

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

1 Wednesday, 19 January 2022

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.30 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

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

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I will call appearances.

11 Let me see. Mr. Prosecutor, I see that you are in the same
12 composition as yesterday.

13 MR. MICHALCZUK: Your Honours, indeed we have the same
14 composition as yesterday. Nothing has changed.

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

16 And for Victims' Counsel, I think that goes --

17 MS. PUES: Yes, good morning, everybody. And, indeed, we are
18 the same as yesterday. Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: Very well. Very well.

20 And the Defence counsel?

21 MR. VON BONE: Yes, Your Honour. Good morning. We have the
22 same composition as yesterday. And Mr. Mustafa is joining by remote.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well.

24 Mr. Mustafa, can you hear me well?

25 THE ACCUSED: [via videolink] [Interpretation] Yes, Your Honour.

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1 Chambers. Can you hear me?

2 THE WITNESS: [Interpretation] Yes, thank you. I do.

3 PRESIDING JUDGE VELDT-FOGLIA: Very well. Did you have time to
4 rest?

5 THE WITNESS: [Interpretation] Yes. Yes, good.

6 PRESIDING JUDGE VELDT-FOGLIA: We will continue today with the
7 Defence examination. I remind you that you're still under oath and
8 you have the obligation to tell the truth. Do you understand that,
9 Mr. Sopi?

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

11 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I've taken note
12 that you will be using around half an hour for your examination. I
13 see you're moving your hands, and I will interpret that as less or
14 more. But, I mean, I suggest you stick around that period of time.

15 Please proceed.

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

17 PRESIDING JUDGE VELDT-FOGLIA: Mic, please.

18 WITNESS: FATMIR SOPI [Resumed]

19 [Witness answered through interpreter]

20 Cross-examination by Mr. Von Bone: [Continued]

21 Q. Good morning, Mr. Witness. Mr. Witness, yesterday we were
22 speaking about what we called the compound in Zllash which was
23 originally from the Krasniqi family. Do you recall that?

24 A. Yes.

25 Q. My question is do you remember if there was any electricity

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1 available at that particular compound in the period of April 1999?

2 A. I'm not sure, because we used to have a lot of problems with
3 electricity all over the village, the more so in an abandoned house,
4 if you like. So I can't say for sure.

5 Q. The problems with electricity, did those problems arise from any
6 Serbian interference regarding that?

7 A. Yes, yes.

8 Q. Was there a power station nearby?

9 A. No. The one that is closer is in Obiliq.

10 Q. And has that been a target of the Serbians?

11 A. No, it was managed by the Serbs.

12 Q. And the problems that you're saying with the electricity, did
13 that come from that particular power station?

14 A. From that power station or the power outages might be due to the
15 electricity grid. I'm not certain for the moment. I can't say when
16 we had and when we didn't have electricity. Most of the time we were
17 in darkness.

18 Q. All right. I understand. If you would visit that particular
19 compound of that -- I call it the Zllash compound. I mean the
20 compound where the Krasniqi compound had their houses. Was it for
21 you in March and April 1999 easy to access that particular compound?

22 A. I don't know. In what sense do you mean?

23 Q. What I'm trying to say is --

24 A. There were no problems.

25 Q. What I'm trying to ask is could you go in and out? Could people

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1 go in and out of that compound?

2 A. I have no knowledge about that. I don't think there was any
3 special obstacle.

4 Q. There was no particular barrier or bar or whatever to get into
5 the compound that you recall?

6 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, yesterday we
7 discussed about this specific location that there was a fence --

8 MR. VON BONE: Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: -- partly.

10 MR. VON BONE: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: So I would stick also to those
12 wording, because now -- it should be a little bit more specific.

13 MR. VON BONE: Yes, yes, I --

14 PRESIDING JUDGE VELDT-FOGLIA: No, no, it should be more
15 specific, Defence counsel, with reference to what has already been
16 said.

17 MR. VON BONE:

18 Q. Was there a barrier that you need to go through before you would
19 get access to that compound or was it just regularly accessible?

20 A. I don't recall to have been any barrier. I don't remember
21 anything like that.

22 Q. And if you would access the compound, would somebody need to
23 identify himself? You or anybody else.

24 A. Of course, if there was someone, a passerby, that wanted to
25 access it, like in every military base he would be asked to show a

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1 document, an ID, or to introduce himself. I'm saying this from my
2 experience of bases that I visited.

3 Q. I understand. But when you would go to the compound, would you
4 need to identify yourself when accessing the compound?

5 A. If you were asked to do that, yes. But we knew each other, so
6 it didn't happen in my case. I don't think there was any problem for
7 us circulating through our bases.

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

9 So, Mr. Prosecutor, you have the floor.

10 MR. MICHALCZUK: Your Honour, the question in this regard should
11 be more specific, because I think the question was a general, would
12 anyone enter freely without being checked, but maybe the witness
13 understood it differently. Maybe the question was about himself as
14 KLA member, KLA commander, and this access could be different in
15 comparison to that access of a general population, for example, who
16 are not members of the Kosovo Liberation Army.

17 So what I'm trying to convey as a message, Your Honours, is
18 maybe to direct the counsel to be more specific in the questions,
19 including this one.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor. What
21 I have understood is that the witness has said that normally he
22 understood that people had to be identified and that in this specific
23 case, if it would be the witness himself, it might be so that he
24 didn't have to identify himself.

25 So I think, in the end, he gave a clear answer. But please,

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1 Defence counsel, take this in mind, the suggestion of Mr. Prosecutor.

2 MR. VON BONE:

3 Q. And if anybody would access, even if it would be a KLA member,
4 an unknown KLA member, would that person need to identify himself or
5 was it not necessary?

6 A. I think that in such cases it's normal for someone to identify
7 himself.

8 Q. Do you recall to who you would need to identify?

9 A. Every base on the KLA was protected by its members who were
10 there. So that particular member that at the moment that someone
11 presented himself there is the guard, the guard of the facility
12 there.

13 Q. And do you recall the name of a guard?

14 A. The guards were changed every eight hours. They rotated.

15 Q. Okay. So you don't know any particular name that you recall?

16 A. No, I don't know. I know that they took turns. There wasn't a
17 particular one or only four persons. All the soldiers that were
18 stationed at the particular base had the duty of doing duty when
19 their turn came. So all those soldiers in the military base took
20 their turns to do guard duty.

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

22 MR. VON BONE: I would like to go into private session,
23 Your Honour.

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

Cross-examination by Mr. Von Bone (Continued)

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

2 THE COURT OFFICER: Your Honours, we are now in private session.

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

4 MR. VON BONE: Your Honours, just to explain --

5 PRESIDING JUDGE VELDT-FOGLIA: Defence --

6 MR. VON BONE: Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Could we --

8 MR. VON BONE: Sorry.

9 PRESIDING JUDGE VELDT-FOGLIA: -- keep this procedure that I
10 thank Madam Court Officer and then I give you the floor.

11 MR. VON BONE: Sure.

12 PRESIDING JUDGE VELDT-FOGLIA: That's the way we have been doing
13 it for the last few months. So you have the floor, Defence counsel.

14 MR. VON BONE: I just want to go through a list of witnesses and
15 that is why I think those people should not be compromised in any
16 manner, whether they're known or unknown.

17 Q. Mr. Sopi, do you know a person with the name of [REDACTED]?

18 A. I heard his name, but I don't think I met him anywhere during
19 the war. Maybe I have met him, but I remember that I heard his name.

20 Q. Do you know whether [REDACTED] had a nickname that you recall?

21 A. [REDACTED]. If I'm not mistaken, his nickname was [REDACTED].

22 Q. Thank you very much, Mr. Witness. Mr. Witness, have you ever
23 heard of a person with the name of [REDACTED]?

24 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel.

25 MR. VON BONE: Yes.

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1 PRESIDING JUDGE VELDT-FOGLIA: We have to interrupt for a
2 moment.

3 MR. VON BONE: Okay.

4 PRESIDING JUDGE VELDT-FOGLIA: And I would like to have the
5 Court Usher usher the witness for a moment out of the courtroom.

6 MR. VON BONE: Okay.

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you have
8 the witness put on his -- I want to explain what I will be doing. I
9 prefer to do it. Yes. If he can put on the headphones. Sorry.

10 Mr. Witness, I will ask you to be outside the courtroom for a
11 few minutes. It won't take long, but I have to discuss something
12 with the parties and the Victims' Counsel, which I think it's very
13 important that you are not present. And I think for that situation,
14 it's better to be outside the courtroom.

