

1 Tuesday, 1 February 2022

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 11.03 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Good morning.

6 Madam 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: [via videolink] Thank you,  
11 Mr. Court Officer.

12 First of all, I will call appearances.

13 Mr. Prosecutor.

14 MR. MICHALCZUK: Good morning, Your Honour. Good morning  
15 everyone, members of the Panel. The Prosecution is represented today  
16 by Silvia D'Ascoli, Associate Prosecutor of the SPO; Julie Mann, Case  
17 Manager; Ari Bilotta, our intern of the SPO. We might also have at  
18 some point the Deputy Specialist Prosecutor, Alex Whiting, present,  
19 he might join also. And my name is Cezary Michalczuk,  
20 SPO Prosecutor.

21 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
22 Mr. Prosecutor.

23 Victims' Counsel, you have the floor.

24 MS. MARIE-PIER BARBEAU: Good morning, Your Honours. Good  
25 morning, everyone. Today the victims team is represented by

1 Dr. Anni Pues, and myself, Marie-Pier Barbeau, as co-counsel. Thank  
2 you.

3 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.  
4 Defence counsel, you have the floor.

5 MR. VON BONE: Good morning, Your Honour. The Defence is  
6 represented by myself, Julius von Bone; my co-counsel,  
7 Mr. Betim Shala; investigator, Mr. Fatmir Pelaj. And in the  
8 courtroom today is joining us Mr. Mustafa.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence  
10 counsel.

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

13 As you can see, the Presiding Judge of the Panel is present at  
14 today's hearing via a remote connection. And pursuant to Rule 19 of  
15 the Rules, assigned Judges shall be present at each stage of the  
16 proceedings throughout their deliberations. And due to the COVID-19  
17 rules, I, as Presiding Judge, cannot be physically present; however,  
18 I can be present via videolink in this courtroom.

19 This has also been communicated to the President of the Kosovo  
20 Specialist Chambers, and I will be on [indiscernible] chat with the  
21 Panel to communicate and express my views with the Panel at all  
22 times. And we will be performing this session in an open court  
23 hearing.

24 We have planned today to hear the testimony of SPO Witness 4849,  
25 Mr. Fatmir Humolli, and the Panel has planned to do the following:

1 That we will do only the examination by the SPO today, the  
2 examination-in-chief, I mean, insofar as it can be done in public.

3 Mr. Prosecutor, I have a question for you. Do you intend to go  
4 in private session in your examination-in-chief? You have the floor.

5 MR. MICHALCZUK: Your Honour, we plan to elicit the entirety of  
6 the testimony of the witness in the open session, in the public  
7 session.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you  
9 Mr. Prosecutor.

10 Then, for today, we will try to finish the examination-in-chief.

11 Victims' Counsel, can you already foresee if you would like to  
12 have questions in private session?

13 MS. BARBEAU: No. If we have questions, it's going to be in  
14 open session.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
16 Victims' Counsel.

17 Defence counsel, could you foresee what type of questions you  
18 will be asking?

19 MR. VON BONE: For sure we will have questions that will require  
20 private session, Your Honour.

21 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence  
22 counsel. That means that today we will do the examination-in-chief  
23 and questions by the Victims' Counsel. And we will have a further  
24 hearing, not being today, for the cross-examination for the Defence  
25 and the further eventual direct -- the further examination.

1           Let us see about the scheduling. I have been informed that the  
2 11th, 14th, 15th, and 16th of February, the parties and the  
3 Victims' Counsel are available for further hearings. Is that  
4 correct?

5           And I start with you, Mr. Prosecutor.

6           MR. MICHALCZUK: It is, indeed, correct, Your Honour. We are  
7 available at all times.

8           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
9 Mr. Prosecutor.

10           Victims' Counsel, would your team -- would the team of the  
11 Victims also be available on those dates?

12           MS. PUES: Your Honour, we are working on this, and we will make  
13 possible what we can any of those dates. So they're still a work in  
14 progress, but with some reliability we can assure presence. Thank  
15 you.

16           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you for your  
17 flexibility.

18           Defence counsel, and for you, would you be available on those  
19 dates?

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

21           Excuse me. Your Honour, we have a preference for the 11th,  
22 16th, and 17th of February. And if that would be absolutely  
23 impossible, then the 14th and the 15th.

24           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence  
25 counsel. Noted.

