when that happened?

12 A. I am not sure about the date. It was sometime in the half of
13 March.

14 Q. When you say "half of March," what do you mean, the first or the
15 second half?

16 A. The second, for sure.

17 Q. And this was the only military activity in that area and the
18 only person killed?

19 A. The only person killed. There were ill-treatments here and
20 there. Maybe it's worth mentioning, maybe it's not for the public, I
21 did not see it myself, but the Serb forces were involved in some bad
22 things there.

23 Q. During this time-period - and I'll mention it again,
24 March/April 1999 - in addition to the movement of the civilian
25 population, was there movement of KLA soldiers through this point?

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1 A. Yes, of course, there was. There was.

2 Q. You personally, did you have contact with those soldiers?

3 A. Yes, they all passed through me.

4 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait. Please, Mr. Witness,
5 wait after the question. You really have to -- you never wait too
6 long. Just give it a few seconds. Because, if not, it overlaps, and
7 I cannot hear the question and I cannot hear your answer because I
8 don't talk your language.

9 So, please, at a slow pace. Proceed with your answer.

10 MR. SHALA: [Interpretation]

11 Q. My question was: Did you have contact with those soldiers?

12 A. Yes, I did.

13 Q. Did it ever happen for these soldiers to stay in Barileve or
14 they only passed through Barileve?

15 A. There were those who stayed and there were also occasions when
16 they only passed.

17 Q. When the --

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, really, you have
19 to wait for the witness to finish. Because the translation is still
20 going on and then you ask a question, but I haven't heard his answer.

21 MR. SHALA: Okay.

22 PRESIDING JUDGE VELDT-FOGLIA: So I know that we are all doing
23 our utmost and we are in the heat of the examination, but give it a
24 try.

25 MR. SHALA: Yes, I understand. Yes, of course. Yes.

1 Q. [Interpretation] The passage -- the passing of the population
2 through this point and that of the soldiers, usually in what part of
3 the day did it occur?

4 A. The population came to Lumnice neighbourhood. They would stay
5 there for the whole day. And then in the evening, they would come to
6 us, and then we would take them to the area, to this meadow between
7 the two hills. That's where we kept the population. We would take
8 care of their well-being, food, and clothing. And then in the
9 evening, we would place our soldiers on different points in case the
10 population would be attacked, and we cooperated with the civilian
11 protection, and they did a very good job. I was their organiser.
12 The civilian defence went through me. Everything went fine. Nobody
13 fell into a trap. Nobody suffered any injury, so that's why I'm very
14 thankful to them.

15 Q. These soldiers that you mentioned and who you said there were
16 times when they would stay in Barileve, in which neighbourhood of
17 Barileve did they stay?

18 A. In Lumnice neighbourhood and Verbovc neighbourhood.

19 Q. In whose houses did they stay, if you know, when they stayed
20 there?

21 A. Yes, of course, I do know. In Lumnice, the unit was in the
22 house of Isuf Llumnica. Kemajl Llumnica [phoen] was a soldier and he
23 was accommodating the unit in his house. And in Verbovc
24 neighbourhood, in the house of Shaban Vrbovci, my father, whom I
25 thank very much. I had his support, the support of my uncle and the

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1 entire family. Not only the close family but everybody. They were
2 willing to help. We did not get weapons from anybody. We only used
3 our personal weapons, the weapons that we had.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please give answer
5 to the question. Don't elaborate on other things. Yes?

6 THE WITNESS: Okay.

7 MR. SHALA: Your Honour, I would like to show to the witness one
8 photo, and it is his house, the house that he is speaking.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please proceed,
10 liaising with the Court Officer.

11 MR. SHALA: Thank you.

12 Court Officer, please, can you screen the document DSM00087.

13 Q. [Interpretation] Mr. Witness, on the screen before you, do you
14 see a photograph?

15 A. [Interpretation] Yes, very well.

16 Q. Can you please tell us what is depicted on this photograph?

17 A. This is my house. My former house. This is where I lived.

18 Q. The writing, the handwriting and the signature below on the
19 photograph, is it yours?

20 A. Yes.

21 Q. What does the red circle on the second storey of the house
22 represent?

23 A. I've already stated that and I will state again. Salih Mustafa,
24 when he would pass there, he would be tired, he would arrive in the
25 evening every now and then, and he would rest there for an hour, two

1 hours. So this is where he rested. It's the room circled with the
2 red circle.

3 Q. This room, was it used only by Salih Mustafa?

4 A. It was people's room, not only Salih Mustafa's room. It
5 belonged to all the people.

6 Q. When you say "all the people," can you explain what you mean?

7 A. My father and myself, in those circumstances, opened the doors
8 to everybody. And this is what I mean, "to all the people."

9 Q. During the times when Salih Mustafa would stay in this room,
10 were there other people in the other parts of the house?

11 A. Yes, there were. My family members were there.

12 PRESIDING JUDGE VELDT-FOGLIA: I propose that, from now on, the
13 Defence Counsel poses the question and then I nod to you and then you
14 can give the answer. Because I don't want to have this overlapping
15 questioning. Yeah?

16 So -- and then if it goes better, we will go back to normal.

17 Please proceed, Defence Counsel.

18 MR. SHALA: Thank you.

19 Court Officer, please, thank you for this. You can remove that
20 picture.

21 Your Honour, I want now another picture to show to the witness.

22 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

23 MR. SHALA: Yes, thank you.

24 Please, Court Officer, it is document DSM00088.

25 Q. [Interpretation] Mr. Witness, do you see the photograph in front

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1 of you?

2 A. Yes, I do. It's clear to me.

3 Q. The handwriting and the signature below, is it yours?

4 A. Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we agreed that you
6 would look at me and then I would say yes and then you can give an
7 answer. Okay?

8 THE WITNESS: Okay, okay.

9 MR. SHALA: [Interpretation]

10 Q. Can you tell us what do these numbers represent, the 8M and the
11 24M on the photograph?

12 A. [Interpretation] Where you see this 8M, 24M, there was a house.
13 There used to be a house here, 24 metres by 8 metres, and that was
14 the location where the army would stay. That's where they were
15 accommodated, had their food.

16 Q. This room, in which neighbourhood was it?

17 A. It was in Verbovc neighbourhood, in my house.

18 Q. So what we see on the photograph, these houses, they're all
19 owned by your family, the property of your family; right?

20 A. Yes.

21 Q. Thank you.

22 MR. SHALA: Court Officer, please, you can remove this.

23 Q. [Interpretation] A while ago, you mentioned weapons and said
24 that you did not have weapon supplies but you used your own personal
25 weapons.

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1 A. Yes, that's how it was.

2 Q. What type of weapon did you have?

3 A. We had simple weapons, automatic rifles, even hunting rifles.

4 Mr. Lawyer, we used hunting rifles too. Kalashnikovs. Light
5 weapons.

6 Q. And the situation with weapons, did it continue until the end of
7 the war? Was it so until the end of the war?

8 A. We ended the war with these weapons.

9 Q. And did you have sufficient ammunition for those weapons?

10 A. No, we didn't have enough ammunition. We looked after the
11 bullets as if they were our own eyes, the light of our eyes.

12 Q. During March and April 1999, Mr. Witness, apart from the killing
13 of the professor that you mentioned, I'm asking you again, was any
14 other death in that village, in Barileve, at that time?

15 A. There was. 11 people from -- are dead in Barileve. Three of
16 them are martyrs.

17 Q. And these 11 deaths, did they all occur in March/April 1999?

18 A. Yes.

19 Q. All these persons were from Barileve village?

20 A. All of them. That's why I'm saying 11 from Barileve.

21 Q. Was there any other civilian who was not from Barileve but who
22 died in Barileve?

23 A. It's the 12th person. It was Kaciu.

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

25 THE WITNESS: [Interpretation] He had come previously from Lupq

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1 and was staying with a son-in-law of his, who is my cousin, and he
2 was killed in April, on 12th of April.

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, what was the first
4 name of this person? Because the interpreter didn't get the name.

5 THE WITNESS: [Interpretation] Nexhmi.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 MR. SHALA: [Interpretation]

8 Q. You mentioned 12 April as a date. Do you remember the
9 circumstances of the death of this person, how this person died?

10 A. I remember them very well. May I continue?

11 Q. Yes.

12 A. At the time, on 12 April, in the afternoon, at around 3.30,
13 4.00 p.m., the Serb police and military forces came from the rear,
14 from behind us. I was with the soldiers in my house. The problem
15 was in front of us, but they attacked from the rear, from behind,
16 where the mountain was, and caught us by surprise. They had
17 camouflaged themselves with some foliage.

18 So we received the news that the Serb forces had entered. I
19 stayed myself in the house where you see that red wall. That's the
20 entrance where our soldiers would get in. I positioned myself in my
21 own yard but they did not come to the house. So the soldiers that
22 were there were engaged in fighting as they were withdrawing.
23 Bedri Kurti and Nexhmi Kaciu were killed during the withdrawal, and
24 they -- the three others were lined up. The one with the bullet
25 marks on his jumper, he was not killed. Habit Verbovci and

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1 Sabit Kelmendi were shot, but they were not killed. Nexhmedin was
2 killed as he was trying to flee the location.

3 MR. SHALA: Your Honour, I want to put again this picture of the
4 house because he mentioned this house and the way how he became
5 there. Just to show him again in a picture where is that pass,
6 pass --

7 PRESIDING JUDGE VELDT-FOGLIA: Okay. Can you take off your
8 headphones, please, Mr. Witness.

9 Can you clarify for the Panel where you're heading to with this
10 interrogation.

11 MR. SHALA: He stated: "I stayed myself in the house where you
12 see that red wall."

13 PRESIDING JUDGE VELDT-FOGLIA: What I mean is, why are you --
14 what is the relevance of what we are -- what you are discussing now
15 with the witness for the Defence case? Just to understand why you
16 are going into --

17 MR. SHALA: It is [overlapping speakers] ...

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

19 MR. SHALA: Yes, sorry.

20 PRESIDING JUDGE VELDT-FOGLIA: -- please let me talk. What is
21 the relevance for the Defence case to go into this detail? That's
22 what I would like to understand. And that already today on more
23 levels you go into very much detail, and I'm just trying to
24 understand why it is necessary to go into that detail.

25 MR. SHALA: Okay. It is not necessary.

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1 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we don't do that.

2 MR. SHALA: Just for understanding, nothing else.

3 Q. [Interpretation] Mr. Witness, you mentioned the date
4 12 April and described what happened on that day.

5 Can you please tell us how, on what basis, do you remember this
6 date so clearly?

7 A. The bad things -- the bad things cling in your memory. And I
8 forgot to mention when the two persons were killed, my cousin,
9 Adem Vrbovci, 70 years old, was wounded.

10 Q. Mr. Witness, earlier you mentioned Salih Mustafa and showed us
11 on the photograph the room where he would stay when he would come to
12 Barileve.

13 Can you please tell us, during the second part of March 1999 and
14 in April of that year, how many times you personally saw or met
15 Salih Mustafa?

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

17 Could you take this off, Mr. Witness.

18 Have you asked already the witness if Mr. Mustafa came during
19 the period of March and April to Barileve?

20 MR. SHALA: I will ask.

21 PRESIDING JUDGE VELDT-FOGLIA: So, yeah --

22 MR. SHALA: Okay.

23 Q. [Interpretation] Mr. Witness, I will change my question a bit.
24 During the second half of March and in April 1999, you
25 personally, did you see Salih Mustafa come to your village of

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1 Barileve?

2 A. Yes. Because he could not pass through there without me seeing
3 him.

4 Q. All right. But did you see him during the period that I
5 mentioned, end of March, second half of March, and April 1999?

6 A. He was in March.

7 [Trial Panel confers]

8 PRESIDING JUDGE VELDT-FOGLIA: You're feed -- can you take off
9 your headphones.

10 Defence Counsel, you're feeding the witness with answers. So
11 please make an open question. It was first the end of March -- the
12 second half of March. Now you are saying the end of March. Just ask
13 him: Did you see Mr. Mustafa in the period of March/April? And
14 don't let -- and don't tell him what to answer.

15 MR. SHALA: Okay.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes, but it is the second time
17 that I have to remind you to make an open question. It's not -- you
18 can just ask him and he will tell you, or not.

19 MR. SHALA: [Interpretation]

20 Q. Mr. Witness, during the month of March and April 1999, did you
21 see Salih Mustafa?

22 A. Yes.

23 Q. Can you tell us where did you see him?

24 A. I saw him in my own house.

25 Q. Do you remember the time?

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1 A. Yes, I do.

2 Q. When was it?

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please look at me.

4 Please proceed.

5 THE WITNESS: [Interpretation] I saw him in the beginning of
6 April. Whether it was the 1st or 2nd of April, these dates are more
7 fixed. And lastly, on 20th, 21st of April, and after that I did not
8 see him anymore. Only after the war did I see him again.

9 MR. SHALA: [Interpretation]

10 Q. When you mention these dates when you saw Salih Mustafa, how do
11 you remember them? How did you fix these dates in your memory?

12 A. A man can remember something and cannot remember something else.
13 But I do remember these dates.

14 Q. When you met or saw for the first time - the first time -
15 Salih Mustafa, that day, was he in your house?

16 A. He rested for a short while, he greeted Jusuf Shalaku, and
17 continued. I don't know where he went to. He had his own things to
18 do. I don't know where he went to.

19 Q. Do you remember when he came, was he alone?

20 A. He was with two others.

21 Q. Do you remember how he was dressed, whether he was wearing a
22 uniform or not?

23 A. I remember him both in uniform and without uniform.

24 Q. When you saw him the first time, what was he wearing?

25 A. The first time he was in uniform.

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1 Q. Can you please describe us the uniform. What kind of uniform it
2 was, what colour it was?

3 A. Those that we would usually see. The camouflage uniforms.

4 Q. You said that he was with other people, and that he rested in
5 your house, and that when he left, did he leave with the same persons
6 he came with or alone?

7 A. With the same people he went on his way.

8 Q. Do you remember how he came there, with some -- by some vehicle
9 or how?

10 A. Where could they find transportation means? He came on foot.

11 Q. And the second time, how he came to your house?

12 A. Every time he came on foot because it was impossible for some
13 vehicle to pass by because of the presence of the Serb forces.

14 Q. Other than the first time that you mentioned, when he came by
15 and greeted Jusuf Shalaku, have you ever seen another time these two
16 people together?

17 A. I am not sure whether he was with the same people, but he was
18 accompanied by other people.

19 Q. My question was, in the case of Jusuf Shalaku, have you seen him
20 another time together or in the company of Jusuf Shalaku?

21 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

22 THE WITNESS: [Interpretation] I saw him with Jusuf Shalaku only
23 in my own home, nowhere else.

24 MR. SHALA: [Interpretation]

25 Q. Do you remember whether Jusuf Shalaku had any car?

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1 A. Yes, he had one, in my own yard. It was a Golf, Golf II, we
2 say, 4X4.

3 Q. Have you seen Jusuf Shalaku using or moving about with that car?

4 A. When he -- he went in the evening to Vranidoll. I don't know
5 where he left his car. He didn't turn on the lights of the car.

6 Q. When you saw Salih Mustafa for the second time, do you know
7 whether he stayed in Barileve?

8 A. When he returned it was the second time. He was with the same
9 people. They were tired. They had walked a long way, through the
10 mountains of Llap area on foot. And he rested maybe five or six
11 hours, not more. Sometimes he ate, and then he went on -- always in
12 the evening, he left --

13 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, for the next time,
14 please look at me, and then I will nod and then you will be given the
15 floor. It is really necessary to have an accurate interpretation and
16 for me to assess what is asked.

17 Defence Counsel, please --

18 THE INTERPRETER: Escorted by our own soldiers. Last sentence.

19 MR. SHALA: [Interpretation]

20 Q. The second time that you saw him, do you know where
21 Salih Mustafa went from Vranidoll?

22 A. You may ask me: From your house, where did he go? I don't know
23 where he went from Vranidoll.

24 Q. You're right. Sorry. I thought of Barileve, in general, where
25 your house is situated, from Verbovc neighbourhood. I mixed up

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1 Vranidoll and Verbovc.

2 Where he left when he left your home, the second time that you
3 saw him, do you know whether -- where he went?

4 A. I only know that he left my house to go to Vranidoll. I don't
5 know any more than that.

6 Q. Let's go back to the issue of the units operating in Barileve.

7 You mentioned two units. Were they one and the same, or they
8 had separate commands?

9 A. They were one and the same because there weren't enough soldiers
10 in Lumnice. When the number of the soldiers increased and we had to
11 protect the situation -- to defend the population, they came to my
12 house.