15 [The witness stands down]

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

17 Defence counsel, I heard you say -- and we are now in private
18 session. I heard you say that you would be going through a list of
19 witnesses.

20 MR. VON BONE: Sorry.

21 PRESIDING JUDGE VELDT-FOGLIA: And the fact that we -- we don't
22 want this witness to know that -- who are at least the protected
23 witnesses.

24 MR. VON BONE: Right.

25 PRESIDING JUDGE VELDT-FOGLIA: And so I --

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1 MR. VON BONE: I understand.

2 PRESIDING JUDGE VELDT-FOGLIA: -- would like to -- maybe you
3 could do it in such a way that you don't mention now any protected
4 witness, you go back into open session, you do another question or
5 two, and then we go back into private session. But I would not like
6 to have a connection --

7 MR. VON BONE: Yes, I understand.

8 PRESIDING JUDGE VELDT-FOGLIA: -- with this remark.

9 MR. VON BONE: I understand. And, by the way, I misspoke. It
10 was -- it was not the witnesses that I meant to say. I meant to say
11 something else, but I won't say that as well.

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

13 MR. VON BONE: Sorry about that, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Yes. No, I --

15 MR. VON BONE: Slip of the tongue.

16 PRESIDING JUDGE VELDT-FOGLIA: Good. Then we can continue --

17 MR. VON BONE: Mr. Mustafa.

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Mustafa, you have the floor.

19 THE ACCUSED: [via videolink] [Interpretation] Your Honour, I
20 could not hear the answer because the line was interrupted.

21 PRESIDING JUDGE VELDT-FOGLIA: What was the last thing that you
22 heard?

23 THE ACCUSED: [via videolink] [Interpretation] I couldn't hear
24 the last answer of Fatmir. I heard the question about which base and
25 then that was -- that was all I heard.

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1 PRESIDING JUDGE VELDT-FOGLIA: Let us go back.

2 THE ACCUSED: [via videolink] Every base of KLA.

3 PRESIDING JUDGE VELDT-FOGLIA: Yes, I am looking for where that
4 might have been.

5 So the last thing you -- page 8, that might be, line 14:

6 "Mr. Sopi, do you know a person with the name ..."

7 Defence counsel, maybe you could help your --

8 MR. VON BONE: I think -- page 7 --

9 THE ACCUSED: [via videolink] Yes --

10 PRESIDING JUDGE VELDT-FOGLIA: "Every base of the KLA was
11 protected," okay, very well. Then I would request -- I request -- is
12 that: "Every base on the KLA was protected," is that where you start
13 missing it? Do you recall that you heard something about that?

14 THE ACCUSED: [via videolink] [Interpretation] No, "protected" I
15 didn't hear. Only the beginning of the answer, "every KLA base" and
16 that was all I heard.

17 PRESIDING JUDGE VELDT-FOGLIA: Did you hear anything about: "Do
18 you recall to whom you would need to identify"?

19 THE ACCUSED: [via videolink] [Interpretation] No, no.

20 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we have to go up even
21 more. Were you still present when I discussed with the Defence
22 counsel and with Mr. Prosecutor regarding --

23 THE ACCUSED: [via videolink] [Interpretation] Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: -- that you -- okay.

25 THE ACCUSED: [via videolink] [Interpretation] Yes.

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1 PRESIDING JUDGE VELDT-FOGLIA: Okay. And did you hear if
2 anybody would access, even it would be an unknown KLA member, would
3 that person need to be -- would need to identify --

4 THE ACCUSED: [via videolink] [Interpretation] Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: Did you hear that?

6 THE ACCUSED: [via videolink] [Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: "Do you recall to whom you would
8 need to identify," that you did not hear?

9 THE ACCUSED: [via videolink] [Interpretation] No, no.

10 PRESIDING JUDGE VELDT-FOGLIA: Then it's page 7, line 7.

11 And, Defence counsel, my request to you is if you could start
12 reading it out from there.

13 MR. VON BONE: I will.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And after when you're
15 finished, I will let the witness in again.

16 MR. VON BONE: Okay.

17 PRESIDING JUDGE VELDT-FOGLIA: You have the floor. And thank
18 you.

19 MR. VON BONE: Your Honour, I'm going to sit a little bit closer
20 to my screen.

21 "Q. And do you recall the name of a guard?

22 "A. The guards were changed every eight hours. They rotated.

23 "Q. Okay. So you don't know any particular name that you
24 recall?

25 "A. No, I don't know. I know that they took turns. There

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1 wasn't a particular one or only four persons. All the soldiers that
2 were stationed at the particular base had the duty of doing duty when
3 their turn came. So all those soldiers in the military base took
4 their turns to do guard duty.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I interrupt you.
6 You started at line 12, but I understood from Mr. Mustafa that he did
7 not hear also the previous question:

8 "Do you recall to whom you would need to identify?"

9 And then:

10 "Every base on the KLA was protected by its members who were
11 there. So that particular member that at the moment that someone
12 presented themselves there is the guard, the guard of the facility
13 there."

14 So now we have covered that too and you can continue with
15 line 20 on the same page.

16 MR. VON BONE: Okay.

17 The question is:

18 "Thank you very much, Mr. Witness.

19 "Mr. von Bone: I would like to go into private session,
20 Your Honours."

21 And the Presiding Judge answers:

22 "Madam Court Officer, could you bring us into private session,
23 please."

24 And then the Court Officer:

25 "We are now in private session."

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1 "Thank you," says the Presiding Judge, "Madam Court Officer."

2 "Mr. von Bone: Your Honours, just to explain" --

3 The Presiding Judge answers: "Defence" --

4 "Mr. von Bone: Yes."

5 The Presiding Judge: "Could we --"

6 "Mr. von Bone: Sorry."

7 The Presiding Judge says: "-- keep this procedure" --

8 THE INTERPRETER: Interpreters note that we cannot hear
9 Mr. von Bone very well, and also the stenographer notes that he's
10 reading too fast. Thank you.

11 MR. VON BONE: Okay. I'll take it slower.

12 "... keep this procedure that I thank Madam Court Officer and
13 then I give you the floor. That's the way we've been doing it the
14 last months. So you have the floor."

15 Question of Mr. von Bone:

16 "I just want to go through a list of witnesses, and that's why I
17 think those people shouldn't be compromised in any manner, whether
18 they're known or unknown."

19 My question:

20 "Mr. Sopi, do you know a person with the name of [REDACTED]?"

21 "A. I heard his name but I don't think I met him anywhere
22 during the war. Maybe I have met him, but I remember that I heard
23 his name.

24 "Q. Do you know whether [REDACTED] had a nickname that you
25 recall?"

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1 "A. [REDACTED]. If I'm not mistaken, his nickname was
2 [REDACTED].

3 "Q. Thank you very much, Mr. Witness. Mr. Witness, have you
4 ever heard of a person with the name of [REDACTED]?"

5 And then the Presiding Judge says:

6 "Defence counsel."

7 And Defence counsel says:

8 "Yes."

9 Presiding Judge says:

10 "We have to interrupt for a moment."

11 Mr. von Bone says:

12 "Okay."

13 Presiding Judge says:

14 "And I would like to have the Court Usher usher the witness for
15 a moment out of the courtroom."

16 Mr. von Bone says:

17 "Okay."

18 The Presiding Judge says:

19 "Madam Court Usher, could you have the witness put on his -- I
20 want to explain what I will be doing. I prefer to do it. Yes. If
21 he can put on his headphones. Sorry.

22 "Mr. Witness, I will ask you to be outside the courtroom for a
23 few minutes. It won't take long, but I have to discuss something
24 with the parties and Victims' Counsel which I think it's very
25 important that you are not present, and I think for that situation

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1 it's better to be outside the courtroom."

2 Presiding Judge continues:

3 "Thank you, Madam Court Usher.

4 "Defence counsel, I heard you say -- and we are now in private
5 session. I heard you say that you would be going through a list of
6 witnesses."

7 Mr. von Bone says:

8 "Sorry."

9 Presiding Judge continues:

10 "And the fact that we -- we don't want this witness to know who
11 are at least protected witnesses" --

12 "Mr. von Bone: Right."

13 "And so I" --

14 "Mr. von Bone: I understand.