1           The deadlines given in our second conduct of proceedings will be  
2           changed accordingly, of course. Later today I will give an oral  
3           order or we will issue a written decision later this week on the  
4           further planning of this examination of the witness and the further  
5           procedural steps we had envisaged to take and the deadlines which go  
6           with them.

7           Let me see. Yes. Are there any questions at this moment of  
8           time before I have the witness ushered in?

9           Mr. Prosecutor.

10          MR. MICHALCZUK: Your Honour, no questions, really, but in  
11          scheduling the sessions we'd be very happy if whatever dates we  
12          choose, they will be the most convenient dates for the witness,  
13          because, obviously, he will have to travel. He's a member of Kosovo  
14          parliament, so we cannot take these matters also in Kosovo lightly  
15          and you should take them into consideration.

16          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
17          Mr. Prosecutor, for reminding us of that.

18          Victims' Counsel?

19          MS. BARBEAU: No, we have no further observation at the moment.  
20          Thank you.

21          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

22          Defence counsel.

23          MR. VON BONE: Yes, Your Honour. We would like to make at least  
24          the Court aware of the following. The witness that is currently  
25          being put as a Prosecution witness has been in April last year

1 already given by the Defence as a Defence witness.

2 And we, first of all, dislike the behaviour of the Prosecution  
3 to just take away any kind of witness of the Defence. And we really  
4 dislike this type of manner being treated. It's not a good manner to  
5 do so, and we have not given any consent for that as well.

6 And, therefore, we really want to know, as we have already some  
7 deadlines coming up, what will be the consequence for this for any  
8 future engagements because we foresee that there's a possibility that  
9 this might happen again. And we just want to know what is the  
10 viewpoint of the Panel regarding this issue.

11 Once again, when the Defence has interviewed Mr. Humolli early  
12 March, or late March I believe it was, in 2021, we had given a notice  
13 at the time regarding the type of alibi defences, and there is always  
14 an issue regarding who starts with what and how to do that. And we  
15 think that in this perspective -- we think that in this perspective  
16 it is not a good way of the Prosecution by kind of taking away,  
17 hijacking, or getting a witness from the Defence and just to put them  
18 on the list of the Prosecution.

19 So we just want to make the Court aware of this. Mr. Humolli  
20 remains on our list as a Defence witness at this moment. Obviously,  
21 we will have -- at some point have a Defence Preparation Hearing or  
22 whatever, and we just want to have an idea what this would -- what  
23 the consequence of all this would be as a result of the fact of the  
24 Prosecution regarding this matter.

25 Thank you very much. That is what we wanted to address the

1 Court to.

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor, I  
3 see that you're already standing, but I would like to ask the Defence  
4 counsel some clarifying questions. So you will get the floor to  
5 react, but let me please ask some questions to the Defence counsel.  
6 Thank you.

7 Defence counsel, you are asking the views of the Panel, but  
8 could you tell me exactly -- you have made us aware of the fact that  
9 the Prosecution has called to testify the same witness as you had  
10 already presented as one of the witnesses for the Defence, but what  
11 do you mean with your question what are the consequences for future  
12 engagements? That's not clear for me.

13 MR. VON BONE: This case, of course, does not stand by itself,  
14 and it is highly unusual that the Prosecutor takes away kind of a  
15 witness of the Defence, and we were just wondering what would the  
16 consequence of that particular fact. And we do not believe that it  
17 is a correct manner that the Prosecution is engaging in this way.

18 So we just wanted to make sure that, first of all, the Court is  
19 aware of this issue, that we are completely not in line with this  
20 kind of conduct. And we just would like to have an opinion of the  
21 Panel regarding what this would actually mean. If there is any other  
22 witness that would arise, then is it -- the Prosecution case has not  
23 been closed as of yet, even though we had an indication for that.  
24 But whether that would bear any consequence, this type of behaviour.

25 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Anything that has

1 to do with the witnesses you will be calling, Defence counsel, for --  
2 you will be calling for the Defence case, that will be discussed at  
3 the Defence Preparation Conference. So I would leave it for that  
4 moment to discuss eventual consequences.

5 And we are aware, Defence counsel, that he was the witness for  
6 the Defence in an earlier moment, and it still is. So I would not  
7 like to say too much on that. So we will defer that to a later  
8 moment, this discussion, at the Defence Preparation Conference.