13 Q. So what was the main purpose for the creation of these units?

14 A. Are you asking me -- are you asking me about my neighbourhood?

15 Q. About both units.

16 A. The purpose was to defend the civilian population, to withdraw
17 the population if the need arose. That was our main concern. We
18 didn't attack the Serbs. We didn't have any munitions, because we
19 might have attacked them, if we had.

20 Q. These two units, did they have any names? How could you
21 identify them? How could you refer to them separately?

22 A. I wouldn't say that they were separate. Nexhmi Llumnica was
23 their commander but also our commander. Jusuf Shalaku was like
24 deputy commander or in charge of our neighbourhood. He was in my
25 house.

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1 PRESIDING JUDGE VELDT-FOGLIA: That was not the question, I
2 would say. You were asking for names.

3 MR. SHALA: No, no.

4 PRESIDING JUDGE VELDT-FOGLIA: So, please, if you see that the
5 witness is deviating, stick him to the question. We are not here for
6 free narratives.

7 MR. SHALA: [Interpretation]

8 Q. These units, were they part of a brigade?

9 A. Yes.

10 Q. What brigade?

11 A. We were part of Brigade 153, Zahir Pajaziti.

12 Q. Have you ever heard of a unit called BIA?

13 A. Yes, later on, I did. I heard that there was unit by the name
14 of BIA. I didn't know at the time.

15 Q. When? When you say "later," when?

16 A. After the war, I found out that there was a BIA called unit.

17 Q. Other than the BIA unit, did you learn anything else about the
18 nature, the operation of that unit?

19 A. I wasn't interested in that. My main concern was to look after
20 my co-villagers, the population. Other than that, I wasn't
21 interested and I have no knowledge.

22 Q. When you met Salih Mustafa, did you know in what unit he was
23 serving?

24 A. I didn't know what unit he was part of, but I only knew that it
25 was Brigade 153.

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1 THE INTERPRETER: 51, correction.

2 THE WITNESS: [Interpretation] For us, it wasn't important what
3 brigade or what unit. For us, important was the fact that there was
4 a KLA. We were all under one unit, if you like.

5 MR. SHALA: [Interpretation]

6 Q. When you met Salih Mustafa, did you discuss his activities? Did
7 you ask him when he was there, "Where are you going?"

8 A. This is -- this was something that Jusuf Shalaku was concerned
9 with. I just greeted him. It was none of my business to ask him
10 where he was going. Jusuf was the one who did that.

11 Q. Thank you.

12 MR. SHALA: Your Honour, just a minute with the consultation --

13 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

14 MR. SHALA: Thank you.

15 [Specialist Counsel confer]

16 MR. SHALA: Thank you, Your Honour.

17 Q. [Interpretation] Mr. Witness, when we showed you the
18 photographs, in one of them was 8M, 24M.

19 MR. SHALA: Can we bring -- yes, thank you.

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MR. SHALA: Court Officer, please, DSM00088. Thank you very
22 much.

23 Q. [Interpretation] So you have the picture in front of you. On
24 page 20, lines 4/5 of today's transcript, you showed us what the
25 meaning of 8M and 24M mean, or what the meaning was. So you mean

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1 that there was a single room with this surface?

2 PRESIDING JUDGE VELDT-FOGLIA: No, we won't -- can you take off
3 your headphones, Mr. Witness, and put them on the table in front of
4 you. No. Put them on the table in front of you. Thank you.

5 I would prefer that you first cite what he has said before,
6 because now you are already giving him an answer implying that what
7 you understood. So I would first read out the transcript and then
8 make a more open question, because now you're feeding the witness
9 again.

10 MR. SHALA: Okay. I will.

11 PRESIDING JUDGE VELDT-FOGLIA: Please wait a moment.

12 MR. SHALA: Okay, I am waiting. I saw.

13 [Trial Panel confers]

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

15 THE INTERPRETER: Microphone, Your Honour. Microphone for
16 Your Honour, please.

17 PRESIDING JUDGE VELDT-FOGLIA: Can the witness put the
18 microphone back on the table again.

19 Defence Counsel, I recalled well, he doesn't speak about a room.
20 So do you see my point --

21 MR. SHALA: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: -- that you should not do that.
23 I want to give you a lot of -- I want to give the Defence team space
24 for their Defence case, but be aware that we don't want to influence
25 the witnesses.

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1 Mr. Witness, can you put on your headphones again. Thank you.

2 Defence Counsel, you may proceed.

3 MR. SHALA: [Interpretation]

4 Q. Mr. Witness, can you tell us what used to be there in this space
5 that you referred to by these dimensions?

6 A. This 8 by 24 is the -- shows the size of a house that used to be
7 there. The largest room was 8 by 6, and that room we referred to as
8 oda. This is where the soldiers were staying, where they were fed.
9 The other rooms were for them to prepare or to clean themselves. We
10 didn't have electricity then. We used wood stoves. So we had some
11 simple services provided to them.

12 Q. Thank you. Mr. Witness, in Barileve village, taking into
13 account the presence of the civilian population and movements of this
14 population along with soldiers, were you organised in the sense of
15 providing security for their passage? And how came you to know that
16 the road was passable?

17 A. When I speak about Barileve, you have to have a broader view of
18 it. You have to mention Verbovc and Lumnice neighbourhoods. There
19 weren't movements of the army in Barileve, in other neighbourhoods.

20 You asked me how did I know. It was easy to understand. We
21 knew things in those difficult times. But in order to secure the
22 road, we had to conduct observations all day long, to see whether the
23 Serb police and army forces were approaching or so. So in the
24 evening, we organised ourselves in groups to escort the people.

25 But I want to thank the civilian protection for their help. I

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1 was coordinator. I could mention you names. The commanders of civil
2 protection, both of Verbovc and Lumnice neighbourhood. In
3 cooperation with the soldiers, we accompanied these people to go to
4 Vranidoll.

5 Q. Thank you.

6 MR. SHALA: Your Honour, I want to show the witness one
7 document. It is map. Because he is mentioning Vranidoll --

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

9 Can you put off your headphones and put them on the table,
10 please, Mr. Witness. Thank you.

11 MR. SHALA: He is all time mentioning Vranidoll and Lumnice.
12 Just to have a picture about how far and how near are Vranidoll and
13 Lumnice and the village Barileve.

14 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

15 MR. SHALA: Thank you.

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

18 MR. SHALA: Court Officer, please can you put document DSM00086.

19 Q. [Interpretation] Mr. Witness, do you see the map that you have
20 in front of you on the screen? In the lower part of this map, it is
21 written your name and your signature. Are they yours?

22 A. Yes.

23 Q. On the left-hand side of the map, we see two circles in blue
24 with numbers 1 and 2. Can you tell us what they show, what they
25 mean?

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1 PRESIDING JUDGE VELDT-FOGLIA: Do you see the circles,
2 Mr. Witness?

3 THE WITNESS: [Interpretation] Yes, I see them well.

4 PRESIDING JUDGE VELDT-FOGLIA: Have you understood the question?

5 THE WITNESS: [Interpretation] Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: Please proceed with answering.

7 THE WITNESS: [Interpretation] They show Lumnice and Verbovc
8 neighbouroods in Barileve. And Vranidoll, which is near.

9 MR. SHALA: [Interpretation]

10 Q. So that we are clear, Barileve village comprises also Lumnice
11 neighbourhood, with number 2? And the left side, from the road, this
12 brown colour division here, is it the road, the main road?

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you are now
14 asking two questions. I would say let's take it at a step. So,
15 first, the first question, he gives an answer. And then because your
16 first question -- I go back. Let me see.

17 So can you take off your headphones, please, Mr. Witness. And
18 put them on the table. Yes, thank you.

19 "So that we are clear, Barileve village comprises also Lumnice
20 neighbourhood, with number 2?"

21 That's the first question. We have the witness answer that and
22 then we go to the second one. Because now you were kind of implying
23 it. I want to hear him say it. It's he who has to answer.

24 Please proceed.

25 And you can put on your headphones again, Mr. Witness.

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1 MR. SHALA: [Interpretation]

2 Q. So number 2, this circle around Lumnice neighbourhood. And
3 circle number 1 representing Barileve, all this area belongs to
4 Barileve village, doesn't it?

5 PRESIDING JUDGE VELDT-FOGLIA: Yes. For next time,
6 Defence Counsel: Does the circle, the area around circle 1, within
7 circle 1, and the area around circle 2 belong to Barileve? That's an
8 open question. But if you state it and --

9 MR. SHALA: Today --

10 PRESIDING JUDGE VELDT-FOGLIA: -- you say "isn't it,"
11 then you're -- no. No. Then you are giving --

12 MR. SHALA: Today all the day --

13 PRESIDING JUDGE VELDT-FOGLIA: No, no.

14 MR. SHALA: -- we are speaking for Lumnice --

15 PRESIDING JUDGE VELDT-FOGLIA: I don't mind --

16 MR. SHALA: -- and Barileve.

17 PRESIDING JUDGE VELDT-FOGLIA: Please will you wait for me to
18 finish my sentence.

19 MR. SHALA: Okay. Okay.

20 PRESIDING JUDGE VELDT-FOGLIA: That is for respect not only to
21 the Presiding Judge but for everybody here present in order to hear
22 you.

23 MR. SHALA: I'm sorry.

24 PRESIDING JUDGE VELDT-FOGLIA: And no, no, you have to try to
25 give him a question to which he can answer in an -- you have to pose

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1 an open question and then give the space to the witness to answer.
2 That's the way it works here. And I will allow for leading questions
3 if I think that, in that moment, it is appropriate.

4 Please proceed.

5 MR. SHALA: Thank you.

6 Q. [Interpretation] Mr. Witness, by surrounding Lumnice and
7 Barileve with these circles, what did you want to show?

8 A. 1 and 2 are in Barileve hills. Is it clear?

9 Number 2 was a place where the army -- the unit was stationed in
10 Lumnice neighbourhood. That's why I put number 2. Number 1
11 represents Verbovc neighbourhood. They are 3 kilometres far from one
12 another.

13 This brown line shows the Podujeve-Prishtine main road. Look
14 how close number 1 is to the main road.

15 Q. [No interpretation].

16 MR. SHALA: Court Officer, you can remove this one. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we are
18 approaching 11.00, so it's almost time to get into a break. So if
19 this is a natural moment for you to interrupt, then I would suggest
20 that we take a break.

21 MR. SHALA: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: Could you indicate how much time
23 you think you will be needing after the break?

24 MR. SHALA: Maybe 15 minutes.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you very much.

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1 Madam Court Usher.

2 Mr. Witness, we're going to have a break of half an hour, and at
3 11.30 we see you back. And Madam Court Usher will accompany you out
4 of the courtroom. Thank you.

5 [The witness stands down]

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

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

8 The hearing is adjourned.

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

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

11 PRESIDING JUDGE VELDT-FOGLIA: I see that we are in the same
12 composition. Noted. Very well.

13 Yes, let us see, depending on how now the -- how long the
14 examination, the direct examination takes, where we are. But we will
15 have to change somewhat the schedule for today. But just to remind
16 you that we have a one-hour break today instead of one and a half,
17 and we have four sessions at our disposal. And how we are going to
18 arrange that today, we will just see. We go with the flow.

19 Let us see. Madam Court Usher, could you bring us the witness
20 in.

21 [The witness takes the stand]

22 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

23 Mr. Witness, welcome back.

24 THE WITNESS: [Interpretation] Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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1 We are going to continue with the direct examination by the
2 Defence Counsel, and, please, I remind you that after the question,
3 look at me, and I will give you the floor. I think that that will
4 work best, and for the interpreters who are doing their utmost to
5 convey the message you want -- not only the message but the answers
6 you are sharing with us here in the courtroom, to bring that to the
7 best of their possibilities to us. So that's really important that
8 we adhere to this approach. Okay?

9 THE WITNESS: [Interpretation] Okay.

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

11 Mr. Shala, you have the floor to continue with the examination.

12 And may I remind you, Defence Counsel, please ask relevant
13 questions. That's really important. You indicated before this
14 morning when I asked you what the relevance was, that it was not
15 relevant. I prefer not to ask you that question. I leave it to you,
16 but please be focused in what you ask the witness.

17 MR. SHALA: [Interpretation]

18 Q. Mr. Witness, on page 22 of today's transcript, lines 6 to 20,
19 you mentioned 12 April as the date when the Serb forces came from
20 behind, from your rear, to the neighbourhood where you were staying.

21 If we take this date as a reference, and if we take as a fact
22 your statement that you've seen Salih Mustafa twice, the first time
23 in the beginning of April and the second time sometime in the second
24 half of April --

25 PRESIDING JUDGE VELDT-FOGLIA: Could you give reference to the

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1 transcript, please.

2 Mr. Prosecutor.

3 MR. MICHALCZUK: Just as a --

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you take off
5 your headphones and put them in front of you on the table.

6 MR. MICHALCZUK: Just as a matter of clarity. The witness never
7 mentioned the second half of April. He mentioned the 20th or the
8 21st of April, to be precise, and I could give a reference right now,
9 Your Honours.

10 PRESIDING JUDGE VELDT-FOGLIA: That was the background of my
11 question because -- yes, so, please.

12 MR. MICHALCZUK: Your Honours, it's on page 25, lines 21, 24,
13 within those lines. I believe it is line 23, 24, where he mentions
14 20th and 21st of April, not the second half, which is a different
15 time. Could encompass more dates. Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes. Thank you.

17 Defence Counsel, I prefer that when you refer to the transcript,
18 that you keep it very specific to what he has said in that moment of
19 time, in order not to confuse him or to put him any answers in his
20 mouth or not to feed the witness. And I think it is for the third or
21 fourth time that I am reminding you of this, if not the fifth or the
22 sixth.

23 MR. SHALA: I'm trying to find the reference.

24 PRESIDING JUDGE VELDT-FOGLIA: Please go ahead with your search.
25 I will confer with the CMU.

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1 [Trial Panel and Court Officer confer]

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your patience. We
3 had a little technical hiccup. I hope we can proceed now.

4 Defence Counsel, you have the floor.

5 MR. SHALA: Thank you.

6 Q. [Interpretation] Mr. Witness, if we take as a basis, as a
7 reference, the date 12th of April, which you mentioned today on
8 page 22, lines 6 to 20 of today's transcript as the date when the
9 Serb forces came from the back, and if we take as a reference that,
10 based on your statement, page 25, line 22, you stated that you saw
11 Salih Mustafa on the 1st or the 2nd of April, 1999, and saw him again
12 on the 20th or 21st of April, 1999.

13 Can you take as a point of reference the 12th of April and tell
14 us again that these two dates, 1 and 2nd of April, and 20 or 21st of
15 April, when you saw him, are these two dates correct? And do you
16 remember correctly that you saw Salih Mustafa in that time?

17 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

18 Mr. Witness, please take your headphones off and put them in
19 front of you. Thank you.

20 Mr. Prosecutor.

21 MR. MICHALCZUK: I was listening to this question and I wanted
22 my learned friend to finish, but this kind of way of asking questions
23 is just spoon-feeding the witness, giving him signposts when it comes
24 to orientation as to the dates. There was a moment before when this
25 element was discussed, these dates were discussed, when the

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1 Defence Counsel had ample opportunities to clarify how the witness
2 remembers such a date. And now with this spoon-feeding of the
3 witness, we are not sure whether the witness is going to tell us what
4 he really remembers or whether he orientates himself right now, after
5 hearing all those dates, clear dates, and the way how he should
6 orient himself around them.

7 So I leave it to the Panel, but I think it is not an appropriate
8 way to spoon-feed the witness in such a manner.

9 Thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: Mm-hm.

11 Defence Counsel, The question -- or the point that is making,
12 Mr. Prosecutor, is also the point that I was going to make. You have
13 asked this question, you received an answer, and now you are putting
14 it again. You can, if you want, pose an open question again to ask
15 him when he saw him. But I think that you're feeding him too much
16 with all kind of information. Just ask him when he saw him. But he
17 already answered this question so I don't see the use of it.

18 MR. SHALA: I am agree.

19 Q. [Interpretation] There's no need to answer the question that I
20 just asked you. I will continue with another question.