15 "-- would like to -- maybe you could do it in a way that you
16 don't mention now any protected witness, you go back into open
17 session, you do another question or two, and then we go back into
18 private session. But I would not like to have a connection --

19 "Yes, I understand.

20 "-- with this remark."

21 "Mr. von Bone: Yes, I understand. And by the way, I misspoke.
22 It was -- it was not the witnesses that I meant. I meant to say
23 something else, but I won't say that as well.

24 "Okay. Very well.

25 "Sorry about that, Your Honour."

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1 Presiding Judge:

2 "Okay, just know that I" --

3 Mr. von Bone says:

4 "Slip of the tongue."

5 Presiding Judge:

6 "Good. Then we can continue."

7 And then I asked about -- I asked: "Mr. Mustafa." And that is
8 the point where Mr. Mustafa said -- well, Presiding Judge says:

9 "Mr. Mustafa, you have the floor."

10 PRESIDING JUDGE VELDT-FOGLIA: Okay.

11 MR. VON BONE: And Mr. Mustafa says that he did not catch it
12 because the line was interrupted.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. And then we can continue
14 with --

15 MR. VON BONE: Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: -- where Mr. Mustafa was present.

17 MR. VON BONE: Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will now first go
19 back into public session to usher the witness in. And then you can
20 request again to go into a private session.

21 MR. VON BONE: Let me just make any other question in between in
22 order to have a clear --

23 PRESIDING JUDGE VELDT-FOGLIA: I leave it up to you.

24 MR. VON BONE: Okay.

25 PRESIDING JUDGE VELDT-FOGLIA: But for the publicity of the

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1 proceedings, we need to go back into --

2 MR. VON BONE: Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: -- public session.

4 Madam Court Officer, could you bring us back into public
5 session, please.

6 [Open session]

7 THE COURT OFFICER: Your Honours, we are now back in public
8 session.

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

10 Madam Court Usher, could you bring the witness back into the
11 courtroom, please.

12 [The witness takes the stand]

13 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness. The
14 Defence counsel will now continue with the examination.

15 MR. VON BONE:

16 Q. Mr. Witness, the Brigade 153 had its headquarters in Zllash.
17 Whether that was in your place or the place near the school, I find
18 it at this moment irrelevant. I have just another question regarding
19 that.

20 Was there any representative office or extra office of the
21 Brigade 153 in Mramor, in the village of Mramor?

22 A. To my knowledge, no.

23 Q. Thank you very much.

24 MR. VON BONE: And then I would like to go into private session,
25 Your Honour, with your permission.

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

3 ~~[Private session]~~ [Open session]

4 THE COURT OFFICER: Your Honours, we are in private session.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, you have the
6 floor.

7 MR. VON BONE:

8 Q. Mr. Sopi, do you know a person with the name of [REDACTED]?

9 A. No.

10 Q. Do you know a person with the name of [REDACTED]?

11 A. No.

12 Q. Do you know a person with the name of [REDACTED]?

13 A. No.

14 Q. Do you know a person with the name of [REDACTED]?

15 A. A person with the name of [REDACTED]? Yes, I know one. He's a
16 [REDACTED]. He's a [REDACTED].

17 Q. And approximately how old is that person?

18 A. I don't know. I think he's [REDACTED]. He [REDACTED]
19 [REDACTED]. [REDACTED] is his name, if I understood it correctly.

20 Q. Have you ever heard of this person, [REDACTED], having been
21 detained or captured during the period in 1999, during the period of
22 April 1999?

23 A. No.

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

25 A. No.

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1 Q. Do you know a person with the name of [REDACTED]?

2 A. [REDACTED]? No.

3 Q. Do you know a person with the name of [REDACTED]?

4 A. No.

5 Q. Do you know a person with the name [REDACTED]

6 A. No.

7 Q. Do you know a person with the name of [REDACTED]?

8 A. No.

9 Q. Do you know a person with the name of [REDACTED]?

10 A. No.

11 Q. Do you know a person with the name [REDACTED]?

12 A. No.

13 Q. Do you know a person with the name of [REDACTED]?

14 A. No.

15 Q. Do you know a person with the name of [REDACTED]?

16 A. I don't know.

17 Q. Do you know a person with the name of [REDACTED]?

18 A. No.

19 Q. Do you know a person with the name of [REDACTED]?

20 A. [REDACTED], yes.

21 Q. And how do you know him, this person?

22 A. He was the person responsible for a unit in [REDACTED]. He was in
23 charge of that unit.

24 Q. And did you ever see him in the period of April 1999 in
[REDACTED]?

25 A. I didn't see him in that period in [REDACTED] because he served in

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1 [REDACTED], and at that time I did not see him.

2 Q. Have you ever met him after the war?

3 A. After the war, I don't remember.

4 Q. And at any point during the war, was there any moment that you
5 have met him?

6 A. During the war, there was a moment when the civilian population
7 passed through the point, position where he was stationed, and at
8 that moment he informed me that a great flux of population from
9 Prishtine was coming towards our part where we were stationed. So
10 this is what I remember.

11 Q. And that influx of people that you are saying, in which period
12 of time was that approximately?

13 A. This happened after the commencement of NATO air strikes in
14 Kosovo and Serbia.

15 Q. And was he a KLA soldier?

16 A. Yes.

17 Q. And was he part of the Brigade 153?

18 A. Part of 153rd Brigade.

19 Q. Have you ever heard if he had been detained or arrested?

20 A. No, never.

21 Q. Do you know his father?

22 A. No.

23 Q. Do you know a person with the name of [REDACTED]?

24 A. No.

25 Q. Thank you very much. I have some other names that I would like

Witness: Fatmir Sopi (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493
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1 to go through with you.

2 Have you ever heard of a person with the nickname Dardan or
3 Dardani?

4 A. I didn't know him.

5 Q. Have you ever heard of a person with possibly a nickname Afrimi?

6 A. Afrimi? No.

7 Q. Have you ever heard of a person with the nickname Bafta?

8 A. No.

9 Q. Have you heard of a person with the name of [REDACTED]?

10 A. [REDACTED]? Yes, I've heard of him.

11 Q. And what was he? Was he a KLA soldier?

12 A. One [REDACTED] that I'm thinking of, he was a KLA soldier.

13 Q. And where was he stationed, that KLA soldier, [REDACTED]?

14 A. I only know that he was a member of BIA guerilla unit. I do not
15 know where he was stationed.

16 Q. Have you ever seen him in Zllash?

17 A. I don't remember.

18 Q. And do you know what was his position in BIA?

19 A. No, I don't know.

20 Q. Do you know a person with the name of [REDACTED]?

21 A. No.

22 Q. Have you ever heard of a person with the nickname Vdekja?

23 A. No.

24 Q. Have you ever heard of a person with the name of [REDACTED]?

25 A. No.

Witness: Fatmir Sopi (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493
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1 Q. Have you ever heard of a person with the name of [REDACTED]?

2 A. No.

3 Q. Have you ever heard of a person with the name of [REDACTED]?

4 A. No.

5 Q. Have you ever seen or known of a list of people who might have
6 been arrested or detained somewhere?

7 A. No, never.

8 Q. Did any such list that you recall ever existed in Brigade 153?

9 A. No, never.

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

11 MR. VON BONE: I would like to go back into open session,
12 Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
14 bring us back into open session, please.

15 [Open session]

16 THE COURT OFFICER: Your Honours, we're in open session.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
18 Defence counsel, you have the floor.

19 MR. VON BONE: Thank you very much.

20 Q. Just a couple of things. Did you wear, yourself, a uniform?

21 A. Yes.

22 Q. And what kind of uniform was that?

23 A. Camouflage uniform.

24 Q. And did you have any particular insignia on that uniform?

25 A. Yes.

Witness: Fatmir Sopi (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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1 Q. And what kind of insignia was that?

2 A. It was the insignia bearing the text "Kosovo Liberation Army"
3 and the acronym UCK.

4 Q. And did it have also a kind of a logo or something that you --
5 other than the letters, did it display any particular logo?

6 A. Of course. It was a special logo, Kosovo Liberation Army, and
7 on the top, UCK. And here on the sleeve, it was also UCK, the
8 two-headed eagle was in the middle, which is a symbol of our nation.

9 Q. Okay. I thank you very much. And do you know if all the people
10 of the Brigade 153 would wear such uniform and such insignia? Or if
11 it's not a complete uniform, if they would wear a coat, would they
12 wear that?