9 I saw Mr. Prosecutor standing. Is there something you would  
10 like to say on this issue, Mr. Prosecutor?

11 MR. MICHALCZUK: Yes, Your Honour. Thank you very much. Just a  
12 few lines of clarification, and maybe I could also be of some  
13 assistance when it comes to further proceedings with this witness.

14 So as a matter of clarification, the Defence agreed for this  
15 witness to be interviewed by the SPO. Before we proceeded with that  
16 interview, we had been engaged in discussions with the Defence  
17 counsel. He's had no problem with SPO approaching and interviewing  
18 that witness, and we proceeded accordingly as we agreed.

19 Secondly, the SPO conducted that interview with a strict  
20 adherence to the law and also the Rules of Procedure and Evidence.  
21 We recorded the statement verbatim in audio and video, and we swiftly  
22 disclosed its content to the Defence and the Trial Panel for  
23 everybody to see what is there.

24 Thirdly, the witness has been included in the SPO list since  
25 30 July 2021, so several months ago, and on the regular monthly

1 schedules we provided his name - for example, on 23 November, 2021 -  
2 as our witness proposed for the following sessions.

3 As with any witness before this Court, the duty of the witness  
4 is to tell the truth regardless of the party examining that witness.  
5 Both parties will have the opportunity to elicit testimony relevant  
6 during their respective cases in their examinations.

7 We could also, with regard to procedural aspects, how to deal  
8 with this witness in our respective cases, we could also propose a  
9 solution and maybe Your Honours will take it into consideration.

10 So as today Mr. Fatmir Humolli is appearing as the SPO witness,  
11 we will examine this witness first in the form of the direct  
12 examination. Then the Defence will have no time limits imposed on  
13 its cross-examination. If they wish to take more time, they could --  
14 there should be no limit on that.

15 Then the Defence will not be only able to elicit evidence  
16 relevant to its case but will have the benefit also of using leading  
17 questions. And we, as the Prosecution, will not even oppose those  
18 leading questions. Of course, where appropriate, we will be  
19 objecting only to the questions that will impede the integrity of  
20 proceedings.

21 The Defence, of course, might choose to examine the witness  
22 separately during the Defence case. So we will have two  
23 examinations-in-chief and two cross-examinations. However, in this  
24 regard, we should bear in mind that it could cause unreasonable waste  
25 of witness's and Court's time and resources.

1 JUDGE DEKKERS: Madam President, sorry to interrupt, and before  
2 we proceed, I would just like to inform you that another  
3 representative of the SPO has entered the courtroom. And I can, on  
4 behalf of you, ask him to introduce himself.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
6 Judge Dekkers. Please, I will ask the new member of the SPO to  
7 introduce himself just for the record.

8 MR. MICHALCZUK: Yes, thank you, Your Honours. Thank you for  
9 reminding me of that. In the heat of the discussion, I simply forgot  
10 to mention that at the very beginning of my presentation now.

11 So as I said before, Mr. Alex Whiting was about to join, and he  
12 has indeed joined the session. Deputy Specialist Prosecutor  
13 Alex Whiting is with us as of now.

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
15 Mr. Prosecutor. That has been noted for the record.

16 Mr. Prosecutor, have you finished what you wanted to say?

17 MR. MICHALCZUK: On this point, Your Honour, I have finished.  
18 Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
20 Mr. Prosecutor.

21 Defence counsel, would you like to make an observation in this  
22 regard?

23 MR. VON BONE: Yes, Your Honour. A couple of observations.

24 First of all, indeed, the Prosecutor asked me at that time  
25 whether he could interview Mr. Humolli. However, as at the time he

1 told me, that would not be really regarding this particular case but  
2 more in a general -- in general terms about a different topic.

3 Apart from that, we have been reading, obviously, the statements  
4 of Mr. Humolli, and that was absolutely not what I had in mind,  
5 neither what the Prosecutor actually proposed to me at the time. So  
6 that is one issue.

7 I take note of the fact what the Prosecutor says about time  
8 limits and leading questions or non-leading questions, but I do think  
9 that this -- and this is not the first time that it happens, and even  
10 with or without our consent, the Prosecution is approaching the  
11 witnesses of the Defence. And we think that -- especially when it  
12 comes to just suddenly putting people on a list, dropping a  
13 particular witness and replacing that witness with a witness of the  
14 Defence, that is not the manner that we believe is a just and right  
15 cause to go through in this process.