21 On page 33, lines 8 -- 23 of today's transcript.

22 THE INTERPRETER: Could the counsel please repeat the line
23 number. Thank you.

24 MR. SHALA: [Interpretation] 8 to 16. Lines 8 to 16 of today's
25 transcript.

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1 Q. You said that you conducted observation. Could you tell us how
2 did you perform this observation and from where?

3 A. There is a location called Quka e Barileves, quite a high hill,
4 and from there you can see the Prishtine-Vushtrri main road. You can
5 see Milosheve entirely. The main road starting from Prishtine to
6 Podujeve, Vranidoll, Lupq, Besi, so you can see from there all that
7 side.

8 When we would carry out observations we would go in one or two,
9 and the soldiers would take note of the number of military vehicles
10 passing by, where they would station themselves, which neighbourhoods
11 they would enter, because we were expecting their attack at any
12 minute.

13 Q. Thank you, Mr. Witness. Today, at page 32, lines 19-24 of
14 today's transcript, you mentioned the oda. Can you please tell us,
15 this oda, what is its purpose? What is it used for?

16 A. We call oda the room where we receive the guests. It's called
17 the men's oda. And that's where the soldiers stayed, those who were
18 staying in that house. It was a room which was larger and which we
19 call oda.

20 Q. Thank you, Mr. Witness.

21 MR. SHALA: Your Honour, just a minute consultation.

22 PRESIDING JUDGE VELDT-FOGLIA: Please proceed with conferring
23 with your counsel -- the counsel.

24 MR. SHALA: Thank you.

25 [Specialist Counsel confer]

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1 MR. SHALA: Your Honour, we're finished. We don't have further
2 questions for the witness. Thank you very much.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 MR. SHALA: [Interpretation]

5 Q. Thank you, Mr. Witness. Defence has no more questions for you
6 today.

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

8 We now turn to the Specialist Prosecution's Office.

9 Mr. Prosecutor, could you inform the Panel what would be the
10 preference of the SPO on how to proceed with their cross-examination,
11 now or after the break? And the break would be, in that case, of one
12 hour, so from 12.00 till 1.00.

13 MR. MICHALCZUK: If possible, Your Honours, I would ask for this
14 break and then we proceed swiftly after that.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well. That's how we will
16 proceed.

17 Mr. Witness, we are now going to have a lunch break, yes, till -
18 let me see - ten minutes to 1.00, and then we see you back, and then
19 it's the turn for the Specialist Prosecution's Office to do -- start
20 with their cross-examination. Thank you for now.

21 Thank you, Madam Court Usher.

22 [The witness stands down]

23 PRESIDING JUDGE VELDT-FOGLIA: We will now break for an hour,
24 and we see each other at ten minutes to 1.00.

25 The hearing is adjourned.

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Cross-examination by Mr. Michalczuk

1 --- Luncheon recess taken at 11.50 a.m.

2 --- On resuming at 12.54 p.m.

3 PRESIDING JUDGE VELDT-FOGLIA: We are in the same composition.
4 We note that for the record. And we are now going to usher the
5 witness in.

6 Madam Court Usher, could you please bring him in. Thank you.

7 And, in the meantime, Mr. Prosecutor, please, for the
8 cross-examination, taking into account how it went this morning with
9 the questioning of the witness, I would propose that even in
10 cross-examination we try to have a slow pace.

11 MR. MICHALCZUK: Your Honour, I promise I'll do my best.

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

13 [The witness takes the stand]

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

15 THE WITNESS: [Interpretation] Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: I hope you had a good lunch.

17 Now it's the turn for Mr. Prosecutor to start with the
18 cross-examination.

19 Mr. Prosecutor, you have the floor.

20 MR. MICHALCZUK: Thank you, Your Honours.

21 Cross-examination by Mr. Michalczuk:

22 Q. Mr. Vrbovci, good afternoon.

23 Mr. Vrbovci, I am the counsel for the Prosecution who will be
24 asking you questions today. And as we have limited time, I would
25 kindly ask you to focus on my questions and provide me just the

1 answers that I'm asking about. Please don't expand or add on. If
2 that doesn't happen, I will ask you to stop and I will tell you to
3 focus on my question and focus your answer. This is in view of
4 streamlining your examination; also for the benefit of the Panel.

5 Mr. Vrbovci, do you know Bislim Nreci?

6 A. Yes, I know him very well.

7 Q. Could you tell the Court how you know Mr. Bislim Nreci.

8 A. I know Bislim from childhood. I'm a bit older than he is. We
9 come from the same place. We were in the KLA together. That's, in
10 short, how I know him.

11 Q. You said that you come from the same place. Do you mean
12 Barileve?

13 A. Yes.

14 Q. Were you both born in that place?

15 A. Yes, but he is from another neighbourhood.

16 Q. I understand. Do you still live in same place, Barileve, both
17 of you?

18 A. Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, let me give an
20 advice to the witness.

21 Mr. Witness, you don't have to go into the microphone. I think
22 that they are sensitive enough to catch your voice and that we
23 don't -- it is easier for you not to have to bow over all the time.
24 I think it will do like this. You don't have to move.

25 Please proceed, Mr. Prosecutor.

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Cross-examination by Mr. Michalczuk

1 MR. MICHALCZUK: Thank you, Your Honours.

2 Q. Mr. Vrbovci, have you been following this trial?

3 A. Yes, but not regularly.

4 Q. How would do you that? Was it on TV? Via Internet? Via radio,
5 press? How did you follow it?

6 A. On TV.

7 Q. Did you also follow yesterday's session in court?

8 A. No, I was not able to do that. No, I wasn't able to do that.

9 Q. Speaking about following this trial, do you remember which
10 hearings did you follow, which witnesses who were testifying on those
11 days when you followed this trial?

12 A. I followed Hazir Borovci several times, on and off, but not the
13 rest.

14 Q. So was that the only hearing that you followed on television?

15 A. I followed the ones in the past, not all of them, and not
16 completely.

17 Q. Yes. My question was: Which witnesses who testified in this
18 court did you follow, apart from Mr. Borovci?

19 A. I followed Bimi, Fatmir Humolli, and several others. I wasn't
20 interested in following all of them.

21 Q. I understand. Thank you for these answers, and we will change
22 the topic, if I may.

23 Today you discussed with the Defence Counsel the encounters that
24 you had with Mr. Salih Mustafa in Barileve; do you remember that,
25 that you were talking about it today?

1 A. Yes.

2 MR. MICHALCZUK: Your Honour, the reference would be page 25,
3 lines 21 to 24, and it goes on to page 28 and it ends on lines 1
4 and 2.

5 Q. Mr. Vrbovci, you made reference to two such encounters with
6 Salih Mustafa that took place, as I understand it, at the beginning
7 of April, when he first came to Barileve, went somewhere, and then
8 returned to Barileve; is that correct?

9 A. Yes, that is correct.

10 Q. I would like to discuss with you the first time when he came to
11 Barileve.

12 On page 26 of today's transcript, lines from 5 to 8, you speak
13 about this first encounter with Salih Mustafa and you said the
14 following things about him:

15 "He rested a short while, he greeted Jusuf Shalaku, and
16 continued. I don't know where he went to."

17 Is that correct?

18 A. Yes, that is correct.

19 Q. You said, "He rested a short while," so I understand it was a
20 very short time when he stayed at your house in Barileve; is that
21 correct?

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, just make an open
23 question, how long he rested.

24 MR. MICHALCZUK: Yes.

25 Q. So you said, "He rested a short while." How long did he rest at

1 your place in Barileve on that first occasion?

2 A. The first time, he stayed two or three hours, not more than
3 that. He rested a bit and then he continued on.

4 Q. So he rested at your place two and three hours and moved on. It
5 was 23 years ago, and you, nevertheless, remember the date when it
6 happened, don't you?

7 A. Yes, I do remember the date very well.

8 Q. Mm-hm. Could you tell the Court again this date of this first
9 encounter.

10 A. Yes, I can. 1st of April, when he arrived from Vranidoll to my
11 house.

12 Q. Mm-hm. Just to clarify this issue -- we'll come back to the
13 dates in a moment, but just to clarify this first encounter, you said
14 that he came on that first occasion with two persons; correct?

15 MR. MICHALCZUK: And this is on page 26, line 11.

16 THE WITNESS: [Interpretation] Yes, that is correct. He was
17 there with two other persons.

18 MR. MICHALCZUK:

19 Q. Could you tell the Court who were those two persons.

20 A. I did not know them. I did not know them by name.

21 Q. Mm-hm. You said that first encounter with Salih Mustafa was on
22 1 April. Could you tell the Court how you remember that date with
23 such a precision?

24 A. We didn't follow anything on TV or on the press. I remember
25 that it was the 1st April. That is what I remember.

1 Q. I understand, but maybe you could explain to the Court how come
2 do you remember this date with such a precision? It was 23 years
3 ago. So I'm interested - and I believe the Court is also interested
4 to know - how do you remember that?

5 A. 1st April is April Fools' Day, and that is why I remember it.

6 Q. Mr. Vrbovci, did you give the statement to the Defence Counsel
7 last year?

8 A. Yes.

9 Q. The statement was taken on 22 March 2021, as I can see. Did you
10 tell the truth to the Defence in that statement?

11 A. I told the truth today and I'm telling the truth today also
12 under oath.

13 Q. Did you describe to the Defence at that time the events to the
14 best of your knowledge and belief?

15 A. Yes.

16 Q. Did you give this statement under any threat, pressure, or
17 coercion, or did you give it voluntarily?

18 A. Whatever I do, I do voluntarily. I do not like to be pressured.
19 We were pressured by Serbia. I have no pressure in freedom. No one
20 puts pressure on me.

21 Q. I understand.

22 MR. MICHALCZUK: Your Honours, with your permission, I would
23 kindly ask Mr. Court Officer to put on the screen the Defence
24 statement of 22 March 2021, DSM00076-00089, page 9.

25 PRESIDING JUDGE VELDT-FOGLIA: Please proceed,

1 Mr. Court Officer.

2 MR. MICHALCZUK: It's in the middle of the page, if possible.

3 Starts with the line: "I think it was ..."

4 Yes, it's here.

5 Q. Mr. Witness, in the whole statement that you gave last year to
6 the Defence, there is only one place in which you mention dates of
7 that encounter with Salih Mustafa. And let me read you what you
8 yourself said in that statement.

9 You said the following things:

10 "I think it was the 3rd or the 2nd of April, and if I recall
11 well ..."

12 And then you continue and we'll come back to that in a moment.

13 MR. VON BONE: Excuse me.

14 MR. MICHALCZUK: Yes.

15 MR. VON BONE: Just --

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

17 MR. VON BONE: -- nothing --

18 PRESIDING JUDGE VELDT-FOGLIA: I want to ask the witness to take
19 off the -- Mr. Witness, can you take off the headphones and put them
20 in front of you. Thank you.

21 Defence Counsel, please, you have the floor.

22 MR. VON BONE: My question would just be would he also read the
23 question and then the answer, rather than just the answer. That was
24 all.

25 MR. MICHALCZUK: If I can reply, Your Honour, to that.

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Cross-examination by Mr. Michalczuk

1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

2 MR. MICHALCZUK: Your Honour, because I would like to reply to
3 the intervention of my learned friend.

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

5 PRESIDING JUDGE VELDT-FOGLIA: Of course. No, I understand that
6 he can reply.

7 MR. VON BONE: Sure.

8 MR. MICHALCZUK: The fact that I did not quote the question and
9 the answer is that the question implies certain times of encounters
10 with Salih Mustafa. Today in the examination-in-chief we never
11 elicited those numbers. We elicited two, potentially three such
12 encounters but not the number mentioned here.

13 So I would like just focus on the dates. If in the redirect
14 examination the Defence Counsel wants to clarify that issue, of
15 course, he should be given the opportunity to do so. And this was
16 the only reason why I just quoted the answer and not the question.
17 Because it simply puts something to the witness which is not still in
18 evidence.

19 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

20 MR. VON BONE: It is three.

21 PRESIDING JUDGE VELDT-FOGLIA: -- I see that point. We have
22 been talking about two times. We should have to do a new questioning
23 in order to see - and you could do that - if, by putting this
24 question to him, he will recall more times he met with Mr. Mustafa.
25 I think that is a fair -- I think that is a fair way to approach.

1 Because I see your point, but we have not been talking about
2 three, four -- about the third, the fourth, and the fifth time. You
3 have been talking about a date. So you will get ample opportunity to
4 go into this. But to ask the question now, I don't think it's
5 necessary.

6 MR. VON BONE: My point is a different one. The SPO counsel
7 focuses on a first encounter. That's all. And the answer to the
8 question is about different encounters.

9 So putting up just the answer of the question does not relate to
10 the focus of the issue which would be the first encounter. So I
11 think that's, therefore, not fair to put it to the witness and say,
12 Well, you know, here you said, two, three, four, whatever he said,
13 and then saying, Well, no, you just said that was the 1st of April.

14 I mean, if the question is a different one and the answer is a
15 different one, but if the focus of the question is the first
16 encounter, then it should be only the first encounter. That is what
17 the witness explained.

18 So that is why my point is a different point.

19 PRESIDING JUDGE VELDT-FOGLIA: I don't see it for now as this.
20 But I'm trying to listen careful to what you say. I think that the
21 point is the dates.

22 MR. MICHALCZUK: The point is the dates and I haven't even
23 started my question. I'm just putting to the witness the part of the
24 statement that he gave himself to the Defence Counsel. I'm trying to
25 just -- I'm trying to find what -- on which dates certain encounters

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1 really happened because there is a visible discrepancy between what
2 the witness is telling us today with such a precision and what the
3 witness told the Defence when he was first asked about it.

4 This is the only reason of mine.

5 Later on, I will move on to the second encounter. And later on,
6 the Defence Counsel will have the opportunity to clarify this, if
7 anything remains still unclear.

8 My only issue was not to read the question because it simply
9 puts certain encounters, a number of them, in the mind of the witness
10 but it is still not in evidence. I think we should avoid that.

11 PRESIDING JUDGE VELDT-FOGLIA: No, I -- Defence Counsel, I think
12 it's not necessary to read the first question for the reason I
13 pointed out. But you get ample opportunity to --

14 MR. VON BONE: Yeah.

15 PRESIDING JUDGE VELDT-FOGLIA: No, but this is my decision for
16 now.

17 Please proceed.

18 MR. MICHALCZUK:

19 Q. So --

20 PRESIDING JUDGE VELDT-FOGLIA: Can you put on your headphones.
21 Thank you. Thank you, Mr. Witness.

22 MR. MICHALCZUK:

23 Q. Mr. Vrbovci, again, I will read you a very short part of your
24 statement that you gave to the Defence when they were interviewing
25 you in 2021, where you spoke about that encounter with Salih Mustafa.

1 And you said the following thing: "I think it was" --

2 MR. VON BONE: Excuse me, once again. It is -- sorry to
3 intervene. Sorry.

4 But it is not in this statement that he speaks about "that
5 encounter."

6 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]

7 Mr. Witness, please take off your headphones.

8 THE INTERPRETER: Microphone for Your Honour.

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

11 Defence Counsel, please, when you stand up and you talk about
12 the content, we have a shared responsibility not to influence this
13 witness.

14 MR. VON BONE: My point is that it's being quoted as if it is
15 about "that encounter." And I -- that is, I think, an incorrect way
16 of putting that question to -- I think it is better to have an open
17 question --

18 PRESIDING JUDGE VELDT-FOGLIA: And could we -- no, I have heard
19 your point. I have heard your point.

20 Mr. Prosecutor, if we could -- if you could make it, but I'm not
21 here to do your cross-examination, taking into consideration the
22 remark of the Defence, if it would be "an encounter," that you are
23 not making the first one, then you leave it more open.

24 MR. MICHALCZUK: Of course, Your Honours.

25 PRESIDING JUDGE VELDT-FOGLIA: Because I see that your point is

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1 the dates.

2 MR. MICHALCZUK: That is correct.

3 PRESIDING JUDGE VELDT-FOGLIA: So then I think that we can take
4 all interests into consideration.

5 MR. MICHALCZUK: Of course.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you put on your
7 headphones again.

8 MR. MICHALCZUK:

9 Q. Mr. Witness, let me rephrase the introductory part.

10 There is an exchange about encounter with Salih Mustafa in
11 Barileve, and you said:

12 "I think it was the 3rd or the 2nd of April ..."

13 My question is: Why didn't you mention the 1st of April as the
14 day of the encounter in your Defence statement but you are mentioning
15 this only today?