13 A. We were not a regular army, dear counsel, to have uniforms for
14 each and every soldier, to have our soldiers wearing the same
15 uniform, all of them. We served our soldiers with uniforms to the
16 extent we could. Some had full uniforms. Some had just part of
17 uniform. However, the general uniform of the KLA soldiers was their
18 will to fight and liberate our country.

19 As for the uniforms, the KLA uniform in many cases was also
20 misused. It was misused especially by the paramilitary and military
21 Serbian forces who, under the uniform of the KLA, committed hideous
22 massacres. I will just mention, for illustration, an incident when
23 members of a Serbian unit wearing KLA uniforms in Peja entered a shop
24 and killed members of their own nation - that is, Serbs - so as to
25 blame the KLA and so that the international community condemned the

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1 KLA as a terrorist organisation.

2 As for the uniforms that we wore, as I said, we did not have
3 complete uniforms, all of us.

4 Q. Thank you.

5 PRESIDING JUDGE VELDT-FOGLIA: I urge you, Mr. Witness, to stick
6 to answering the question, and don't bring your elaboration too far.

7 Defence counsel, you have the floor.

8 MR. VON BONE: Yes.

9 Q. As for people of the BIA unit, did they wear the same KLA
10 uniform as the other KLA soldiers?

11 A. Yes.

12 Q. There was no distinction?

13 A. No.

14 Q. I have a couple of questions regarding medical attention. If
15 people needed medical attention, where was exactly that facility
16 where they could get medical attention?

17 A. The facility where they could get medical attention, well, there
18 were several. One in Mramor, one in Zllash, and one in Marec. In
19 other villages, wherever needed, there was a certain location that
20 was designated for medical help in case it was needed, especially for
21 the civilian population which was in great numbers present in that
22 region at the time.

23 Q. I understand. And if you speak about the medical facility in
24 Zllash, I would like to speak with you about that before the
25 offensive, and that is what I call the second offensive. Was that

Witness: Fatmir Sopi (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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

1 medical facility, was that occupied by -- by who, actually?

2 A. After the offensive?

3 Q. No, before the offensive. Before the second offensive, you said
4 yesterday was 18 April. I'm calling it the period before 18 April.

5 A. There was a location where we kept the wounded and the ill. It
6 was a private house.

7 Q. I see.

8 A. And today, it is marked as the house where the ill or the
9 wounded were treated.

10 Q. Thank you very much. That location, how far is that from the
11 school?

12 A. 1 kilometre.

13 Q. And if you stand, so to speak, on top of the school, would you
14 be able to see it?

15 A. To my knowledge, maybe it is visible.

16 Q. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Excuse me. We lost --

18 MR. VON BONE: We lost the contact?

19 PRESIDING JUDGE VELDT-FOGLIA: -- Mr. Mustafa. This morning I
20 was assured that it seemed that the problems were resolved, but that
21 is apparently not the case.

22 [Technical difficulties]

23 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Mustafa. What
24 was the last thing you heard?

25 THE ACCUSED: [via videolink] [Interpretation] The last thing I

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Cross-examination by Mr. Von Bone (Continued)

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

1 heard was when Fatmir started to answer the question related to
2 medical care, where the medical care facility was located or
3 something like that.

4 PRESIDING JUDGE VELDT-FOGLIA: So that's page 25, line 14. So
5 page 25, and then you said, Defence counsel:

6 "I have a couple of questions regarding medical attention. If
7 people needed medical attention, where was exactly that facility
8 where they get medical attention?"

9 THE ACCUSED: [via videolink] [Interpretation] Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Mustafa, was that where we
11 lost the -- where you lost the connection with the Court?

12 THE ACCUSED: [via videolink] [Interpretation] Yes, Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well. I will --

14 THE ACCUSED: [via videolink] [Interpretation] Up to that point,
15 I could hear and then there was an interruption.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well, Mr. Mustafa. I will
17 request the Defence counsel to read it out from there.

18 Defence counsel, would you be so kind to read it from page 25,
19 line 16.

20 MR. VON BONE: Yes, Your Honour. It starts with an answer:

21 "The facility where they could get medical attention, well,
22 there were several. One in Mramor, one in Zllash, and one in Marec.
23 In other villages, wherever was needed, there was a certain location
24 that was designated for medical help in case it was needed,
25 especially for the civilian population which was in great numbers

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Cross-examination by Mr. Von Bone (Continued)

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1 present in that region at the time.

2 "Q. I understand. And if you speak about the medical facility
3 in Zllash, I would like to speak with you about that before the
4 offensive, and that is what I call the second offensive. Was that
5 medical facility, was that occupied -- by who, actually?"

6 And the answer is:

7 "After the offensive?"

8 And the question is:

9 "No, before the offensive. Before the second offensive, you
10 said yesterday it was April 18. I'm calling it the period before
11 April 18.

12 "A. There was a location where we kept the wounded and the ill.
13 It was a private house.

14 "Q. I see.

15 "A. And today it is marked as the house where the ill or the
16 wounded were treated.

17 "Q. Thank you very much. That location, how far is that from
18 the school?

19 "A. 1 kilometre.

20 "Q. And if you stand, so to speak, on top of the school, would
21 you be able to see it?

22 "A. To my knowledge, it is visible.

23 "Q. Thank you."

24 And then the Presiding Judge interrupted and said that we had
25 lost the connection. So that is where we stand, Your Honour.

Witness: Fatmir Sopi (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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

1 PRESIDING JUDGE VELDT-FOGLIA: Very well. So now Mr. Mustafa is
2 up to what we have been doing -- up to speed with what we have been
3 doing in the court.

4 You may proceed with your questioning, Defence counsel.

5 MR. VON BONE: Thank you.

6 Q. The medical facility where there is this plaque, as you
7 described, on that house, was that the medical facility, to be clear,
8 used after the offensive -- after the second offensive?

9 A. I'm not sure about the time-period. It could be that it
10 continued to be used after the second offensive.

11 Q. Okay. Thank you very much. Was there any meeting of the
12 commanders of Brigade 153 before the offensive started? There had
13 been two offensives, but were there any meetings before the two
14 offensives conducted by the brigade command, Brigade 153?

15 A. I don't remember, counsel.

16 Q. As a member of the brigade command, how was the brigade command,
17 in fact, informed about upcoming offensive or possible offensive --
18 potential offensives? How was the command informed about that?

19 A. Through radio communications. Because we were busy on the
20 ground and it was impossible for all of us to get together at one
21 time, so the consultations, the information was passed through radio
22 communications even from larger distances.

23 Q. Have you been informed by Salih Mustafa about the possible
24 movements of Serbian forces in the period of April 1999?

25 A. I'm not sure. It could be that we had such information, but I'm

Witness: Fatmir Sopi (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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

1 not sure.

2 Q. And was that information that you received before 2 April --
3 excuse me, before the second offensive, that is, 18 April 1999?

4 A. It could be that we had communication on the presence of such a
5 risk. It is possible.

6 Q. And do you actually -- would you actually know where Mr. Mustafa
7 was at that time?

8 A. Neither myself nor Mr. Mustafa, during combat operations, during
9 offensives, could stay in one location all the time because we had to
10 deal with the positions, with the intelligence, and with the
11 preparations for combat operations.

12 Q. And was the information that he passed to you or other people of
13 the command, do you recall if that was valuable information?

14 A. Of course, yes.

15 Q. And how many times have you actually seen Mr. Mustafa in Zllash?

16 A. I don't remember how many times I saw him, but I saw him many
17 times. We were comrades in arms. We were positioned in the same
18 location. So I cannot recall a specific meeting, but we did have
19 routine meetings. We would routinely meet each other.

20 Q. And "routine meetings," would these meetings be conducted in
21 person or would they be conducted over the radio?

22 A. In person, in my own house.

23 Q. And was there any particular period of time that he was on the
24 move?

25 A. On the move?

Witness: Fatmir Sopi (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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

1 Q. Yes, that he was moving.

2 A. Of course.

3 Q. Do you know where he moved to, which areas?

4 A. No, I don't have such information. I don't know. At the time,
5 we didn't have detailed information who was where in a given moment
6 of time. Unless there was a need to contact the person, then, in
7 that case, we would contact him.

8 Q. And in the period of April 1999, let's say the first three weeks
9 of April 1999, do you know if Mr. Mustafa supplied any medical stuff
10 for the brigade or anything in Zllash? Do you recall that?