16 So we just wanted to make sure that the Court is aware of this.  
17 I take note of it. I do not take at this point a position on the  
18 fact whether we are unwilling to drop the person from the Defence  
19 list of witnesses. As you said, Your Honour, that will be discussed  
20 at some point when the Defence preparation case will be discussed.

21 So for this moment, I leave it to these observations.

22 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence  
23 counsel.

24 We could, of course - that would have been my next question -  
25 discuss the question with regard to, yes or no, putting this witness

1 on the list of the Defence for the Defence case, but you already  
2 answered that question. You will be able to file your list of  
3 witnesses by the deadline that will be given by the Panel and insert  
4 the name of this witness in or not.

5 We will have submissions from the parties and the  
6 Victims' Counsel at the Status Conference, and the Panel will make  
7 its determination under Rule 119 of the Rules, taking into account  
8 the examination of the witness as it will be done today and on the  
9 next hearing. And we have noted your observations, Defence counsel.

10 I did not give the floor to the Victims' Counsel on this. Is  
11 there something she should like to remark?

12 MS. BARBEAU: Your Honour, no. We don't have any observation on  
13 this issue at this point. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

15 Mr. Prosecutor, you would like to have the floor? You have the  
16 floor.

17 MR. MICHALCZUK: Your Honour, thank you. Just one point of  
18 clarification. In the discussions with my learned colleague,  
19 Mr. von Bone, we never mentioned that -- we never discussed the scope  
20 of the SPO examination of the witness. This is not the way how the  
21 Prosecution operates. We don't discuss the content of our questions  
22 and the scope of the examination with the Defence before we conduct  
23 the examination. The moment we finish it, we disclose the  
24 transcript. We give it to the Panel and to the opposing party, but  
25 we did not -- it is not the case that we, as Mr. von Bone claims,

1 discussed the scope of the examination with him before we started  
2 that examination.

3 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
4 Mr. Prosecutor.

5 Defence counsel --

6 MR. VON BONE: Yes, Your Honour. We certainly did.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel,  
8 could you please wait till I finish my sentence --

9 MR. VON BONE: Sure.

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- because if not,  
11 we get again translations --

12 MR. VON BONE: Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- translation  
14 problems. So thank you.

15 Defence counsel, you have the floor.

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

17 We certainly did, as I said. And even recently when the  
18 Prosecution office requested the Defence whether we would consent  
19 that they would interview the witnesses of the Defence, we simply  
20 asked the Prosecution's office on what actually would they want to do  
21 that, and they refused to give us any particular clarification on  
22 that issue. And as far as I'm concerned, there came no clarification  
23 on that issue. And, therefore, we just said, well, if there is no  
24 particular clarification on that issue, we do not give our consent.

25 Regardless of that, the Prosecution office didn't mind what

1 actually the Defence found about that and went their own way, and  
2 that is not the way we believe that this process should be conducted.  
3 And the behaviour of the Prosecution, we really dislike this. Thank  
4 you very much, Your Honour.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] We will proceed  
6 now with the witness.

7 Madam Court Officer, can we please usher the witness into the  
8 courtroom.

9 [The witness entered court]

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Humolli, good  
11 morning and welcome to the Specialist Chambers.

12 THE WITNESS: [Interpretation] Good morning. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You can hear me  
14 fine?

15 THE WITNESS: [Interpretation] Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You can see me on  
17 the screen on your left-hand side.

18 THE WITNESS: [Interpretation] Greetings to you.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you. I am  
20 remoting via videolink due to the COVID pandemic, I was tested  
21 positive, and so I am participating in this way.

22 How are you, first of all?

23 THE WITNESS: [Interpretation] I am good. Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

25 Mr. Humolli, today we will start with your testimony and you are

1 called to testify before the Specialist Chambers in the case of the  
2 Specialist Prosecutor versus Mr. Salih Mustafa to assist the Panel to  
3 reach a verdict.

4 You will have to take your solemn declaration to tell the truth  
5 pursuant to Rule 149(5) of the Rules. You will be asked questions by  
6 the lawyers for the Prosecution, by the lawyers representing victims  
7 admitted to participate in the proceedings, and by the Defence  
8 counsel of Mr. Mustafa, and at the end by the Judges of this Panel.