16 A. It's true, it's been a long time since then. You discuss those
17 things with co-fighters or other people, and someone might point that
18 mistake. That can also happen. It is been 23 years and nothing is
19 sure in memory after 23 years. I'm certain about many things.

20 Q. With whom did you talk about those dates?

21 A. With my co-fighters.

22 Q. Could you give us some names of those co-fighters?

23 A. Yes.

24 Q. Please.

25 A. Ismajl Nrecaj.

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1 Q. Mm-hm. Where does he live?

2 A. In Barileve.

3 Q. Is he still alive?

4 A. Yes.

5 Q. Who else?

6 A. I spoke to my brother, Daut. He was also a fighter.

7 Q. Daut Vrbovci; correct?

8 A. Yes, yes.

9 Q. And? Anybody else?

10 A. To some others as well, but they're not important. These are
11 the people I spoke to, some others too, but their names are not
12 important.

13 Q. When did you speak with them about those dates of encounters or
14 encounter with Salih Mustafa in Barileve?

15 A. Can you please repeat the question?

16 Q. When did you speak to those persons about those dates of
17 encounters with Salih Mustafa?

18 A. When I gave the statement to the Defence Counsel, I -- I spoke
19 to them.

20 Q. Mm-hm. So what exactly did you discuss with them?

21 A. We discussed the dates, whether I had given an incorrect date.
22 I don't remember things very well and I was afraid that I may --
23 might have given the incorrect dates. You don't -- you remember the
24 events but the dates -- it's true that we didn't have television
25 then. We repeated the days, the days of the week. It's difficult

1 without having television. You would easily mix up the days of the
2 week, let alone dates.

3 Q. Mr. Vrbovci, why did you discuss your statement with other
4 people? What was the reason for that?

5 A. I discussed it to make sure that I hadn't forgot anything so
6 that it wouldn't hurt anyone.

7 Q. Mr. Ismajl Nrecaj and your brother Daut, were they present when
8 you met Salih Mustafa in Barileve in 1999, in April?

9 A. I can't say with certainty, because the oda that they used, that
10 is where the soldiers stayed. It might have happened that Salih
11 entered there and it might have happened that he only spoke to
12 Jusuf Shalaku, and he also spoke to me. In few cases he mostly spoke
13 to Jusuf.

14 Q. My question is: When you met Salih Mustafa in the date that
15 said for the first time, was Ismajl Nrecaj and your brother Daut
16 present as well?

17 A. I don't think that they were there, but they told me that that
18 is the date that I have given, that he was there.

19 Q. Mr. Vrbovci, if they were not present at that meeting with
20 Salih Mustafa on the day that you gave, how could they tell you what
21 was the date of that meeting?

22 A. There may be a person who remembers the dates better than I do,
23 or anyone else. That's how it is and the matter of it.

24 Q. So are you suggesting that somebody told Ismajl Nrecaj and your
25 brother Daut what to tell you, what date to tell you; is that what

1 you are saying? Because I'm trying to understand.

2 PRESIDING JUDGE VELDT-FOGLIA: I don't think that the witness is
3 saying that they told him what to say. So I would rephrase that.

4 MR. MICHALCZUK: Of course, Your Honour. I apologise.

5 Q. So are you saying that there was a person who knew the date or
6 dates better, he conveyed that message to Ismajl Nrecaj and your
7 brother, and you then consulted with them and now this is how you
8 came to that date; is that what you are saying?

9 A. No. I am saying that when I give the statement to the
10 Defence Counsel, I gave them the dates, and the dates were not very
11 correct, because the dates might have changed. That's the problem.
12 And it's irrelevant whether it's one day or two in between.

13 Q. What is the basis of what you are saying right now? What is the
14 basis of that then?

15 A. It's because there was no event that was unforgettable. That is
16 the matter here.

17 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

18 MR. MICHALCZUK: Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: I want to put a question to the
20 witness, and normally I don't do that during the cross-examination,
21 but I want to hear the witness about it in order to be sure that we
22 are not confusing anyone.

23 Mr. Witness, before the moment we are discussing now, that you
24 met Mr. Mustafa and that he stayed two, three hours in your place,
25 did you meet Mr. Mustafa?

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1 THE WITNESS: [Interpretation] Are you talking about that night?
2 Because it was evening.

3 PRESIDING JUDGE VELDT-FOGLIA: No, no, in general. Sorry. No.
4 Your question is: You mean in that night? No, in general. I mean
5 whenever.

6 Did you meet Mr. Mustafa before this encounter?

7 THE WITNESS: [Interpretation] No, I did not. I did not meet
8 him.

9 PRESIDING JUDGE VELDT-FOGLIA: Are you sure?

10 THE WITNESS: [Interpretation] Yes, I am very sure.

11 PRESIDING JUDGE VELDT-FOGLIA: And when you met him during this
12 encounter, how did you know that he was Mr. Mustafa?

13 THE WITNESS: [Interpretation] Salih Mustafa was known to us. He
14 is an activist of the national question. So we admire people like
15 him. He was imprisoned. I knew him. He couldn't know me. Because
16 I admired him.

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

18 THE INTERPRETER: Microphone, please.

19 PRESIDING JUDGE VELDT-FOGLIA: Can you specify to the -- or
20 clarify to the Panel, Mr. Witness, how it was that that specific --
21 in that time, that first time you say that you met Mr. Mustafa, how
22 did it go? How did it -- how did it went? He came up to your house,
23 and then what? Or did you meet him somewhere in Barileve? How did
24 that go?

25 THE WITNESS: [Interpretation] I'm telling you, he was also a

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1 close friend of --

2 THE INTERPRETER: I couldn't get the name, sorry.

3 THE WITNESS: [Interpretation] And Jusuf knew that he had a safe
4 place with us.

5 PRESIDING JUDGE VELDT-FOGLIA: So Jusuf brought him to your
6 house -- him to your house?

7 THE WITNESS: [Interpretation] Yes, yes.

8 PRESIDING JUDGE VELDT-FOGLIA: For now that will do. Thank you
9 for your clarification.

10 Mr. Prosecutor, you have the floor.

11 MR. MICHALCZUK:

12 Q. I've got two questions on how you remember the date of
13 1 April when you met, allegedly, Salih Mustafa.

14 Did anything memorable, particularly memorable, happen on that
15 day, 1 April? Like any occurrence in the village, around, anything?
16 It's a simple question. Yes or no.

17 A. Okay. There wasn't any specific occurrence on that day. Before
18 15th of April and March -- March, there wasn't any event that one can
19 remember.

20 Q. The last question that I have on the issue why you came to this
21 court with this date, 1 April, is the following. When you gave your
22 statement to the Defence, they warned you at the very, very end of
23 the interview that at one point you might come to court to testify;
24 correct? They told you, "You will come to court to testify one day,"
25 and you said, "Yes," correct, "I might come"? Correct?

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1 A. Correct, yes.

2 Q. Didn't you come to this court to tell this Court what you
3 yourself remember and not what the others told you when it comes to
4 dates?

5 A. I, again, go back to my statement and, again, I would repeat: I
6 do not withdraw from what I said.

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

8 THE INTERPRETER: Microphone, please.

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

10 Mr. Witness.

11 Defence Counsel, you have the floor.

12 MR. SHALA: Yeah, thank you. I think the witness --

13 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait, wait.

14 Mr. Witness, can you take off your headphones and put them
15 before you. Thank you.

16 Defence Counsel.

17 MR. SHALA: I think the witness didn't state that somebody else
18 told the date.

19 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

20 MR. MICHALCZUK: Yes, Your Honour. Of course. But he said that
21 he consulted on the date with two persons, Ismajl Nrecaj and his
22 brother Daut Vrbovci. He said that today. And only after that
23 consultation he came to the -- the witness came to the conclusion
24 that it, indeed, was that date or probably that date. And that's why
25 he's testifying.

1 Maybe my question was not super-clear and I apologise. However,
2 my question was about his obligation as a witness to come and testify
3 what he remembers himself and not what he consulted upon with the
4 others.

5 That was my question, Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: I see it, but I -- the
7 Defence Counsel is right that -- I would use the wording by the
8 witness himself. And if you are drawing a conclusion, then to tell
9 the witness that you are drawing that conclusion and to ask if that
10 is right, but not already in your summary of what he has said putting
11 your conclusions. Because I see Defence Counsel's point that that
12 went a little bit too far, I would say.

13 MR. MICHALCZUK: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: So please proceed, but not by
15 formulating it in this way.

16 MR. MICHALCZUK: Yes, Your Honour. I understand and I will do
17 my best to comply with your instruction, Your Honour.

18 Q. Let me then rephrase this question.

19 So ...

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

22 MR. MICHALCZUK:

23 Q. Mr. Vrbovci, let me rephrase my question.

24 How do you understand as an obligation as a witness to tell the
25 truth? How do you understand this?

1 A. I am telling you, when we say something, we mean it. When we
2 give a word, we also mean it. Are you clear about that? That's what
3 I'm saying.

4 Q. Mr. Vrbovci, today on page 56, line 5 specifically, you said to
5 this Court today that with Ismajl Nrecaj and Daut Vrbovci, your
6 brother, you discussed the dates of meetings with Salih Mustafa. Did
7 you not say that today?

8 A. Yes, I said.

9 Q. Don't you think as a witness you should speak from your memory,
10 what your memory tells you and not what the memory of the others tell
11 you?

12 A. I think it's better if you discuss something with two or three
13 others, because I was under pressure by the Serbs and it may happen
14 that I have forgotten the date. I was very -- I was maltreated. I
15 have said it in my statement. And these things happen, you know.
16 It's not a big problem. If you miss a day, I don't think it's
17 important. Because there wasn't any specific occurrence that
18 happened that day.

19 Q. I'm not going to waste too much time. Just two -- my last
20 questions possibly and then I will move on.

21 On page 56, lines 24, 25, you said about Ismajl Nrecaj and
22 Daut Vrbovci, and I quote:

23 "... they told me that that this is the date that I have given,
24 that he was there."

25 So, indeed, you were discussing the dates with them. My

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1 question would be: What if they told you the wrong date and you are
2 repeating us the date that they were themselves mistaken about?
3 Would you still say this is true?

4 A. It may happen that they may be wrong too.

5 Q. Today on page 26, line 2 and 4, explaining this date, you said
6 and I quote:

7 "A man can remember something and cannot remember something
8 else. But I do remember these dates."

9 So you are making reference to your own memory, not to the
10 memory of somebody else; correct?

11 A. Yes.

12 Q. Speaking about the dates of encounters with Salih Mustafa in
13 Barileve in April 1999, in your Defence statement there is not a
14 single line where you mention the date of 1 April in any context
15 whatsoever.

16 PRESIDING JUDGE VELDT-FOGLIA: Wait.

17 THE WITNESS: [Interpretation] I am not clear about your
18 question. Can you repeat it, please.

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

20 MR. MICHALCZUK: Of course.

21 THE INTERPRETER: Microphone, please.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you take off
23 your headphones. Thank you.

24 MR. SHALA: Your Honour, I'm really sure that the witness today
25 mentioned 1st and 2nd April, but I'm just going to find the line --

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1 PRESIDING JUDGE VELDT-FOGLIA: You mean in the transcript.

2 MR. SHALA: Yes.

3 MR. MICHALCZUK: I'm talking about the statement --

4 PRESIDING JUDGE VELDT-FOGLIA: No, he's talking about --

5 MR. SHALA: Oh, sorry.

6 PRESIDING JUDGE VELDT-FOGLIA: No, no, don't worry.

7 MR. SHALA: Sorry.

8 PRESIDING JUDGE VELDT-FOGLIA: No, don't worry.

9 Mr. Witness, can you put on your headphones again. Thank you.

10 MR. VON BONE: But if I -- sorry.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay. Sorry, can you put them
12 off again, Mr. Witness? There's another question of the Defence
13 Counsel.

14 Defence Counsel, you have the floor.

15 MR. VON BONE: Yeah, but I'm not sure whether we're referring to
16 the same passage again that we just covered earlier.

17 PRESIDING JUDGE VELDT-FOGLIA: No. The question - I will tell
18 what I understood - is, in general, there is no mentioning to the
19 1st of April. That's what Mr. Prosecutor said. I don't think he was
20 specifically referring to the passage we have been discussing.

21 MR. VON BONE: That is correct, the date itself. But the person
22 says, "I think it was" - what was it? - "the 3rd or the 2nd of
23 April." That's what he says. "I think it was 3rd or 2nd of April."

24 PRESIDING JUDGE VELDT-FOGLIA: So what is --

25 MR. VON BONE: Well, I think --

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1 PRESIDING JUDGE VELDT-FOGLIA: I'm listening but I don't see
2 your point yet.

3 MR. VON BONE: Well, I mean, we're trying here to narrow it down
4 to the 1st of April. Did not say that in the statement. But, at the
5 same time in the statement that is, like, quite open, and I think
6 it's not so fair to put it to -- to narrow it down to one precise
7 thing if it has not been so precisely told by the witness.

8 PRESIDING JUDGE VELDT-FOGLIA: But it is. I --

9 MR. VON BONE: Do you understand what I mean?

10 PRESIDING JUDGE VELDT-FOGLIA: No, no, no, I have heard your
11 point. I don't agree with that. He himself has said the 1st of
12 April today. So I think it is very legitimate for Mr. Prosecutor,
13 and if not, the Panel would have done it itself --

14 MR. VON BONE: Mm-hm.

15 PRESIDING JUDGE VELDT-FOGLIA: -- to ask where does this 1st of
16 April come from. I would have asked the same question.

17 MR. VON BONE: Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: So I will allow for this
19 question.

20 MR. VON BONE: My problem is not 1st of April. The problem is
21 more the interpretation of the answer leaves space to that.

22 PRESIDING JUDGE VELDT-FOGLIA: But that is something the witness
23 can say --

24 MR. VON BONE: Yeah, but I mean --

25 PRESIDING JUDGE VELDT-FOGLIA: No.

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1 MR. VON BONE: I mean --

2 PRESIDING JUDGE VELDT-FOGLIA: No. I think that in
3 cross-examination this question can be put, and if not, I will put it
4 myself.

5 Mr. Prosecutor.

6 MR. MICHALCZUK: Your Honour, my focus is entirely on the 1st
7 right now.

8 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Thank
9 you, Mr. Witness. It's a lot of putting --

10 THE INTERPRETER: Microphone, please.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. It is a
12 lot of putting on and putting off. Thank you for your patience.

13 THE WITNESS: [Interpretation] No problem, Your Honour.

14 MR. MICHALCZUK:

15 Q. Mr. Vrbovci, in your statement that you gave to the Defence, I'm
16 talking about the statement that you gave last year to the Defence,
17 in the whole statement there is not a single place where you mention
18 the date of 1st of April. Why didn't you give it then if the
19 encounter with Salih Mustafa indeed took place, as you claim today,
20 on the 1st?

21 A. I already said. The meetings with Salih Mustafa at my house
22 happened four or five times. If you go beyond that, I have no answer
23 for you.

24 Q. So is your answer that the meetings with Salih Mustafa happened
25 four or five times but you are not sure about the dates and you

1 cannot add anything to that? Is that your answer?

2 A. I stand by what I have said. I don't need to go beyond that.

3 What I have stated, I am responsible for.

4 Q. But you have -- yes, you're responsible for what you have said.

5 But you have -- you said something different in your statement before

6 the Defence last year, and you are giving us some other dates today.

7 And I'm trying to understand what's the reason why those dates given

8 by you are so different.

9 Today you said with certainty it was the 1st when you met

10 Salih Mustafa. In your Defence statement last year, you never

11 mentioned that date. Correct?

12 A. It may happen that I didn't mention. But I know it was on the

13 1st of April. I stay by that. Not that others said so. But that

14 was the day, 1st of April.

15 Q. Mr. Witness --

16 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] I'm

17 going to give the floor to the Defence Counsel, but I wanted to

18 receive the answer on your question.

19 Defence Counsel, you have the floor.

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

21 Today witness --

22 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Wait,

23 wait, wait. We all have a shared responsibility to make -- we all

24 have a shared responsibility to make sure that the witness first

25 takes the headphones off.

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1 Defence Counsel, you have the floor.

2 MR. SHALA: Yes, thank you, Your Honours.

3 Today witness didn't mention only the 1st April. He mentioned
4 1st or 2nd. So today it is mentioned and 2nd April, not only the 1st
5 April.