11 A. I don't remember that. He might have done that. I don't
12 remember.

13 Q. And when he would stay in Zllash, where would he actually stay?

14 A. Mostly he stayed at the Skifterat base, but also at my home.

15 Q. And do you have any knowledge how frequently he actually was in
16 Zllash in the period of time between, let's say, the 1st and the 21st
17 April, that you have seen him yourself?

18 A. I don't remember that.

19 MR. VON BONE: Lastly, I would like to ask a photograph to be
20 shown to the witness, Your Honour. That is the photograph that we
21 have seen. The photograph bears the number SPOE00128388.

22 Q. Mr. Sopi, this house, where does it stand? And, I mean, we see
23 three houses, obviously, and if we indicate from right to left, a
24 higher house, a middle house, and a house on the left, a structure on
25 the left. I want to speak with you about the right building. What

Witness: Fatmir Sopi (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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

1 is that building?

2 A. We discussed yesterday too. This is the building belonging to
3 Krasniqi family.

4 Q. Do you know what it has been used for?

5 A. To my knowledge, that is the guest room.

6 Q. Have you ever been there yourself in that house?

7 A. Yes, I was there as a guest, too, before.

8 Q. And have you been there also in the period of April 1999?

9 A. I don't recall. I may have been.

10 Q. And what, when you would go there, would be the use of it? Was
11 there any particular use?

12 A. No. The soldiers of the Kosovo Liberation Army stayed there.

13 Q. You mean were they sleeping there? Were they accommodated
14 there?

15 A. Yes, yes.

16 Q. And the structure in the middle, was that used for anything? In
17 the middle of the photograph.

18 A. No, I don't think so. It was not usable then. I don't think
19 so.

20 Q. And the structure on the left side, was that used for anything?

21 A. No. It was a barn used by the family to keep the animal feed.

22 But I don't think it could be useful for the KLA. I'm not sure, but
23 I don't think so.

24 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I want to
25 clarify something, because I --

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Cross-examination by Mr. Von Bone (Continued)

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1 MR. VON BONE: Sure.

2 PRESIDING JUDGE VELDT-FOGLIA: -- here I get -- I have still
3 some questions.

4 About what period are we talking now?

5 THE WITNESS: [Interpretation] I said that it was used by the
6 family, but I don't know what it was used for during the war other
7 than for the soldiers to stay there, because the rest of the compound
8 cannot be used for anything. The house served as a place of
9 accommodation for the KLA soldiers. This is how I understood the
10 question and answered accordingly.

11 PRESIDING JUDGE VELDT-FOGLIA: You were asked about the use of
12 the two buildings on the right of the -- the higher building.

13 MR. VON BONE: On the left. On the left.

14 PRESIDING JUDGE VELDT-FOGLIA: On the left of the higher
15 building. Thank you, Defence counsel. Have you been in those
16 buildings?

17 THE WITNESS: [Interpretation] No, no.

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

19 MR. VON BONE:

20 Q. Just earlier you said: I may have been, in that period of time,
21 there.

22 A. Yes, in the higher house I meant.

23 Q. That's what you meant.

24 A. Not in the lower facilities, which I think were not used with
25 for anything.

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Cross-examination by Mr. Von Bone (Continued)

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

1 Q. And to be clear, that was in the period of April 1999?

2 A. I am not sure. No, I don't think I have been there during that
3 period.

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

5 THE INTERPRETER: Microphone, please.

6 PRESIDING JUDGE VELDT-FOGLIA: Sorry to interrupt you, Defence
7 counsel. We have to stop again. The connection with Mr. Mustafa has
8 been lost.

9 [Technical difficulties]

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Mustafa, can you hear me?

11 THE ACCUSED: [via videolink] [Interpretation] Yes, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Can you assist us in telling
13 where -- until what moment you could follow the proceedings?

14 THE ACCUSED: [via videolink] [Interpretation] I don't think I
15 missed much. When Fatmir started to answer the second question, that
16 he was there or something like that. When he started to answer the
17 second question. When we were talking about the house. I don't
18 think I lost much.

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. Did you hear the question
20 of your Defence counsel when he said:

21 "And to be clear, that was in the period of April 1999?"

22 THE WITNESS: [Interpretation] From here, I think. This, I
23 didn't hear.

24 PRESIDING JUDGE VELDT-FOGLIA: And did you hear: "Not in the
25 lower facilities, which I think were not used for anything"? That

Witness: Fatmir Sopi (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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1 you heard? Okay.

2 THE ACCUSED: [via videolink] [Interpretation] This I heard, yes.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. I will just read these two
4 phrases out.

5 MR. VON BONE: Sure.

6 PRESIDING JUDGE VELDT-FOGLIA: The question is:

7 "And to be clear, that was in the period of April 1999?"

8 The answer:

9 "I'm not sure. No, I don't think I have been there during that
10 period."

11 And then we lost the connection.

12 Defence counsel, you may proceed.

13 MR. VON BONE:

14 Q. Are you absolutely sure that you were not in that building in
15 the period of April 1999 or just you do not recall whether you were
16 there or not?

17 A. Mr. Counsel, from 7 April 1999, I was charged with the duty of
18 commander of military operations in Prapashtice zone, neighbouring
19 Serbia. And from that time, I have always been there taking part in
20 the fighting. Whereas the second offensive -- until the second
21 offensive of 18 April, very rarely I returned to Zllash. When the
22 second offensive was launched, I worked in Marec, Zllash i Vogel,
23 Mramor area, leading the war operations in that region.

24 Q. And before 7 April, are you sure that you have not been in that
25 building in Zllash? In that building on the photo on the right

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Cross-examination by Mr. Von Bone (Continued)

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1 before 7 April.

2 A. Mr. Counsel, I don't remember all the places that I stayed by
3 date and time. 24 years have passed, so I can't remember everything
4 accurately. That was not important for me. Important for me was to
5 protect the civilian population and to prepare for laying the ambush
6 for the Serb forces.

7 Q. Thank you very much, Mr. Sopi.

8 MR. VON BONE: I would like to have one minute.

9 [Specialist Counsel confer]

10 MR. VON BONE: Thank you --

11 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel --

12 MR. VON BONE: -- very much. We have some final questions and
13 then we will end our questioning.

14 Q. Mr. Sopi, have you ever heard of people in Zllash being
15 mistreated, for example, that candles have been burned on those
16 people? Have you ever heard of people being mistreated in Zllash,
17 for example, by burning with candles?

18 A. This makes me laugh, because it's impossible. It's something
19 that could never happen. Not in Zllash but everywhere.

20 Q. Have you ever heard if that was done by iron rods or
21 electroshocks and beatings with metal bars?

22 A. No, never did I hear, and I don't think it could ever happen.

23 Q. Thank you very much. Why do you think it could ever happen,
24 actually?

25 PRESIDING JUDGE VELDT-FOGLIA: It could not.

Witness: Fatmir Sopi (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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1 MR. VON BONE:

2 Q. Could not happen, of course.

3 A. I believe my past, the past of my comrades, and I am certain
4 that no one -- unless this happened when the Serb forces occupied
5 Zllash and stayed there for one night, and only this happened during
6 that particular period but committed by the Serb forces. Otherwise,
7 the KLA has waged a liberation war and there was no civil war between
8 people, so such things could not have ever happened unless they were
9 perpetrated by the Serb forces when they stayed in Zllash.

10 Q. I understand. Have you ever heard if Mr. Salih Mustafa has ever
11 ordered or conducted himself beatings, people being mistreated or
12 people being cruelly treated, as I just mentioned what forms that
13 could take place? Have you ever heard?

14 A. I know Salih Mustafa, I knew him even before the war, as a
15 former political prisoner and as a man that was subjected to the most
16 savage tortures by the Serb regime, and I would never believe that
17 the same person could use violence against anyone for whatever reason
18 in any case.

19 Q. And, Mr. Sopi, did anybody else ever spread such information
20 about Salih Mustafa that you know of?

21 A. No, I never heard of such a thing related to my co-fighter,
22 Mr. Salih Mustafa.

23 Q. And when you had sometimes meetings with him in Zllash, would
24 the subject ever come up of spies or collaborators or whatever in
25 that form?

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Cross-examination by Mr. Von Bone (Continued)

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1 A. Never that topic was discussed among us. Under no
2 circumstances.

3 Q. And within the KLA or within the brigade, was there any division
4 among soldiers or within the brigade of people who had maybe a
5 particular political affiliation, or did that play any role at the
6 time?

7 A. Under no circumstances and in no form was political orientation
8 of any KLA soldier the issue. Liberation of the country was our
9 goal. Political convictions were of no interest to us at that time.

10 Q. Thank you very much.

11 MR. VON BONE: One second.

12 [Specialist Counsel confer]

13 MR. VON BONE:

14 Q. I have a last question for you, Mr. Sopi. The structure of the
15 153rd Brigade, did it follow the same organisational structure as the
16 previous brigades, 151 and 152?

17 A. I think approximately, yes.

18 Q. In those sections, was there a section operations? Within the
19 brigade, was there a specific section for operations?

20 A. I have no knowledge about that. I don't know.

21 Q. Was there a special section for intelligence and
22 counter-intelligence?

23 A. No, I'm not sure.

24 Q. Was there a special section or unit for morale and politics?

25 A. Part of the structure it was. But as how it functioned, I don't

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Further Questioned by Victims' Counsel

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1 know.

2 Q. And was there a particular section for civil protection within
3 the Brigade 153?

4 A. Yes. When the brigade was structured, there was such a sector.

5 Q. And who was in charge of that?

6 A. I was in charge of that.

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

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence counsel.

10 Before we adjourn for the break, the Panel may allow for
11 redirect examination.

12 Mr. Prosecutor, do you wish to proceed with redirect examination
13 of the witness?

14 MR. MICHALCZUK: Your Honours, the Prosecution doesn't have any
15 questions in redirect.

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

17 Victims' Counsel, would you like to ask additional questions?

18 MS. PUES: Yes, Your Honours. Very briefly, though, so this can
19 very conveniently be done before the break.

20 PRESIDING JUDGE VELDT-FOGLIA: You have the floor.

21 MS. PUES: Thank you.

22 Further Questioned by Victims' Counsel:

23 Q. Mr. Sopi, good morning. So, obviously, we are focusing on the
24 period March, April 1999. And, actually, what were those days like?
25 Were they hectic and demanding or rather quiet?

Witness: Fatmir Sopi (Resumed) (Open Session)

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Further Questioned by Victims' Counsel

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1 A. They were very intense. They were not quiet. There were never
2 quiet days in a wartime.

3 Q. Thank you. And I understand from everything that you said
4 earlier that the protection of the Kosovar civilian population was an
5 important part, and we heard just earlier on a question of the
6 Defence that you led the effort in Brigade 153 of civilian
7 protection.

8 Against this background, did you come into contact with any
9 Kosovar civilian population during that time-period?

10 A. Of course, yes.

11 Q. Okay, thank you. And so did people, for example, ask you for
12 any -- "people" as in civilian population. Did members of the
13 civilian population ask you for any support, any help, any
14 assistance, approached you with questions of any kind, very broadly?

15 A. Yes. All the KLA soldiers at the time were in the service of
16 accommodations, systemisation, and care for our citizens who were
17 driven -- forcefully driven out of Prishtine and its environs. And
18 we tried to meet their demands as much as we could by offering them
19 food. I remember very well that we, soldiers of the KLA, had decided
20 to deprive ourselves of one meal and provide that meal to the
21 civilian population. Instead of eating three times, we ate two
22 times.

23 All the reserves that we had for the needs of the war at the
24 time, we made them available to the civilian population.

25 Q. Okay, thank you. I appreciate your answer. So just to briefly

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Further Questioned by Victims' Counsel

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1 say "yes" or "no." So, yes, you were in contact and were approached
2 for assistance, if I -- I assume a "yes" is the correct answer here;
3 is that right?

4 A. Yes.

5 Q. Thank you. Is it also correct that you have problems with
6 names, as you said yesterday morning, which is the transcript of
7 18 January, page 52, in lines 19 and 20?

8 A. Is there a question?

9 Q. Yes. Is it correct that you do have problems with names?

10 A. Yes, yes.

11 Q. Thank you. And if that is so, can you rule out that you may
12 have forgotten the names of some of the civilians that you might have
13 been in contact with at the period of March or April 1999?

14 A. During that period, I had contacts with many soldiers of the
15 KLA, with many civilians.

16 Q. Please focus on -- Mr. Witness, please focus on my question. It
17 is very simple. The question is a yes-or-no question. If that is
18 so, can you rule out that you may have forgotten the names of some
19 civilians you might have been in contact with at the time?

20 MR. VON BONE: Your Honour, I have a --

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

22 THE WITNESS: [Interpretation] It may be possible.

23 MS. PUES:

24 Q. Thank you.

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

Witness: Fatmir Sopi (Resumed) (Open Session)

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1 MR. VON BONE: Yes, Your Honour. My question is actually
2 whether such a question is allowed, whether -- it is such a closed
3 question, and whether anything can be ruled out in any case. So I
4 really object to this line of questions. It's better to ask what he
5 does or what he does not remember or whatever. But, I mean, in this
6 manner, you can't rule anything out in life. So such a
7 container-type of question, I don't think it's appropriate.

8 MS. PUES: May I, Your Honours, please respond to this?

9 Yes-or-no questions we have heard a lot this morning, plenty,
10 by -- during the Defence questioning. And for that reason, I do not
11 understand why an objection to a question that is a yes-or-no
12 question and that concludes a line of questioning that was very open
13 to start with and then narrowed things down would in any case be
14 leading.

15 I am concluding and I'm clarifying things that are of importance
16 and that are of importance that came up through Defence questioning.
17 And for that reason, I think it is very well within my right and
18 within my quest to actually contribute to truth-seeking here to
19 better understand some of the certainties or uncertainties with which
20 we have to approach the witness testimony.

21 PRESIDING JUDGE VELDT-FOGLIA: I will allow -- we have already
22 had the answer, and I will allow for this question.

23 MS. PUES: Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: I think that the way that it was
25 set up could lead to, in the end, a more closed question.

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Procedural Matters

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

1 MS. PUES: Okay.

2 PRESIDING JUDGE VELDT-FOGLIA: So you can proceed.

3 MS. PUES: Thank you. As you have said, we've heard the
4 question, and this was my last question, and with that I have closed
5 my examination. Thank you very much.

6 Q. And thank you, Mr. Witness.

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

8 THE INTERPRETER: Microphone, please.

9 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, do you have any
10 questions anymore?

11 MS. PUES: No, thank you, Your Honours. I have finished my
12 questioning with that.

13 Q. And thank you, Mr. Sopi, for your answers.

14 PRESIDING JUDGE VELDT-FOGLIA: We are now approaching 11.00.

15 Mr. Sopi, we will take a half-an-hour break and at 11.30 we will
16 resume, and then we will continue after that. Yes?

17 THE WITNESS: [Interpretation] Thank you.

18 PRESIDING JUDGE VELDT-FOGLIA: We adjourn till 11.30.

19 [The witness stands down]

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

21 --- On resuming at 11.29 a.m.

22 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will call
23 appearances, but we can do that quickly.

24 I see that the SPO is in the same composition. I see
25 Mr. Prosecutor nodding. The same goes for the Victims' Counsel.

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1 Thank you for that. And the Defence counsel also.

2 Oh, Mr. Prosecutor, you have the floor.

3 MR. MICHALCZUK: Your Honours, if I may very kindly ask to just
4 pose one question in redirect examination. I know my time has
5 passed. Nevertheless, in the break, we had a very short consultation
6 between the counsels, and we realised that there is one remaining
7 question that will still clarify the record. It's going to be for
8 the benefit of everyone.

9 PRESIDING JUDGE VELDT-FOGLIA: No problem, of course, after we
10 have ushered the witness in. I did not talk about the order of
11 things, so we can surely do this.

12 MR. MICHALCZUK: Thank you very much, Your Honour. I really
13 appreciate that.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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

16 [The witness takes the stand]

17 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Sopi.

18 THE WITNESS: [Interpretation] Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: We will now continue with the
20 examination.

21 I asked the Specialist Prosecutor's Office before if they had
22 any questions and they didn't have, but they have now. So I will
23 allow them to ask you a question, and then we will do the rounds and
24 we will end with the Judges. Have you understood that?

25 THE WITNESS: [Interpretation] Yes.

Witness: Fatmir Sopi (Resumed) (Open Session)

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Re-examination by Mr. Michalczuk

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

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

3 MR. MICHALCZUK: Thank you, Your Honours.

4 Re-examination by Mr. Michalczuk:

5 Q. Mr. Sopi, welcome back. I actually have just one question that
6 will attempt to clarify one of the answers that you gave earlier on
7 today.