6 PRESIDING JUDGE VELDT-FOGLIA: Was ... I will first give
7 Mr. Prosecutor the floor.

8 MR. MICHALCZUK: [Microphone not activated] Yes, Your Honour.

9 I --

10 THE INTERPRETER: Microphone, please.

11 MR. MICHALCZUK: So, indeed, the witness said before the 1st and
12 2nd April. That is correct. That is correct. But now, speaking
13 about the first encounter, he said it was the 1st. He clarified
14 that. But some -- he said something else before. This is true.

15 It is on page -- at page 48, lines 1 and 4.

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

17 MR. MICHALCZUK: 1 and 4, Your Honours.

18 THE INTERPRETER: Microphone, please.

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

20 MR. SHALA: Yes, Your Honour, he stated now, but the question of
21 Prosecutor, it was today. So if he is referring today, he mentioned
22 2nd April, not only the 1st. But if he say now, that is different.

23 PRESIDING JUDGE VELDT-FOGLIA: I don't -- what is the point you
24 want to make with regard to the question, Defence Counsel --

25 MR. SHALA: The point is that the witness today didn't mention

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1 only the 1st April.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, without wanting
3 to go too much into discussion with you, the witness said that 1st of
4 April -- he mentioned in his statement that in a certain moment that
5 the 1st of April --

6 MR. SHALA: Yes, in this moment --

7 PRESIDING JUDGE VELDT-FOGLIA: -- when he arrived -- can I talk?

8 MR. SHALA: Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: Now, not because I don't want you
10 to talk --

11 MR. SHALA: Yeah, okay, okay.

12 PRESIDING JUDGE VELDT-FOGLIA: -- but because they need to
13 translate what I say. In this line he says:

14 "1st of April, when he arrived from Vranidoll to my house."

15 The Prosecutor is allowed to ask a question about that.

16 MR. SHALA: I am agree with that, but not in this way. Today,
17 if he mention today, we have another dates. It is on 2nd April.
18 Stated by the witness. For same occasion. For same.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes, that makes it complicated if
20 he says several dates. And you say -- and what is your suggestion
21 then?

22 MR. SHALA: To change the question. Not today.

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

24 MR. VON BONE: Your Honour, there is a transcript issue.

25 PRESIDING JUDGE VELDT-FOGLIA: Excuse me?

1 MR. VON BONE: There is a transcript issue.

2 PRESIDING JUDGE VELDT-FOGLIA: Oh, is it not working?

3 MR. VON BONE: No, Your Honour, I see page 66, line 16, 17,
4 standing: "I am espionage for." I never heard the witness saying,
5 "I am espionage for." I don't know --

6 PRESIDING JUDGE VELDT-FOGLIA: That's surely a typo.

7 MR. VON BONE: Well, I know what you mean but --

8 PRESIDING JUDGE VELDT-FOGLIA: But I agree with you -- no, but
9 it is always -- Defence Counsel, it is very good that you remark it,
10 but if something really strange pops up, it's all corrected. But
11 it's good that you bring our attention to the words "I am espionage
12 for." No, that certainly has not been said today. That's on record
13 now, and I will ask the translation unit to -- at least I have not
14 heard that, to look into it.

15 MR. MICHALCZUK: Your Honour, to clarify the issue of the 1st
16 and 2nd, I'm going to ask my next question and then we will probably
17 have it clarified once and for all.

18 Q. So, Mr. Vrbovci, today you first mentioned that the encounter
19 with Salih Mustafa was on the 1st and 2nd -- or 2nd of April, and
20 then you said that it was on the 1st of April. So could you clarify
21 to the Court on which day you met Salih Mustafa? Was the 1st of
22 April, 2nd of April, both days?

23 Please tell that to the Court because we are still unclear about
24 when you met Salih Mustafa in April in Barileve for the first time?

25 A. Your Honour, Mr. Prosecutor, it is the 1st of April when he

1 passed from -- when he went from my house to another place. I don't
2 know. He returned on the 2nd. I won't change what I said. I am
3 responsible if I erred regarding something, but I don't think I did.

4 Q. So you're saying that he returned on the 2nd and that was the
5 second time you met Mr. Mustafa? Is that what you are saying?

6 A. Yes. The first time -- the second time was on the 2nd. He
7 returned along the same way to the same house. There was no other
8 way he could come from.

9 Q. Today you told us about that second encounter.

10 MR. MICHALCZUK: And I try to very quickly find the reference.
11 The reference is on page 27, lines 23 to 25 and -- continues to
12 page 28, line 1.

13 Q. And you said about the second time the following thing:

14 "When he returned it was the second time."

15 A. It is the second time.

16 PRESIDING JUDGE VELDT-FOGLIA: No -- no, to both the witness and
17 Mr. Prosecutor, Defence Counsel, and myself, we really have to pay
18 attention not to overlap each other. Because not only for the
19 interpretation services but also for the stenographer, it is getting
20 quite complicated if we are talking at the same time. So this is a
21 heads-up for all of us. We need to be careful when we want to speak
22 and we take the floor.

23 Mr. Prosecutor.

24 MR. MICHALCZUK:

25 Q. So, again, speaking about -- today in court about that second

1 encounter, you said the following thing:

2 "When he returned it was the second time. He was with the same
3 people. They were tired."

4 And then you continued:

5 "... he rested maybe five or six hours, not more."

6 Correct? Did you say that?

7 A. Yes.

8 Q. So he stayed only five or six hours. Nevertheless, you remember
9 after 23 years that well that it was on the 2nd when he came back?

10 A. Yes. Because usually he didn't stay long when he came to me. I
11 don't know about other cases. He went one day and then on the
12 evening he always returned.

13 Q. Did anything memorable happen on 2nd of April, 1999?

14 A. No. It's not any specific day. Neither the 1st nor the 2nd of
15 April.

16 Q. Mr. Vrbovci, today you told us about the 1st of April and the
17 2nd of April. As I told you, in your statement to the Defence given
18 last year, you spoke about the 3rd and the 2nd of April. So these
19 two accounts are different.

20 So can you tell us whether you're sure about the dates or still
21 not? Because we've got two different sets of dates: 1st and 2nd,
22 today, 2nd and 3rd -- or 2nd and 3rd in your statement to the Defence
23 from last year.

24 A. Then I wasn't under oath. Today I speak under oath. I stand by
25 the 1st and the 2nd of April. Under oath.

1 Q. Mr. Vrbovci, in the same statement to the Defence given last
2 year, you start this answer of yours with the word "I think," which
3 makes me believe that at that time you yourself thought it could be
4 the 3rd or the 2nd of April. But it was only what you thought and
5 you were not sure. Is that correct what I'm saying?

6 A. Yes, it is.

7 Q. Mr. Vrbovci, are you, in general terms, are you good with dates,
8 with remembering dates?

9 PRESIDING JUDGE VELDT-FOGLIA: Witness, can you take off your
10 headphones.

11 Mr. Prosecutor, we are getting to an end with regard to the
12 dates?

13 MR. MICHALCZUK: With regard to these dates, we are. But I have
14 a set of questions about him being able to remember dates in general
15 terms, and I have got several specific questions.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. Proceed. Please
17 proceed.

18 MR. MICHALCZUK:

19 Q. Mr. Vrbovci -- Mr. Vrbovci, are you good with remembering dates,
20 in general?

21 A. In some cases, I do remember. But there may be some dates which
22 were not related to any specific events that I could remember. What
23 I'm saying today, I am certain about them. Because, as I said, I
24 took the oath. If I am mistaken, it is my responsibility. If I am
25 wrong, you can release the gentleman and I can stay in his place.

1 Q. Would you remember the dates when people from your village were
2 killed? Would you remember such dates?

3 A. I am not certain about them. I can be certain about the month.
4 I can say half -- the first half or the second half, but I'm not sure
5 about the dates. Because they are far away from my village, and
6 that's it.

7 Q. But I understand that murdering or killing or deaths of the
8 people from your village, Barileve, during the war were gruesome and
9 rather memorable event. Would you not agree with me?

10 Mr. Vrbovci, please.

11 A. Can you repeat the question, please?

12 Q. Would you agree with me that deaths of your co-villagers during
13 the war would be memorable events, that people from the village,
14 including yourself, should remember rather well?

15 A. I think I said that I have some issues with dates. But what
16 happened in my own house, I am certain. What happened in the
17 village, it's another thing. I told you I can refer to the month. I
18 can give you the month, but not the date.

19 Q. Today you told us about the death or the murder of a person
20 called Berisha; do you remember that?

21 MR. MICHALCZUK: It's on page 15, lines 7 to 8, Your Honours.

22 Q. Do you remember telling that today to the Court, that there was
23 such a murder of Mr. Berisha in Barileve?

24 A. Yes, I remember very well.

25 Q. Today in court you said it happened on -- in the -- you said,

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1 and I quote:

2 "It was sometime in the half of March."

3 Is that correct?

4 A. Yes, correct.

5 MR. MICHALCZUK: Your Honours, I would like to make reference to
6 the statement of this witness given to the Defence on the same
7 incident, where he talks about the murder of the teacher
8 Sulejman Berisha. And it is statement, Defence statement
9 DSM00076-00089, page 3. It's a very short question and a very short
10 answer.

11 Q. The question is:

12 "Do you remember when he was killed?"

13 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, Mr. Prosecutor.

14 Can we blow it up a little bit and then ... yes, thank you.

15 MR. MICHALCZUK: I believe it's a little bit down, down the
16 page. Yes. Here. Yes, it is fine.

17 Q. So the question of the Defence Counsel about Mr. Berisha was:

18 "Do you remember when he was killed?"

19 And your answer:

20 "It was in April 1999 but I do not recall the date."

21 Do you remember saying that to the Defence?

22 A. It may happen -- it may be possible, because the neighbourhood
23 is far from me. I know that one was killed. As who killed him, I
24 don't know. I can't remember the date when a professor or teacher
25 was, even though he was a very highly respected person, but I can't

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1 remember the date.

2 Q. So this person was highly respected, this person was killed, and
3 it was a prominent event, I understand, and you said today it was
4 March and to the Defence you said it was April.

5 So you are not sure even about the month, are you?

6 A. March and April are close.

7 Q. Another event I'm going to ask you about is the event where four
8 boys in the village were killed. Do you remember such an event?

9 A. Yes, I remember it well.

10 Q. Mr. Vrbovci, in your statement to the Defence you talk about
11 this particular incident on page 3 of the statement. So again it is
12 DSM00076-00089, page 3.

13 And you say -- the question of the Defence Counsel is about the
14 date of a killing of those four boys. The question of the
15 Defence Counsel to you:

16 "Can you recall when this happened?"

17 Your answer is:

18 "I am not so good with dates, but it was probably sometime in
19 May 1999."

20 Did you say that to the Defence?

21 A. Since you are putting it to me, I must have said it. But
22 doesn't matter. Doesn't matter much, I think.

23 Q. So you opened this answer with the line: "I'm not so good with
24 dates ..."

25 Are you not good with dates, Mr. Vrbovci?

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1 A. About things I have done I am very -- in my place, I am very
2 sure. Outside of that, I said I'm not good with dates.

3 Q. That event, killing of four people from your village, was it a
4 memorable event or not?

5 A. It is a memorable event. You cannot forget it. Because four
6 young lads were killed, ranging from 25 to 18 years of age.

7 Q. I agree. I agree. This was a memorable event for the reasons
8 that you have stated. Nevertheless, you are saying, "It was probably
9 sometime in May 1999," and you said, "I'm not good with dates." So
10 you don't remember that date; correct?

11 A. I don't remember.

12 Q. I've got some other questions.

13 Today when you told us about that encounter with Salih Mustafa -
14 and I have the reference on page 26, lines 24 and 25 - you said that
15 he came to Barileve on foot. Is that correct?

16 A. Yes.

17 Q. And he greeted, as you said, Jusuf Shalaku, and continued with
18 two other persons.

19 MR. MICHALCZUK: It's on page 27, lines 1 to 8.

20 Q. So you greeted Shalaku and continued; correct?

21 A. No, he rested for a while there. He did not continue right
22 away. Because God knows how many kilometres he had passed before he
23 came to my place. He would first have a rest and then continue.

24 Q. I understand.

25 A. It was always like that.

1 Q. I understand. Did he also continue -- after he rested, did he
2 left your place also on foot?

3 A. Yes, because there were no vehicles suitable for mountainous
4 terrain. The road was blocked by the Serbian police and army, and
5 nobody could move. And if you moved in the evening, they would
6 simply wipe you out.

7 Q. I understand. But Mr. Jusuf Shalaku remained at your place, and
8 Mr. Salih Mustafa left with two other persons whose identity you
9 don't know; correct?

10 A. Yes.

11 MR. MICHALCZUK: Your Honours, I would like to put on the screen
12 a part of the Defence statement, the same number, DSM00076-00089,
13 page 8.

14 Q. Listen to this, Mr. Vrbovci, because you gave a different
15 description, different account of that issue.

16 MR. MICHALCZUK: I would like to start with the words "He was on
17 the move ...". "He was on the move with Jusuf Shalaku." It should be
18 a bit further, yes. Two lines, two lines up. Yes. "He was on the
19 move," yes.

20 Q. So you said the following thing about Salih Mustafa coming to
21 your place:

22 "He was on the move with Jusuf Shalaku. Jusuf Shalaku had a
23 car, a red Golf, which they used for movement."

24 So from this it seems that, first of all, Salih Mustafa was on
25 the move with Jusuf Shalaku. Did you say that to the Defence?

1 A. I mentioned in my statement he had a red Golf. They would pass
2 through my house and towards the village of Vranidoll.

3 Q. That's not my question. You said that, indeed,
4 Mr. Jusuf Shalaku had a car. You said that earlier. My question is:
5 Was Salih Mustafa and Jusuf Shalaku moving together when you saw
6 them? You said that in this part of your statement, didn't you?

7 A. I said then and I'm saying again, it was Jusuf Shalaku who had
8 the meetings with him. It was Jusuf Shalaku who brought him to my
9 place; that is, Salih. And I'm saying it again. We would be
10 notified that he would come and we would provide security for the
11 passage. And not only for him but for the entire population because
12 our -- we had problems mostly with the population, not with the
13 soldiers.

14 Q. Mr. Vrbovci, please answer my question. My question is: As you
15 stated in this statement, did Salih Mustafa moved together with
16 Jusuf Shalaku, first? Let's start with this.

17 A. He could have moved with him. That is, Mr. Shalaku could have
18 escorted him up to Vranidoll. When he returned, that I don't know
19 because, as I said, I had problems with the population.

20 Q. In this statement you said:

21 "He," namely, Salih Mustafa, "was on the move with
22 Jusuf Shalaku," didn't you? Did you say that?

23 A. Probably I did.

24 Q. Yes. You also said that red Golf they used for the movement,
25 which means both of them, Jusuf Shalaku and Salih Mustafa. Didn't

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1 you say that?

2 A. I did say that. But they could not move through a good, main
3 road. They could have passed the road and then take paths through
4 villages. And as to further, where they went, that I don't know. It
5 wasn't my duty.

6 Q. In this statement given to the Defence, you said that they were
7 moving together and they were moving in the car of Jusuf Shalaku.

8 Today, you said that Salih Mustafa, when you saw him, came on
9 foot, and he left and Jusuf Shalaku stayed. Did you say that today?

10 A. I did say. But when he returned, that is, Jusuf Shalaku - when
11 he returned and passed with his car with the lights off, because
12 nobody could keep the lights on. As to after that, I don't know.
13 This car was seen parked in the neighbourhood of Vranidoll. When it
14 could not go out, then they would move on foot.

15 Q. Simple question, just to clarify this once and for all.

16 Did Salih Mustafa and Jusuf Shalaku leave together on that day
17 when -- we were discussing today at the beginning of April, together
18 or was Salih Mustafa alone with two other persons?

19 What is the truth?

20 A. Salih was with two other persons. He was the third one. Jusuf
21 would escort them up to Vranidoll because that's where the danger
22 was.

23 Q. Did they go by car to Vranidoll?

24 A. Yes. That day they went by car. And the lights were not on.

25 Q. But today, earlier on, you told us that, indeed, Jusuf Shalaku

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1 stayed and his car was parked, and that Salih Mustafa left on foot
2 with two other persons. Didn't you say that today, earlier?

3 A. If I said when he entered, then he went out and continued with
4 two friends on foot. And on his way back, Jusuf Shalaku escorted
5 them with a car, the car without the lights, and the soldiers were on
6 every position.

7 Q. If this is true, why didn't you say that when the
8 Defence Counsel was asking you questions about it today earlier on?