8 On page 26, lines 10 to 12 of today's transcript, we had an
9 exchange between my learned colleague, Mr. von Bone, and yourself,
10 about the place where you kept in Zllash the wounded and the ill.
11 And upon the question of Mr. von Bone, what was -- how far was that
12 location from the school where you kept the wounded and the ill, your
13 answer was the distance was 1 kilometre. Do you confirm that?

14 A. I did not measure the distance, Mr. Prosecutor. I spoke in
15 approximate terms. I'm not sure about the exact distance.

16 Q. I understand. My question would be how far was that location
17 where you kept the wounded and the sick from the compound occupied by
18 the BIA unit?

19 A. Even in relation to that, it could be 2 kilometres.

20 Q. Going towards the direction of the school or elsewhere? When we
21 take as a starting point the compound of the BIA unit, in which
22 direction would you go to reach that place where you treated your
23 wounded and sick?

24 A. Going south from the village.

25 Q. Thank you very much. I don't have any further questions,

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1 Mr. Sopi.

2 MR. MICHALCZUK: Thank you, Your Honours.

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

4 Victims' Counsel, you have had your moment and you're fine with
5 this.

6 MS. PUES: Yes, no further questions. Thank you very much.

7 PRESIDING JUDGE VELDT-FOGLIA: Good.

8 Defence counsel, do you wish to proceed with the rejoinder
9 examination?

10 MR. VON BONE: No, Your Honour. It's okay.

11 PRESIDING JUDGE VELDT-FOGLIA: Very well.

12 Mr. Sopi, you have been asked several questions by the
13 Prosecutor and the Victims' Counsel and the Defence counsel, and the
14 Judges would like to ask you also some additional questions to
15 clarify some points, and it will help us to gain some more clarity of
16 what you have already stated. And we will, in this way, better
17 understand, we hope, some issues we have been discussing yesterday
18 and today.

19 Questioned by the Trial Panel:

20 PRESIDING JUDGE VELDT-FOGLIA: Let me see. Two topics I would
21 like to discuss with you. The location of BIA.

22 Yesterday, you testified on the location used by the BIA in
23 Zllash. And for the record, that is the realtime transcript, for
24 example, page 22, lines 1 till 7. And my question to you is,
25 Mr. Sopi, why were the BIA using the village of Zllash for the

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1 location of their unit?

2 A. I think that BIA unit used this base of the KLA, this house as
3 their own base, because they could not carry out their activity in
4 Prishtine from where the majority, if not all, the KLA soldiers that
5 were members of BIA came from. They were not secure and safe in
6 Prishtine at the time which was under the control of Serbian police
7 and military forces, and that's why they used this location as their
8 base.

9 PRESIDING JUDGE VELDT-FOGLIA: And what was so special about
10 this place, about this base, about this location?

11 A. I think there was nothing special about it. It was just like
12 any other base of the KLA.

13 PRESIDING JUDGE VELDT-FOGLIA: Let's go to your SPO witness
14 statement, and I will call out for the record, and we can also pull
15 it up. That is ERN 069474-TR-ET, Part 2, page 20, and it starts with
16 line 13. And I will read it out for you and it will be translated
17 for you, but I pulled it up just to check, for the other parties and
18 the participants.

19 So the question is:

20 "Why were BIA using the village of Zllash?"

21 And then you answer:

22 "I would have thought because it was at a distance from where
23 they were and because it was higher up in the mountains, I would have
24 thought. Due to safety for their soldiers."

25 Could you clarify some more about "higher up in the mountains,"

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1 what you meant with that?

2 A. Higher up in the mountains, I was thinking of the following.

3 The distance from Prishtine, it's up there. So Zllash is at

4 210 metres above the sea level, so that this is what I thought.

5 There, they could not be the object of Serbian attacks. Otherwise,

6 the BIA soldiers had their own families in Prishtine and that would

7 put their families also in danger if the enemy knew that any of their

8 family members was a member of the KLA.

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

10 THE INTERPRETER: Interpreters kindly ask the witness to repeat

11 how many metres above the sea level the location was.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Sopi, the translator has

13 asked you to repeat how many metres Zllash was above sea level.

14 Apparently, they have not understood it well.

15 A. 1.210 metres above the sea level.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you for that.

17 My question is why would the situation -- why would this count

18 specifically for the BIA unit and not, for example, for other KLA

19 units like, for example, Brigade 153? Was there no safety issue for

20 them?

21 A. No, even the Brigade 153 had its main points or positions in

22 Zllash. The headquarters of this brigade was all the time in Zllash.

23 PRESIDING JUDGE VELDT-FOGLIA: So do I understand you well that

24 you say that the position of Zllash was safer for the KLA units that

25 were there to be better shielded from the Serbs?

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1 A. Yes, this is what I'm talking about. In general, the height was
2 used to shelter from the penetration of the Serbian forces so that
3 they could -- their movement could be observed easier. Any beginning
4 of a Serbian offensive could be observed easier.

5 PRESIDING JUDGE VELDT-FOGLIA: I thank you for your answer. But
6 for me, it still is not clear that when you were asked by the SPO why
7 it was the BIA using the village of Zllash, you said because it was
8 higher up in the mountains, and you did not refer to any of the other
9 units that were stationed there.

10 A. I wasn't asked. Otherwise, the 153rd Brigade had its
11 headquarters in Zllash.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you for that, Mr. Sopi.
13 Then let us go to the same document we have here but then to
14 page 16, line 2.

15 Madam Court Officer, could you please assist us with that.
16 And then the question is:

17 "When did BIA start -- when did the BIA presence in Zllash
18 start?"

19 And then you answered:

20 "They'd come earlier on to that place, and they used it as a
21 base so they wouldn't be discovered in the town."

22 And then my first question is, "in the town," to what do you
23 refer? To which town do you refer?

24 A. Prishtine.

25 PRESIDING JUDGE VELDT-FOGLIA: And here you used the term

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1 "discovered," and do I understand well that it's a way of hiding from
2 the Serbs? They were hiding from the Serbs. Is that what you meant
3 to say?

4 A. Yes, to hide themselves from the Serbs.

5 PRESIDING JUDGE VELDT-FOGLIA: So for my understanding, the
6 choice of Zllash was a specific one. It was because, if I understand
7 you well -- I'm making a summary of what you said in order to see if
8 I have understood you well. I don't want to misinterpret you.

9 The reason to choose Zllash, it was the location of Zllash,
10 higher up in the mountains, far from Prishtine. Is that correct?

11 A. Yes, that's correct. Correct.

12 PRESIDING JUDGE VELDT-FOGLIA: I have asked you that question
13 because on an earlier moment in time, you said that the choice for
14 Zllash could have been any other town, but I understand that there
15 was a natural environment reason to choose it.

16 A. Yes, that's true.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you for
18 clarifying that.

19 Then I have one topic more, and that is with regard to the
20 second offensive that took place in the second half of April 1999.

21 Did the Serbs manage to enter Zllash in the second offensive?

22 A. Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: And do you know when that was
24 that they entered Zllash? So not when the offensive started but when
25 they entered Zllash.

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1 A. I believe that the offensive began on 18 April. We resisted it
2 for three days and prevented their penetration in Zllash, and at the
3 end of the third day, when the civilian population withdrew in the
4 direction of Prishtine, and after the continued shelling we suffered
5 losses within our ranks and the civilian population, we were forced
6 to leave our positions in the sense that they started to penetrate
7 with tank and heavy military equipment in the direction of Zllash.
8 And that's when they succeeded to occupy Zllash.

9 PRESIDING JUDGE VELDT-FOGLIA: And if you have to give that a
10 date, you said the third day, and I'm counting from the 18th, would
11 that then be 20 April?

12 A. Around 20 April.

13 PRESIDING JUDGE VELDT-FOGLIA: Before or after?

14 A. It could be on the 20th or 21st of April.

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

16 And do you know where the Serbs went when they entered Zllash?

17 A. The Serbs set on fire all the houses initially, and they entered
18 almost every house in Zllash. First, they shelled with their
19 artillery the school and the houses that could be seen on the top of
20 small Zllash or Zllash i Vogel, and that's when the shelling started.
21 And then the infantry entered the area and they reached almost every
22 house in Zllash.

23 PRESIDING JUDGE VELDT-FOGLIA: Did the Serbs manage to reach the
24 compound, or let's -- the location where the BIA had set up their
25 location, so the house of the Krasniqi family?