9 A. The first question as to when he came, entered, was clear to me,
10 but nobody asked me, neither you or the Defence, how did he return.
11 You don't have it in the questions when he came back, how did he come
12 back, with whom. The Defence did not ask me this question.

13 You moved a bit with your question, but never mind. It is easy
14 to accuse somebody and it's your duty to accuse and it's the duty of
15 the Defence to defend.

16 Q. Let's move on.

17 Today you were discussing with the Defence Counsel certain
18 events in Barileve in the course of which Bedri Kurti and
19 Nexhmi Kaciu were killed.

20 And in the transcript we have you on page 21 and 22.

21 Correct?

22 And I understand that this event was quite memorable to you, two
23 persons were killed. Was it memorable?

24 A. Yes, that cannot be forgotten.

25 Q. On page 3 of the Defence statement - and I'm referring to the

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1 same Defence statement as I mentioned before, DSM00076-00089, on page
2 3 - there is a very long discussion between the Defence and you about
3 violent events that took place in Barileve.

4 MR. MICHALCZUK: If we could have it on the screen, the whole
5 page discusses it.

6 Q. If this was such a memorable event, could you tell the Court why
7 didn't you mention that event to the Defence last year when you gave
8 the statement?

9 A. It's not true that I did not mention it. I did not mention what
10 happened. Have a good look because it was mentioned who was wounded,
11 who was killed. Everything was mentioned. Have a good look.

12 MR. MICHALCZUK: Your Honour, just a second. I need to take a
13 look at the statement.

14 MR. SHALA: Page 6 [Microphone not activated].

15 MR. MICHALCZUK: Okay.

16 Q. Mr. Witness, was Jusuf Shalaku in the Kosovo Liberation Army?

17 A. I have a simple request. Do not provoke me, as you told me
18 earlier, because I would not be able to bear it. Now you can ask me
19 questions. You changed my statement just previously and I think it
20 was proven that that was wrong.

21 Q. Could you please answer my question. Was Jusuf Shalaku in the
22 Kosovo Liberation Army?

23 A. Continue. And please repeat your question.

24 Q. Was Mr. Jusuf Shalaku in the Kosovo Liberation Army?

25 A. Of course he was. He is an activist from the very beginning.

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1 Q. What was his role in the Kosovo Liberation Army?

2 A. He was just like any other soldier, a volunteer. The
3 Kosovo Liberation Army was a voluntary army. Nobody was forced to be
4 its member. Nobody was obliged to be its member.

5 Q. Mr. Witness, you are saying that he was just a soldier and
6 nobody was obliged to follow anybody's orders. Today, however, in
7 this court, on page 11 of the transcript, lines 6 to 8, you said that
8 Jusuf Shalaku was a commander, was your commander, and also a close
9 friend of yours.

10 So was he your commander as you said today?

11 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait, wait. Could you take
12 off your ...

13 I'm now talking from the top of my head. Didn't he say he was
14 regarded as a -- then I want to see the text. Regarded as commander
15 and he was in -- he was in charge. Was it not like that, that he
16 stated?

17 Maybe we can cite the --

18 MR. MICHALCZUK: Your Honour, okay. I can rephrase it slightly.
19 There is an exchange between the witness and the Defence Counsel on
20 this issue.

21 MR. VON BONE: Just a short intervention, if I may.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, were you saying
23 something?

24 MR. VON BONE: May I intervene on the question?

25 PRESIDING JUDGE VELDT-FOGLIA: Please. Because you're not

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1 standing, I don't know what you want to do. Normally we do that and
2 then it's clear for me what you want.

3 MR. VON BONE: Something about the transcript, Your Honour.

4 Maybe, counsel, you can check the question that was just posed
5 before. It's on page 82 --

6 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]

7 Defence Counsel, can you speak louder because it is getting somewhat
8 unclear for us.

9 MR. VON BONE: Page 82, line 5.

10 JUDGE DEKKERS: [Microphone not activated] Maybe we should start
11 just a suggestion but somewhere earlier at page number 11 -- sorry.
12 I'm pushing the wrong button.

13 Good that you noticed, Mr. Court Officer.

14 Maybe we should start a little bit earlier and transcript
15 page number 11, starting from -- maybe even from line number 3.

16 MR. MICHALCZUK: Yes, Your Honour. I also found the reference
17 to the commander specifically, but I will, of course, follow your
18 guidance, Your Honour.

19 JUDGE DEKKERS: Yes, but there the whole discussion about who
20 probably might be the commander starts.

21 MR. MICHALCZUK: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: Yes. But -- thank you.

23 Defence Counsel, was that the point you wanted to --

24 MR. VON BONE: No.

25 PRESIDING JUDGE VELDT-FOGLIA: No, that was not the point the

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1 Defence Counsel wanted to raise.

2 Please, go ahead.

3 MR. VON BONE: Page 82 --

4 PRESIDING JUDGE VELDT-FOGLIA: Yes, because you have a
5 transcript point.

6 MR. VON BONE: Exactly. And in line 5 up to 6, the question was
7 not -- "nobody was obliged to be its member," and then the answer
8 comes: "... nobody was obliged to follow anybody's order."

9 PRESIDING JUDGE VELDT-FOGLIA: Okay.

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

11 MR. MICHALCZUK: I can rephrase the entire question,
12 Your Honours --

13 MR. VON BONE: I think that would be --

14 PRESIDING JUDGE VELDT-FOGLIA: No, wait, wait, wait, wait.

15 MR. VON BONE: I think that was not correctly transcribed.

16 PRESIDING JUDGE VELDT-FOGLIA: And how should it be? Because --
17 Defence Counsel, if you give ...

18 [Specialist Counsel confer]

19 PRESIDING JUDGE VELDT-FOGLIA: If you give an indication of what
20 you think it should be, then I will have the interpretation unit look
21 at it with special care.

22 MR. VON BONE: It is about "nobody was obliged to follow" --
23 just say it then [overlapping speakers] ...

24 MR. PELAJ: Sorry, Your Honour, but here in the question of
25 Mr. Prosecutor, he said here:

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1 "He was just like any other soldier, a volunteer. The
2 Kosovo Liberation Army was a voluntary ..."

3 Then the question of Mr. Prosecutor was:

4 "Mr. Witness, you are saying that he was just a soldier and
5 nobody was obliged to follow anybody's orders."

6 When did he said that nobody was obliged to be -- to follow
7 orders? That is my -- the question Mr. von Bone was asking. When
8 was that mentioned? Nobody was obliged to follow orders.

9 PRESIDING JUDGE VELDT-FOGLIA: So do I understand you well that
10 the word "anybody" is wrong or do I -- or what is you are saying that
11 the whole phrase, from "nobody was obliged to follow anybody's
12 orders" should be left out.

13 MR. PELAJ: No, no, this is exactly what Mr. Prosecutor said.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay.

15 MR. PELAJ: But he is drawing conclusion for something that no
16 one said today. Witness did never say that nobody was obliged to
17 follow orders.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. But the transcript is
19 correct.

20 MR. PELAJ: [Microphone not activated].

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. But then that is a
22 completely different point. The Defence Counsel raised the point
23 that there was a transcript issue. So it is not a transcript issue.

24 You will get the floor to get back to that. But please for next
25 time, if it is a transcript point, we can raise it. But if is

1 something on the content, you should call it like that. Because if
2 not, we get a confusion.

3 Very well.

4 Mr. Prosecutor, I will ask the witness to put on his headphones.

5 My colleague indicated where we could start. I leave to you how
6 you want to put your question to the witness, at least -- as long as
7 it is as complete as possible not to confuse him.

8 MR. MICHALCZUK: Of course, Your Honour, I will comply with your
9 instructions.

10 Q. Mr. Vrbovci, today, speaking about Jusuf Shalaku, there was the
11 following exchange between yourself and the Defence Counsel.

12 MR. MICHALCZUK: It's page 11, lines from 3 to 15.

13 Q. "Did this unit have a commander?"

14 That was the question.

15 "I don't know about the commanders. We had a person in charge.
16 Because we always referred to one another as commanders."

17 "Q. Who was the one more responsible?"

18 "A. My closest friend, Jusuf Shalaku, who was one of the first
19 activists.

20 "Q. When you say all of you were commanders, in a sense, what
21 do you mean?"

22 "A. We always addressed one another as commanders. That's why
23 I said all of us were commanders, but one was, of course, a real
24 commander."

25 And then the question of the Defence Counsel interpreting all

1 that is:

2 "You said that Jusuf Shalaku was the commander and was your best
3 friend."

4 Do you confirm that Jusuf Shalaku was, indeed, your commander?

5 A. He had to be a soldier first before he would be a commander.

6 And Jusuf Shalaku was our commander, the chosen commander by us. But
7 the tasks were for everybody and we all shared our duties.

8 Q. My question was simply was he a commander? It's a yes-or-no
9 question. Was he your commander?

10 A. Yes, he was.

11 Q. What was the name of your unit?

12 A. We were an intervention group. It did not have a name. The
13 brigade had a name, but our unit did not have a name.

14 Q. We'll come to that in a moment. Salih Mustafa, what was his
15 role in the Kosovo Liberation Army in 1999, in April; do you know
16 that?

17 A. When you take Salih for questioning, he will tell you. I don't
18 know what his role was. I know him only as an activist, as an
19 outstanding activist, as a political prisoner. And it's a honour for
20 me to see him.

21 Q. Do you know whether there was any relationship between
22 Jusuf Shalaku and Salih Mustafa in the Kosovo Liberation Army?

23 A. I know they were good friends, early activists, and that's all.

24 Q. Was there a military relationship in terms of
25 superior/subordinate relationship? In other words, was either of

1 them in the hierarchy higher than the other?

2 A. It was not possible for me to know that. We had the zone
3 commander Rrustem Mustafa, and they were his workers. They organised
4 the units. And I myself don't know because I did not go out very
5 much from my village.

6 Q. Okay. Today before you said that your unit was composed of, I
7 don't know, 20, 30 people. Could you tell the Court again how big
8 was your unit?

9 A. Our unit was not very big. We had two units, Lumnice and the
10 Verbovc unit. They moved. They would go for assistance to Majac in
11 fighting, in Popove and other places. In my house, 10 to 20 people
12 would stay.

13 Q. Ten to 20. And this was the unit. Is that the case or -- ten
14 to 20 people?

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, we are
16 approaching 2.30. Could you conclude this line of questioning and
17 then we can go into a half-hour break.

18 MR. MICHALCZUK: Your Honours, I could even conclude it now and
19 we can come back after the break.

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

21 Mr. Witness, we are going to have a break for half an hour.

22 So, Madam Court Usher, if you would be so kind to accompany him
23 out of the courtroom.

24 And then we see you back at 3.00.

25 THE WITNESS: [No interpretation].

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1 [The witness stands down]

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

3 We see each other at 3.00.

4 The hearing is adjourned.

5 --- Recess taken at 2.29 p.m.

6 --- On resuming at 3.00 p.m.

7 PRESIDING JUDGE VELDT-FOGLIA: I note we're in the same
8 composition for the record.

9 Madam Court Usher, could you please usher the witness in.
10 [Microphone not activated].

11 [The witness takes the stand]

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

13 THE WITNESS: [Interpretation] Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well.

15 Thank you, Madam Court Usher.

16 Mr. Prosecutor, you have the floor.

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

18 Q. Mr. Vrbovci, good afternoon again. I have just one clarifying
19 question, maybe two, in relation to what you told us earlier on
20 today.

21 On page 55, line from 19 to 21, and also we have it on the same
22 page, lines 6 to 25, you were talking about persons who were
23 discussing dates with you and amongst those persons, you made
24 reference to Ismajl Nrecaj and your brother Daut Vrbovci; correct?

25 You have to say something because if you nod, it is not on the

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1 record. So is that correct, Mr. Vrbovci?

2 A. Can you repeat the question, please?

3 Q. Of course. I gave reference to certain pages of today's
4 transcript where you said that you were discussing the dates of
5 events in April, especially dates of encounters with Salih Mustafa,
6 with two persons, specifically Ismajl Nrecaj and Daut Vrbovci;
7 correct?

8 A. Yes.

9 Q. You also said, lines 19, 21 of the same page, and I quote, that
10 you spoke to "some others as well, but they're not important."

11 And you continued:

12 "... their names are not important."

13 However, for us, it actually might be important. And I would
14 like to ask you about the names of other persons with whom you
15 discussed the dates of that encounter with Salih Mustafa in
16 April 1999.

17 So can you please give us those names of those other persons?

18 A. Do you want me to give you all of the names or only some of the
19 names?

20 Q. I'm talking about the names of the people who discussed with you
21 the dates of the encounter with Salih Mustafa, and you told me these
22 two names before, your brother Daut and Ismajl Nrecaj.

23 What were the names of the others with whom you were discussing
24 those dates?

25 A. When I discussed these things, after the war, I spoke to Daut

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1 and Ismajl whether that was the date. But I stand by what I said, on
2 1st of April and the 2nd of April.

3 Let's just mention what -- let's not mention what Daut or Ismajl
4 said. I stand behind the dates 1st of April and 2nd of April.

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please answer the
6 question. There has been a question asked: With whom, other than
7 those two persons, did you discuss the dates? We don't want the
8 discussion about the dates. We want to know with whom you talked
9 about.

10 So don't dance around the question, please.

11 THE WITNESS: [Interpretation] One of them is also Bislim Nreci
12 or Rexha [phoen]. I discussed it with him, whether that was the
13 date. We were not obliged to know these dates because we did not
14 know whether we will survive or not. And we did not keep notes
15 because we did not dare keep notes.

16 MR. MICHALCZUK:

17 Q. Mr. Vrbovci, when did you discuss those dates with Bislim Nreci?
18 When was the discussion between you and him, on the dates?

19 A. After I gave the statement to the Defence Counsel. I discussed
20 whether it was that date or not. But it's a matter of one day. It's
21 not a matter of years; it's a matter of one day.

22 Q. Did you discuss it with Mr. Bislim Nreci on the same day when
23 you gave the statement to the Defence, namely, on 22 March 2021, or
24 later?

25 A. It was later. I don't know how many days after that. I'm not

1 sure.

2 Q. But a few days after you gave the statement; correct?

3 PRESIDING JUDGE VELDT-FOGLIA: I don't think he said that. He
4 said after. Or ...

5 MR. MICHALCZUK: "I don't know how many days after that," he
6 said.

7 PRESIDING JUDGE VELDT-FOGLIA: Yes. But I don't know -- I
8 would.

9 MR. MICHALCZUK: I understand.

10 PRESIDING JUDGE VELDT-FOGLIA: I would rephrase it, please.

11 MR. MICHALCZUK: Of course, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 MR. MICHALCZUK: I apologise, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: No, no.

15 MR. MICHALCZUK: I apologise.

16 Q. Was it still on the same month when you had this discussion
17 about the dates with Mr. Nreci; namely, was it still in March 2021?

18 You gave your statement on 22 March 2021. So did you discuss
19 with him the dates still in March?

20 A. Yes, it could be end of March. I'm not very certain. Because
21 that date was not very important. There wasn't any particular event
22 to remember it by.

23 Q. Do you know whether Mr. Bislim Nreci had also given a statement
24 to the Defence in this very case?

25 A. I don't know. I wasn't interested in knowing what he stated or

1 whether he gave a statement. That -- it was more important for me to
2 give a statement and my statement.

3 Q. But you told Mr. Bislum Nreci that you had given a statement to
4 the Defence; correct?

5 A. Yes, I told him, discussed whether it was the 1st or the 2nd of
6 April. That was the difference between our views. But I know that
7 it was the 1st of April.

8 Q. [Previous translation continues] ...

9 A. It's possible that they made the mistake and not me.

10 Q. Okay. So the names of those who talked to you about the dates
11 was Ismajl Nrecaj, Daut Vrbovci, and Bislum Nreci. Anyone else?

12 A. No, I did not discuss it with anyone else.

13 Q. When you spoke about those dates with Bislum Nreci, was also
14 Ismajl Nrecaj and Daut Vrbovci present or did discuss with each three
15 of them those days separately? How did it go?

16 A. These were separate meetings because we couldn't meet all of us
17 at once. And it wasn't very important. I didn't think it was
18 important.

19 Q. And do you remember when you had meetings with Ismajl Nrecaj and
20 Daut Vrbovci on those dates? Do you remember those meetings, the
21 dates of the meetings?