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1 A. Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: And do you know what they did
3 there?

4 A. No, I don't know because it was impossible for us to know. We
5 only knew that they burnt all the houses.

6 PRESIDING JUDGE VELDT-FOGLIA: Did they burn the houses of that
7 location?

8 A. The majority of the houses. Yes, the majority of houses. Maybe
9 one or two of them were spared, but the majority were burned.

10 PRESIDING JUDGE VELDT-FOGLIA: But if I recall well, we have had
11 a look at a photograph, both today and yesterday, and you indicated
12 that that was the same location as we are now talking about, if I
13 understood it rightly, and those houses were not burnt down.

14 A. That part was not burnt down. However, the part of the houses
15 on the other side, those were completely burned. They were burnt
16 down because there were other houses there too.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And do you know if
18 they went up to this BIA location with heavy armoured military, like
19 tanks?

20 A. I cannot tell you precisely with what kind of forces they
21 penetrated that area. However, I know that they reached every point
22 in Zllash.

23 PRESIDING JUDGE VELDT-FOGLIA: And was it -- you said before --
24 I heard that you said that the Serbs approached Zllash also with
25 tanks. Was it possible to go up to that location of the BIA with

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1 tanks due to the type of area, because we were going up into the
2 mountains?

3 A. It is possible. There are paths, there are fields, so it was
4 completely penetratable, because people there also move with
5 vehicles.

6 PRESIDING JUDGE VELDT-FOGLIA: And what did you do -- now, let
7 me see. Could we say that they occupied Zllash in the end, the
8 Serbs?

9 A. Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: And where did you go then?

11 A. The majority of the brigade was in the area of Koliq.

12 PRESIDING JUDGE VELDT-FOGLIA: Yes. And do you imply that you
13 went to Koliq?

14 A. I personally, together with a group of soldiers, did not move
15 from Zllash.

16 PRESIDING JUDGE VELDT-FOGLIA: And where did you stay at that
17 moment, at that precise moment in time?

18 A. In the forest.

19 PRESIDING JUDGE VELDT-FOGLIA: In the forest. So I will cite
20 your SPO witness statement for the record, and that is -- and we can
21 also pull it up just to check that we have the right quotation. That
22 is ERN 069474-TR-ET, Part 3, and then it's page 14. You say in
23 line 3:

24 "We stayed in Zllash, but we didn't stay with the Serbian
25 forces. We moved around. We went up in the mountains."

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1 When you say you went into the forest, is that what you mean,
2 that you also went into the mountains? That you mean the same thing?

3 A. That's the same thing. The same thing.

4 PRESIDING JUDGE VELDT-FOGLIA: We had a discussion on that at an
5 earlier moment in time. Okay. So you stayed in the mountains
6 hiding?

7 A. Mountain, forest, it's the same thing. Yes, of course.

8 PRESIDING JUDGE VELDT-FOGLIA: So you stayed there in the
9 mountains?

10 A. Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: And after that, what did you do?

12 A. After that, we stationed ourselves in a house that was not
13 detected by the Serbs and was spared from being burnt down. That
14 house was situated in the mountain, that is, in the forest.

15 PRESIDING JUDGE VELDT-FOGLIA: And let us go back for one moment
16 to the location where the BIA was stationed in Zllash. You said that
17 the Serbs went up till there. Did I understand that correct?

18 A. Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: And can you indicate when that
20 was in time?

21 A. As I said, on the 20th or 21st of April.

22 PRESIDING JUDGE VELDT-FOGLIA: And I also understood well that
23 you cannot say, apart from burning one part down -- no, let me say it
24 different. Were you there? Have you seen it, what they did, at the
25 moment that they were doing it?

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1 A. No, we could not go closer.

2 PRESIDING JUDGE VELDT-FOGLIA: So you saw the results
3 afterwards.

4 A. We saw only the consequences, the noise, the firing, the
5 shelling, so we were observing all these from a distance, not from a
6 close point.

7 PRESIDING JUDGE VELDT-FOGLIA: And were there still soldiers of
8 the BIA there? Do you know that?

9 A. No, I didn't see any.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much, Mr. Sopi. I
11 will consult with my colleagues to see if there are any further
12 questions at this moment in time.

13 [Trial Panel confers]

14 PRESIDING JUDGE VELDT-FOGLIA: My colleague at my left side has
15 an additional question for you.

16 JUDGE BITTI: Mr. Sopi, you said that the KLA went to Zllash
17 because they were protected there. If I understood you correctly,
18 the BIA location was even up in the mountains.

19 PRESIDING JUDGE VELDT-FOGLIA: Oh, excuse me. We lost the
20 connection of Mr. Mustafa.

21 [Technical difficulties]

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Mustafa, can you hear me?

23 THE ACCUSED: [via videolink] [Interpretation] Yes, Your Honour.

24 PRESIDING JUDGE VELDT-FOGLIA: We lost the connection again.

25 Did you hear me asking the last question and did you hear the answer

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1 of Mr. Sopi to it?

2 THE ACCUSED: [via videolink] [Interpretation] I heard you up to
3 the moment when you turned to consult with the rest of the Panel.
4 That's where the connection was lost.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Mustafa. Then I
6 will ask my colleague at my left side to repeat - he was halfway -
7 his question, to repeat the question, and then you have not lost
8 anything and we don't have to read out anything.

9 You have the floor.

10 JUDGE BITTI: Thank you. I will repeat adding one word.

11 Mr. Sopi, you said that the KLA went to Zllash because they were
12 protected there because of the location of that village. If I
13 understood correctly, the BIA location was even higher up in the
14 mountains. Do I understand correctly that, therefore, in Zllash, the
15 best protected unit of the KLA was the BIA?

16 A. I don't know if they were the best protected unit. However,
17 that part of Zllash where BIA was based was more protected. It's not
18 that they were there upon a request. It just happened that that
19 house was empty and they could accommodate themselves there. There
20 was no specific request for a specific base.

21 JUDGE BITTI: Okay. But that house where they were was more
22 unreachable than, for example, the school?

23 A. It was just higher up for 1 and a half to 2 kilometres distance.

24 JUDGE BITTI: Okay. So it was more difficult to reach?

25 A. Yes.

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1 JUDGE BITTI: During the offensive of the Serbs, the second one,
2 starting on 18 April, you said that you went to the mountains. When
3 did you go back? How many days did you stay in the mountains, and
4 when did you go back to Zllash? Which day? Do you remember?

5 A. We returned after the withdrawal of the Serb forces. And also,
6 as I said earlier, we settled in the house situated in the forest.

7 JUDGE BITTI: So when did you see again, after the Serbs
8 retired, after they withdrew, when did you see again the house where
9 the BIA was located and the school?

10 A. After some days. Because we couldn't penetrate the village or
11 couldn't see because everything was burned down and destroyed.

12 JUDGE BITTI: Thank you very much.

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

14 THE INTERPRETER: Microphone, please.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Sopi, we've reached the end
16 of your testimony. I would like to thank you very much for your
17 efforts you have put into giving your testimony before this Panel and
18 to assist us in our efforts to find the truth.

19 Thank you very much. This is the end of your session here in
20 this courtroom. I wish you a safe journey home. I remind you that
21 you should not discuss your testimony before this Chamber with
22 anyone, and I wish you a safe trip back home. Thank you.

23 THE WITNESS: [Interpretation] Thank you. Thank you. I wish you
24 good work. Goodbye.

25 [The witness withdrew]

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

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.
2 Even without asking.

3 Very well. I will do the usual round to see if there are any
4 questions or observations to make at this moment in time.

5 Mr. Prosecutor.

6 MR. MICHALCZUK: Your Honours, no questions, no observations on
7 the part of the Prosecution.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Victims' Counsel, you have the floor.

10 MS. PUES: Thank you. Nothing from us to add. Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: And Defence counsel, you have the
12 floor.

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

14 PRESIDING JUDGE VELDT-FOGLIA: Very well.

15 If there is nothing else to raise by the parties and the
16 Victims' Counsel, we will resume on Tuesday the 25th of next week at
17 9.30 for the testimony of Witness 4484.

18 And I thank the parties and the Victims' Counsel for their
19 attendance. And I thank the stenographer and the interpreters and
20 the people of the audio-visual booth and, of course, the security for
21 their assistance.

22 The hearing is adjourned.

23 --- Whereupon the hearing adjourned at 12.05 p.m.

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