22 A. No, I don't remember at all. I know that we discussed it after
23 I gave the statement to the Defence Counsel.

24 Q. But was it before you had the meeting with Bislum Nreci on those
25 dates or after that meeting with Bislum Nreci?

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1 A. What do you mean, "after"? After the statement that I gave to
2 the Defence Counsel?

3 Q. Let me just walk you step by step.

4 So on 22 March 2021, you gave your statement to the Defence.
5 Then you said that a few days later, but possibly still in March, you
6 had a meeting with Bislim Nreci. Correct so far?

7 A. Yes, that's fine.

8 Q. You also told us that you also spoke about the dates with
9 Ismajl Nrecaj and Daut Vrbovci. And my question is: When did you
10 speak with Ismajl Nrecaj and Daut Vrbovci about it? Before the
11 meeting with Bislim Nreci or after the meeting with Bislim Nreci?

12 A. After the meeting with Bislim Nreci.

13 Q. Did you discuss with Bislim Nreci anything else, apart from the
14 dates, in relation to the events of April 1999 or anything else about
15 the war?

16 A. We discussed it, of course. Our lives wasn't safe, all our
17 lives. We discussed all those things, our troubles, the sufferings
18 that we experienced, and that -- we discussed that today as well.
19 That's nothing secret.

20 Q. I understand. To be a little bit more specific, and I'm going
21 to finish in a moment with these questions, did you discuss with
22 Bislim Nreci on that occasion the events that were developing in
23 April 1999 in Barileve?

24 A. Yes, at that time we were soldiers. We discussed it with Bislim
25 but also with other fighters who were there.

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1 PRESIDING JUDGE VELDT-FOGLIA: Can you take off your headphone,
2 Mr. Witness.

3 Mr. Prosecutor, I'm not completely sure if the answer the
4 witness is giving refers to back then that they would discuss it or
5 that he discussed it now.

6 MR. MICHALCZUK: Your Honour is absolutely right. There is some
7 unclarity. I will try to clarify it.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Thank you, Mr. Witness.

10 MR. MICHALCZUK:

11 Q. Mr. Vrbovci, this must be my fault because sometime I might be
12 unclear about my question, so let me ask you again.

13 You had that discussion with Bislim Nreci at the end of March --
14 in March 2021.

15 My question was: During that meeting, were you discussing with
16 Bislim Nreci the events that were occurring in April 1999 in
17 Barileve?

18 A. Yes. We usually discussed those topics. We don't discuss other
19 stuff. We are interested and discuss what happened in our country.
20 Of course, with our co-fighters that is what we discuss all the time.
21 We were in danger. We survived.

22 Q. So the answer to my question is yes. Is that the case?

23 A. Yes.

24 Q. During that meeting with Bislim Nreci in March 2021, did you
25 talk with him about the case of Salih Mustafa, the case which is

1 being adjudicated before this court?

2 A. Well, that's a matter for the court. We don't involve ourselves
3 in the matters of the court. The justice will prevail.

4 Q. I understand that. Very fair of you to say that.

5 My question was, however, did you discuss with Bislum Nreci the
6 case of Salih Mustafa? Did you talk about it during that meeting in
7 March 2021?

8 A. I meet Bislum very often as friends, as brothers, as neighbours.
9 These topics have been discussed many times. We also like to have
10 conversations that are more relaxed and not discuss the war every
11 single time.

12 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait. Mr. Witness, please
13 answer the questions. Yeah? It's a long day. And I want focused
14 answers. If Mr. Prosecutor asks you, then you say "yes" or "no."
15 You can elaborate, but this is not an answer to the question.

16 MR. MICHALCZUK:

17 Q. The question was again - and try to be more precise and direct
18 in your answers, Mr. Vrbovci - during that meeting with Bislum Nreci
19 in March 2021, did you also talk about the case of Salih Mustafa, the
20 case before this Court?

21 A. It may be possible that we discussed because of our friend is
22 imprisoned, and that's a pain. And we -- it's an absence. It is
23 possible that we discussed it and we may discuss it in the future.
24 And we discussed that we hope that he will be released. So that
25 would be the topic.

1 Q. Today, earlier on, I asked you a few questions at the very
2 beginning of my questioning whether you were following this case or
3 not, and you told us that you were following this case on television;
4 correct?

5 A. Yes, I stated that. And I said partially, not completely. I
6 believe I gave you a few names --

7 Q. Yes, you did --

8 A. -- that I followed. So you asked me earlier if I followed
9 Bislim and I said no. *[REDACTED] Pursuant to In-Court Redaction Order
F372RED*

10 *[REDACTED] Pursuant to In-Court Redaction Order F372RED*

11 Q. That is correct. I just wanted to have your confirmation.

12 Did you speak with Bislim Nreci on that day when you met him in
13 March 2021 or at any other point, did you speak with him about those
14 witnesses who were speaking before this Court?

15 A. Honestly, no, we didn't. We knew that we would be called as
16 witnesses and that's all. I have no idea of others, who was here or
17 who wasn't. I don't have that knowledge -- information.

18 Q. I believe that today you mentioned the fact that you were
19 following the testimonies of Mr. Borovci, Mr. Fatmir Humolli;
20 correct?

21 A. Yes, I stated that. Partially. And I gave you the names. We
22 don't have to continue further on this subject because I told you. I
23 followed two or three persons. I gave you the names.

24 Q. You did, Mr. Vrbovci. I'm not denying that.

25 My question is, in relation to that, did you discuss with

1 Bislím Nreci at any point the statements of those persons whom you
2 mentioned today? Mr. Borovci, Mr. Fatmir Humolli?

3 A. No, I had no contacts. I didn't. I didn't discuss that.

4 Q. Mr. Vrbovci, they are witnesses in this case, both Mr. Borovci
5 and Mr. Humolli. You are also a witness in this case. Weren't you
6 interested to know what they are saying, what the course of this case
7 is, where the case is going? Were you not interested to know?

8 A. No. I was only interested in my statement. I don't want to
9 take into consideration anything else. That is for you that they
10 will appear before you. You will question them. They will answer to
11 you. And my responsibility is only what I say. I'm not interested
12 in anything else because my head is heavy with the matters of the
13 war.

14 Q. Mr. Bislím Nreci is a co-villager of yours and a friend of
15 yours, and you said today, a few minutes ago, that you were talking
16 with him frequently. So wasn't it a topic of your conversations,
17 every now and then, the statements of Borovci, the statement of
18 Humolli?

19 A. It's been a while since I saw them. It's been two weeks, over
20 two weeks. They were witnesses as of late. I am from a village, but
21 we live in different neighbourhoods. Bislím lives 7 or 8 kilometres
22 from my house, but we still are in the same village.

23 MR. MICHALCZUK: We will come to Mr. Bislím Nreci in a moment,
24 Your Honours. I would like to, before we move to that topic,
25 finalize my questions that I finished when we went for a break,

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1 namely, about unit of the witness.

2 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

3 MR. MICHALCZUK: Thank you.

4 Q. Mr. Vrbovci, today - and we have it on page 30, line 1 - when
5 asked about you belonging to any brigade, you mentioned Brigade 153;
6 correct?

7 A. No, that is incorrect. It's 151. Don't change things. Because
8 I cannot reply to you for you to hear what you want. Please present
9 before me the truth because I may decide not to say anything. I
10 think I mentioned this twice.

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness -- and I will give
12 you the floor, Mr. Prosecutor.

13 I have in front of me here page 30 of the transcript where you
14 say: "We were part of Brigade 153 ..." That might have been an
15 error of -- wait, wait. I will give you the floor. That might be
16 an error of translation and I will have the translation unit look
17 into it. But Mr. Prosecutor, at this moment in time, he is not
18 saying anything else than what we all read in this transcript.

19 So I will have it revised to see what you said, and you can now
20 answer his question but without the thought that he was saying
21 something for something else. Yeah?

22 Mr. Prosecutor, you have the floor.

23 MR. MICHALCZUK:

24 Q. Mr. Vrbovci, don't take it as an offence and I don't mean it in
25 this way. I simply -- and Her Honour has just stated, I was quoting

1 the transcript. Maybe the transcript is wrong. It says that you
2 were, in broader terms, member of Brigade 153. Could you clarify it
3 for us? Was it 153 or another brigade?

4 A. I stated earlier 151, Zahir Pajaziti. And that is something
5 that will not change. If you provoke me by changing it to 153,
6 there's a difference there. I am being questioned for a day, for two
7 hours now.

8 PRESIDING JUDGE VELDT-FOGLIA: Wait. Mr. Witness, please calm
9 down. No need to alter your voice or to change tone. We are here in
10 good faith. I'm supervising this examination of you, and what
11 happened is that there was something different stated in the
12 transcript, and we will look into it. And now you can clarify what
13 you meant. And if we see that it was stated wrongly, yeah, we will
14 make a note of that. Okay? Thank you.

15 MR. MICHALCZUK:

16 Q. Mr. Vrbovci, so we have it clear that you were in part of
17 Brigade 151 then; correct?

18 A. True.

19 Q. You told us about it today. However, when I analysed the
20 statement that you gave to the Defence in March last year, there is a
21 discussion about your unit and the military formation that you
22 belonged during the war on page 5, 6, and briefly on page 7. You
23 never mention any brigade. What you are saying in that statement is
24 that you belonged to the intervention unit and you mentioned also
25 surveillance unit, but you never mentioned being a member of any

1 brigade.

2 Why didn't you mention that brigade to the Defence in March last
3 year?

4 A. The Defence should have asked me which brigade did I belong to.
5 And I do not give answers without having the question first. I don't
6 have to answer if I'm not asked, and that's what it is.

7 Q. I understand, okay. Thank you for this answer.

8 Today you told us - and we have it in the transcript, page 86,
9 lines 23 to 25 - there's a discussion about Mr. Jusuf Shalaku. And
10 the question of the Prosecutor was: Was Mr. Jusuf Shalaku your
11 commander?

12 Your answer was:

13 "Yes, he was."

14 Correct?

15 A. Yes.

16 Q. I have a slight problem with this because I'm making a reference
17 right now to the statement that you gave to the Defence.

18 MR. MICHALCZUK: And this is again statement DSM00076-00089,
19 page 6.

20 Q. And, there, there is a very brief discussion of who
21 Mr. Jusuf Shalaku is. The question is:

22 "Who was Jusuf Shalaku?"

23 That was the question of the Defence Counsel.

24 Your answer to that is:

25 "He was -- I don't know if I can call him a military person. He

1 was an early activist and received training in Albania. He was an
2 early activist for the national cause."

3 So you didn't mention in the Defence statement last year that
4 Jusuf Shalaku was your commander, did you?

5 A. No. But, of course, that is understood that someone was there.
6 If I had mentioned it, he was an early activist, he completed some
7 military training in Albania. He was able to lead.

8 Q. Yes. But you didn't mention, plain and simple, that he was your
9 commander, did you? It's a yes-or-no question.

10 A. I was not asked. I wasn't asked who our commander was. I was
11 speaking about the -- that unit and I stand behind it.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor --

13 MR. MICHALCZUK: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: -- and also for Mr. Witness and
15 everybody present, I've seen that in the transcripts my eye fell on
16 it and I was also informed that on page 30, line 16, the interpreter
17 corrects -- it is written in the transcript: "51" and then
18 "correction." So at a later moment, very soon after, a correction
19 was made.

20 I see a thumbs-up of the witness. So you have been reflected as
21 you stated, but it came only after.

22 Rest assured, Mr. Witness, that we try to reflect everything
23 what you say as accurate as possible.

24 Mr. Prosecutor, you have the floor.

25 MR. MICHALCZUK: Thank you, Your Honour.

1 Q. Mr. Vrbovci, you're telling us that you didn't mention
2 Jusuf Shalaku as a commander because the question was not asked about
3 your commander, correct, during the Defence statement in March last
4 year?

5 A. Yes, you don't have to answer without having the question. If
6 you ask me, I will answer.

7 Q. However, this question was actually asked on -- let me refer to
8 the precise page.

9 MR. MICHALCZUK: This is on page 7, again Defence statement
10 DSM00076-00089.

11 Q. And there's a discussion about your unit and its commander. You
12 don't mention Jusuf Shalaku. You mention somebody else.

13 The question is as follows:

14 "Did your unit receive any commands to execute this
15 intervention?"

16 And there is a talk about some intervention.

17 And in this context you mention in your reply:

18 "That was Commander Xhoni, Nexhmi Llumnica."

19 And then there is a question:

20 "Who reported to the HQ?"

21 And you say:

22 "Nexhmi Llumnica did, as he was more senior than us."

23 So could you clarify who was your commander, was it
24 Nexhmi Llumnica, Xhoni, or was it Jusuf Shalaku as you are claiming
25 today?

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1 MR. VON BONE: Excuse me, Your Honour.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I will give the
3 floor to the Defence. But first I will ask Mr. Witness to take off
4 his headphones.

5 Defence Counsel, you have the floor.

6 MR. VON BONE: Yes, yes, Your Honour. It seems that the
7 Prosecutor wants to hear who was the commander of this -- of the
8 witness. But the question and the answer, I think, states clearly:

9 "There was another unit that came to assist us. That was
10 Commander Nexhmi Llumnica."

11 So I don't think that the suggestion of the Prosecutor which
12 implies basically that that person would be his commander -- be fair
13 to just ask for open -- a more open question, saying, "Who is that,"
14 and then from there on continue, rather than inferring something to
15 the witness.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, from that
17 paragraph I see that you -- it could be a possible interpretation.
18 But if you go to the next question:

19 "Who reported this to the headquarters?"

20 And then it said:

21 "Nexhmi Llumnica did as he was more senior than us."

22 And I understood from that -- or you can understand from that,
23 maybe that is more the right formulation, that it was the head. But
24 we can --

25 MR. VON BONE: I'm just asking that this would be dealt with in

1 a more open manner.

2 PRESIDING JUDGE VELDT-FOGLIA: We can proceed in that.

3 MR. MICHALCZUK: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecution, I leave it you,
5 but I see the suggestion of the Defence Counsel.

6 MR. MICHALCZUK: Yes. I think the Defence Counsel is right and
7 I'm just going rephrase it and ask it more openly.

8 Q. Who was Nexhmi Llumnica, Xhoni, whom you -- excuse me.

9 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait, wait. Thank you.
10 Very well, Mr. Witness, that you were so quick in doing.

11 MR. MICHALCZUK:

12 Q. Mr. Vrbovci, I apologise, I am too fast, I think.

13 I would like to rephrase my last question. Who was
14 Nexhmi Llumnica, Xhoni? You referred to him as a commander, but who
15 was he? Whose commander was he? Could you tell us?

16 A. Nexhmi Llumnica was a soldier, commander of Barileve unit. We
17 were all in the Lumnice neighbourhood. We had to go from Bernice to
18 Vranidoll. There we set up another unit where Jusuf Shalaku was
19 responsible, was in charge. He was appointed commander, Xhoni.

20 Q. So what you saying is that he was the commander of this second
21 group of KLA soldiers in Barileve from the Lumnice neighbourhood. Is
22 that what you are saying?

23 A. He was the first commander of the neighbourhood. That's where
24 we had our organisation first. That's where we got our directions,
25 instructions. Then another unit was formed in my home, in Verbovc

1 neighbourhood. So we cooperated. The main thing was that he -- he
2 was the most important person, Nexhmi Llumnica.

3 Q. The most important person in relation to whom? To all the units
4 in Barileve or -- could you explain that?

5 A. Nexhmi Llumnica was responsible for all of us. He was appointed
6 by Brigade 151. That's how it was.

7 Q. Was Mr. Llumnica hierarchically over, superior to Jusuf Shalaku
8 in the structure of the KLA in Barileve?

9 A. Yes, he was.

10 Q. Just to clarify it once and for all. You were in the unit whose
11 commander, the immediate commander, was Jusuf Shalaku; correct?

12 A. Yes.

13 Q. Above him in the structure, in the vertical structure, was
14 Mr. Llumnica?

15 A. Correct.

16 Q. And Mr. Llumnica was the overall head of the KLA in Barileve?

17 A. Yes, correct.

18 Q. Do you know who was the superior of Mr. Llumnica, who was
19 hierarchically over him, above him?

20 A. It was Commander Kosa [phoen]. He reported to Majac.

21 Q. To whom? Could you tell us the name of that person to whom he
22 reported?

23 A. Nexhmi Llumnica acted upon the orders of the staff,
24 General Staff, on the orders of the brigade commanders. He was
25 directly linked with them. We didn't know everything. We just

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1 received orders by Nexhmi Llumnica.

2 Q. So what are you -- what you are saying right now is that
3 Nexhmi Llumnica was receiving orders from the command of the -- off
4 Brigade 151. Is that what you are saying?

5 A. Yes, yes, certainly, yes.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, could you give an
7 indication to the Panel how long your cross is going to take still?

8 MR. MICHALCZUK: I do not have too many questions, Your Honours.
9 I would say -- if you give me just a second to take a look at my
10 documents.

11 I would say not more than 15 minutes. Not more than that.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. Because for next time, I
13 would have a preference that -- we are far over the time used in
14 direct examination. And I have seen that -- I allowed for it, but
15 it's better that I don't call your attention to it, but we try to
16 have a balanced --

17 MR. MICHALCZUK: Of course, Your Honour. Thank you very much
18 for that, for that leniency. And, okay, I will be try to be super-
19 brief, just to clarify a few things, and I will done with my
20 cross-examination.

21 PRESIDING JUDGE VELDT-FOGLIA: Just what is needed.

22 MR. MICHALCZUK: Of course, of course.

23 Q. Mr. Vrbovci, do you have a status of the Kosovo Liberation Army
24 veteran?

25 A. Yes.

1 Q. Are you on the Kosovo Liberation Army veterans' list?

2 A. Yes.

3 Q. Do you know which unit you are evidenced on that list, under
4 which unit? Because usually on the list you can see that a person
5 who is there is indicated as being a former member of a certain KLA
6 unit. Do you know what unit was stated when it comes to your name on
7 that list?

8 A. Afterwards, these were linked to BIA. So this certificate
9 issued to me says that I belonged to BIA.

10 Q. What is BIA?

11 A. BIA was an intervention unit to assist the population. There
12 are many things to say about it, but the superiors know them, not me.
13 I don't have a lot of knowledge about it.

14 Q. Were you yourself in the BIA unit during the war?

15 A. Jusuf and others placed our unit in the BIA unit.

16 Q. My question is: Were you, during the war, at any point, a
17 member of the BIA unit? Yes or no.

18 A. No, I was not. At the end, it was the commanders who decided
19 where these soldiers were.

20 Q. Do you know who was the commander of the BIA unit?

21 A. I didn't know who the main commander was, but I know that we
22 worked under Jusuf's order. He was our commander. I don't know
23 more. I don't know who the main ones were. I never knew.

24 Q. Was Jusuf Shalaku member of the BIA unit; do you know that?

25 A. I don't know. For me, they were soldiers. It didn't matter to

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1 me what unit or what brigade they belonged to. We had the same aim.

2 Q. Mr. Vrbovci, you told us just a minute ago that you were not a
3 member of BIA. Nevertheless, the certificate that was issued to you
4 to be listed as a KLA veteran states that you were in BIA unit.

5 So were you or were you not in BIA unit?

6 MR. VON BONE: Your Honour.

7 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait.

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

9 Defence Counsel.

10 MR. VON BONE: Yes, Your Honour. I think the question has been
11 answered just before and -- that it was issued. And so I don't think
12 that the --

13 PRESIDING JUDGE VELDT-FOGLIA: Can you give us the lines.

14 MR. VON BONE: Well, let me see.

15 PRESIDING JUDGE VELDT-FOGLIA: It is 106, line 15. Is that what
16 you mean?

17 MR. VON BONE: Let me see. 106. Yeah, so this certificate
18 issued to -- and line 25. 106, line 25. "No, I was not. At the
19 end" --

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

21 MR. VON BONE: Yes. "At the end, it was the commanders who
22 decided where these soldiers were" -- I assume it must say "from."

23 PRESIDING JUDGE VELDT-FOGLIA: I would say, Defence Counsel,
24 that is not about the question about the certificate. If you go to
25 line 106 -- line 15, then there the witness says something about the

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1 certificate. And I think that Mr. Prosecutor is now going into how
2 he came on that certificate. And I think we can elaborate a little
3 bit more on that.

4 MR. VON BONE: It's not a problem as long as there is not a
5 yes-or-no question to such answer of the -- Mr. Prosecutor. I think
6 that would be unfair. I mean, if the gentleman says how it was
7 issued to him, and so on, and there is no -- are you, yes or no, on
8 it.

9 PRESIDING JUDGE VELDT-FOGLIA: That he is on it can be answered
10 with a yes or no. The reason why he is on it can be elaborated.

11 MR. VON BONE: Well, Your Honour, if -- if he is on it, yes or
12 no, that does not need to be a question. Whether he is on it or not,
13 I don't think is an issue, if that is what I understand from the
14 Prosecutor.

15 PRESIDING JUDGE VELDT-FOGLIA: But he can ask the question,
16 Defence Counsel, if the witness is on that list or not. Because he
17 could also say, "I didn't know that he was on that list." That is
18 also a possibility. And then Mr. Prosecutor can confront him with
19 the fact that they have found a list with his name on it.

20 So I don't think that we are putting the witness in a position
21 that he is -- he is made to answer something what he doesn't want.

22 You can proceed.

23 MR. MICHALCZUK: Your Honour, my only thing is to clarify
24 because the witness is saying he was not in BIA. Officially,
25 however, he was issued a certificate, an official one, confirming

1 that, and I would like to have from this witness an answer. What is
2 the truth?

3 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

4 Mr. Witness, please put on the headphones.

5 MR. MICHALCZUK:

6 Q. Mr. Vrbovci, so, you told us that you were not in BIA during the
7 war. At the same time, you confirmed that the certificate issued to
8 you as a KLA veteran states officially that you were in BIA.

9 So tell us, were you or were you not in BIA?

10 A. I was a soldier of Brigade 151. As to how the commanders
11 divided the units in the end, the way they have done that, it says
12 that we were BIA soldiers. After we told them that we had greater
13 responsibilities, that we had no casualties in our work, that's why
14 we were proud.

15 Q. So your answer is that you were not in BIA during the war. Is
16 that what are you saying?

17 PRESIDING JUDGE VELDT-FOGLIA: No, Defence Counsel --
18 Mr. Prosecutor, I think we stop it here. We stop it here.

19 MR. MICHALCZUK: That's fine.

20 PRESIDING JUDGE VELDT-FOGLIA: I've heard the answer of him, of
21 the witness, and this topic will do.

22 MR. MICHALCZUK: All right.

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, is there
24 something you want to add? Okay.

25 MR. MICHALCZUK:

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1 Q. Mr. Witness, do you know that Bislim Nreci was interviewed at
2 some point in Kosovo by the Defence? Do you know about this fact?

3 A. Yes, I know that he -- he has given a statement.

4 Q. Do you know when it was?

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

6 Q. Do you know whether it was before you gave the statement,
7 22 March 2021, or after your statement?

8 A. I am not sure about that. I can't say "yes" or "no."

9 Q. Were you present when Mr. Bislim Nreci was interviewed?

10 A. No.

11 Q. What --

12 A. No.

13 Q. Was he present when you were interviewed?

14 A. No, he was not.

15 Q. Did you ever tell Bislim Nreci what you had stated to the
16 Defence in your statement?

17 A. No. Because the Defence told us that you don't need to discuss
18 this with anyone. You gave your statement, and that's it. I didn't
19 ask him; I didn't -- he didn't ask me. He had his own opinion; I had
20 mine.

21 Q. Speaking about your interview, who put you in touch with the
22 Defence for you to give that statement to the Defence? Who was the
23 person who put you in touch?

24 A. I never knew that. I don't know it even today. But I know that
25 the Defence lawyers that are here present today came up to me and

1 asked me, "Can you give a statement about this case?" About which I
2 have given a statement, what I knew, what I could remember.

3 Q. So the Defence Counsels approached you directly, asking you
4 whether you would give an interview in this case; correct?

5 A. Correct, yes. They asked me, "Are you willing to give an
6 interview?" I said yes.

7 Q. When organising this interview, around the time, were you in
8 touch with any of the members of Salih Mustafa?

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor -- no, wait.

10 THE WITNESS: [Interpretation] No.

11 PRESIDING JUDGE VELDT-FOGLIA: Can you put off your headphones.
12 What do you mean by with "any of the members of Salih Mustafa?"

13 MR. MICHALCZUK: Members of the family.

14 PRESIDING JUDGE VELDT-FOGLIA: Ah, okay. Okay, okay, okay.

15 MR. MICHALCZUK: Did I not say "family"?

16 PRESIDING JUDGE VELDT-FOGLIA: No, family members. Okay.

17 MR. MICHALCZUK: Family members, yes, Your Honours.

18 PRESIDING JUDGE VELDT-FOGLIA: Because "members" can be --
19 sorry. Maybe it was clear for everybody, but not for me.

20 Mr. Witness, can you put on your headphones.

21 Please proceed.

22 MR. MICHALCZUK:

23 Q. So again let me re-ask my question, around the time of the
24 interview, were you in touch with any of the members of the family of
25 Salih Mustafa?

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1 A. No. Even now, as I speak, I don't know the members of his
2 family.

3 Q. I understand.

4 MR. MICHALCZUK: Just a few concluding questions, Your Honours,
5 and I will be done with this cross-examination.

6 Q. Mr. Vrbovci, what has been your relationship, if any, with
7 Salih Mustafa after the war?

8 A. I have never had any relationship with him, never. I have
9 honoured him for what he was, namely, an activist, and I still do.
10 But as to contacts or conversations, I never had. We have greeted
11 each other, but not more than that.

12 Q. And the last question I have is: Have you been meeting with
13 Salih Mustafa after the war on any events?

14 A. I believe, yes, in activities. In anniversaries, I have met
15 him. It was the Day of Independence when I also met him. But
16 never -- not more than that. But I never even said "cheers" to him.

17 Q. Mm-hm. Do you remember when was the last time when you met him
18 in -- when you met Mr. Salih Mustafa?

19 A. Maybe five years ago, when we commemorated the date of
20 independence. We were a group of former units. We celebrated it,
21 and that's it.

22 Q. Okay. Thank you, Mr. Vrbovci.

23 MR. MICHALCZUK: Your Honours, I don't have any further
24 questions.

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

Witness: Nazmi Vrbovci (Open Session)
Questioned by Victims' Counsel

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1 Mr. Witness, we have now completed the questioning for now by
2 the Defence Counsel and the Specialist Prosecution's Office. It is
3 it now the turn for the Victims' Counsel. So I will ask them if they
4 have any questions for you.

5 Victims' Counsel, do you have questions for the witness?

6 MS. VOSENBERG: Yes, thank you, Your Honours.

7 Questioned by Victims' Counsel:

8 Q. We have one question to you, Mr. Vrbovci. Did you see or speak
9 to Mr. Bislum Nreci during your stay here in The Hague?

10 A. I didn't have a chance to do that. [REDACTED] Pursuant to In-
Court Redaction Order F372RED

11 [REDACTED] Pursuant to In-Court Redaction Order F372RED

12 Q. Okay.

13 PRESIDING JUDGE VELDT-FOGLIA: If we are going to ask any
14 questions, I would like to go into private session.

15 MS. VOSENBERG: That was my question. And that's been answered
16 now.

17 Q. So thank you, Mr. Vrbovci.

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

19 I'm looking at the Defence Counsel. Would you do the re-direct?

20 MR. SHALA: No, we don't have questions.

21 PRESIDING JUDGE VELDT-FOGLIA: You don't have any questions at
22 this moment in time.

23 So in that case, I will have a look at the Specialist
24 Prosecutor's Office if, following up on the question of the
25 Victims' Counsel, there is still a need to ask a further question.

Witness: Nazmi Vrbovci (Open Session)
Questioned by the Trial Panel

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1 Mr. Prosecutor? No further questions. We have had one question
2 of the Victims' Counsel so --

3 MR. MICHALCZUK: Your Honours, no questions at all. Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then it's the turn
5 for the Panel now, Mr. Witness. We might have some questions. I'm
6 going to look if my colleagues have any questions for you in order to
7 see if we need some further clarification that can assist us to
8 find -- to try to find further the truth.

9 I will have a look.

10 [Trial Panel confers]

11 PRESIDING JUDGE VELDT-FOGLIA: I will give the floor to my right
12 hand.

13 Questioned by the Trial Panel:

14 JUDGE MIKULA: Mr. Vrbovci, do you know Fatmir Humolli?

15 A. I know him very well.

16 JUDGE MIKULA: Did you meet him in Barileve in time of the war?

17 A. Yes.

18 JUDGE MIKULA: Was he -- can you recall by whom he was with
19 company?

20 A. He met with Jusuf Shalaku, but I don't remember very well when.
21 Our duty was only to accompany them.

22 JUDGE MIKULA: Was he also with the company of
23 Mr. Salih Mustafa?

24 A. I don't know that.

25 JUDGE MIKULA: Thank you.

Witness: Nazmi Vrbovci (Open Session)

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Questioned by the Trial Panel

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 [Trial Panel confers]

3 Please, you have the floor.

4 JUDGE BITTI: Thank you, Madam Presiding Judge.

5 Mr. Witness, today has been quite long, so I will be short.

6 Don't worry.

7 On page 78 of the transcript of today, lines 10 and 11, you
8 said, and you were referring to Salih Mustafa:

9 "We would be notified that he would come ..."

10 By whom were you notified that he would come?

11 A. We were notified by the civilian defence who were working
12 together with the soldier -- I mean, they had also had
13 responsibilities like the soldiers.

14 JUDGE BITTI: And for who else were you notified that somebody
15 would come?

16 A. It was not only Salih Mustafa who came there. I don't think
17 there is any superior in the Llap zone that didn't pass by where we
18 were, and there isn't any leaders of Kosovo then that didn't pass by
19 my house. So we were informed because we had to provide security for
20 them, to see if there were enemy movements and so on.

21 JUDGE BITTI: By this answer, shall I understand that you were
22 notified in advance when important persons would come to you?

23 A. Yes.

24 JUDGE BITTI: Thank you very much, Mr. Witness.

25 I don't have any further questions, Madam Presiding Judge.

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

2 Mr. Vrbovci, we reached the end of your testimony, and I would
3 like to thank you for your efforts you put in giving your testimony,
4 and I believe that it will be of assistance in our task to find the
5 truth.

6 So thank you very much. I will ask the Court Usher to accompany
7 you. I wish you a safe journey home, and I remind you not to discuss
8 this testimony you have given before the Specialist Chambers with
9 anyone.

10 THE WITNESS: [Interpretation] Thank you.

11 [The witness withdrew]

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

13 Let us see. Before we adjourn, Mr. Prosecutor, something to
14 raise with the Panel?

15 MR. MICHALCZUK: Nothing further, Your Honours. Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: And Victims' Counsel.

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

18 PRESIDING JUDGE VELDT-FOGLIA: Very well.

19 Defence Counsel, something you would like to raise with the
20 Panel?

21 MR. VON BONE: Nothing in particular. Just when -- if Mr. Shala
22 would do the examination, whether then that is possible to do that --

23 PRESIDING JUDGE VELDT-FOGLIA: Could you talk a little bit
24 louder. I'm not hearing you.

25 MR. VON BONE: Okay. Just when Mr. Shala is doing the

1 examination, that he can do that in Albanian as he did.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes.

3 MR. VON BONE: So I mean --

4 PRESIDING JUDGE VELDT-FOGLIA: Can you clarify for next week how
5 the division is made by you and Mr. Shala.

6 MR. VON BONE: We have not decided about it, Your Honour. Just
7 we will ...

8 PRESIDING JUDGE VELDT-FOGLIA: Oh, you have not -- but I would
9 like to be informed beforehand.

10 MR. VON BONE: Sure. Sure.

11 PRESIDING JUDGE VELDT-FOGLIA: And then you ask leave and we
12 decide on it. And if you do it on forehand -- but it is good for us
13 to be informed on beforehand --

14 MR. VON BONE: Sure.

15 PRESIDING JUDGE VELDT-FOGLIA: -- because it is an exception to
16 the general rule and we don't want to create any precedents.

17 MR. VON BONE: Okay. Thank you, Your Honour.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well. So we -- before we
19 adjourn for the -- the hearing that will be on Monday, 11 April, at
20 9.30, with the testimony of Witness 900, I want to thank the parties
21 and the participants for their attendance, and the stenographer, and
22 the interpreters, and the people from the audiovisual booth, and the
23 security for their assistance in these days.

24 So the hearing is adjourned.

25 --- Whereupon the hearing adjourned at 4.02 p.m.