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

11 So, Mr. Humolli, please listen carefully to each question and if  
12 you don't understand, feel free to ask for the question to be  
13 repeated. We want you to tell the truth and to tell us what you saw,  
14 what you heard, what you experienced, and what you sensed. And if  
15 you did not see or hear it yourself, please tell us what you saw and  
16 -- and would you please tell us and tell us you came to know it.

17 You may not remember all the details, and that is perfectly  
18 fine. So do not guess and do not make things up. There's nothing  
19 wrong in saying "I don't know" or "I don't remember."

20 Is that all clear for you, Mr. Humolli?

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

22 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I would like to  
23 give you also some practical advice before we proceed, and that is  
24 the following.

25 Everything we say here is translated and recorded, so it is

1 important to speak into the microphone - you have two on both sides  
2 of you - to speak clearly, and to speak at a slow pace to allow the  
3 interpreters to interpret everything. And what is also very  
4 important is that you should not start speaking when the person  
5 asking -- that you should only start speaking when the person asking  
6 you the question has finished.

7 So when a question is asked, please count up in your head till  
8 five and only then give an answer. And this pause of five seconds  
9 will allow us to properly hear, translate, and record what you are  
10 saying. And if you have a question, and if you need a break or you  
11 need assistance of any kind at any time, please do not hesitate to  
12 raise your hand and I will give you the floor.

13 Have you understood all this, Mr. Humolli?

14 THE WITNESS: [Interpretation] Yes, I have.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well. Thank  
16 you.

17 And as I must do with every witness, I will ask you to read your  
18 solemn declaration to tell the truth. And I'll remind you that it is  
19 an offence within the jurisdiction of the Specialist Chambers to give  
20 a false testimony. Have you understood that?

21 THE WITNESS: [Interpretation] Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Madam Court Clerk,  
23 can you please assist the witness with the solemn declaration to tell  
24 the truth.

25 Please, Mr. Humolli, read the text provided to you.

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

5 WITNESS: FATMIR HUMOLLI

6 [Witness answered through interpreter]

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
8 Mr. Humolli.

9 Today the lawyer for the Specialist Prosecution will be asking  
10 you questions and, if there's time, also the Victims' Counsel. The  
11 Defence lawyer will not be interrogating you today or tomorrow  
12 because I cannot be present in person and he also is going to ask you  
13 some questions in private session and I cannot attend via videolink  
14 those private sessions.

15 So I'm very sorry to inform you, but that means that on a later  
16 moment in time you will need to come back to do the other part of the  
17 examination of you. And we will of course take into account, as far  
18 as possible, your availability. But this is a consequence of this  
19 COVID pandemic we are going through.

20 Have you understood this?

21 THE WITNESS: [Interpretation] Yes, I have.

22 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] We can now begin  
23 with the testimony of Mr. Humolli, starting with the questioning by  
24 the Specialist Prosecution Office.

25 Mr. Prosecutor, in your revision you have estimated four hours

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1 for your questioning of this witness. As usual, please inform the  
2 Court if there are any changes in this regard for reasons of  
3 planning.

4 You have the floor, Mr. Prosecutor.

5 MR. MICHALCZUK: Your Honour, thank you very much.

6 Examination by Mr. Michalczuk:

7 Q. Mr. Humolli, good morning.

8 A. Good morning.

9 Q. How are you today?

10 A. Very good.

11 Q. My name is Cezary Michalczuk and I'm the counsel who will be  
12 examining you today during this session. I'll be asking you  
13 questions. If you think that something what I'm asking is unclear,  
14 please tell me to repeat the question and I will repeat the question  
15 according to your wish.

16 Could you please state for the record your name and surname.

17 A. Fatmir Humolli.

18 Q. During the war in Kosovo, did you have any alias or nom de  
19 guerre?

20 A. Yes, I was called Bace [phoen].

21 Q. What is your date and place of birth?

22 A. 11 April 1965 in Lupq i Poshtem.

23 Q. What is your current occupation?

24 A. Actually, I am a member of the Kosovo Assembly.

25 Q. Mr. Humolli, were you ever a member of the Kosovo Liberation

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1 Army?

2 A. Yes.

3 Q. What was your position in the Kosovo Liberation Army?

4 A. When the Llap operation zone was established, I was responsible  
5 for the political morale in that area.

6 Q. And since when did you hold that position?

7 A. I held this position since the end of June 1998.

8 Q. Until when did you hold that position?

9 A. Approximately until December 1998.

10 Q. Who appointed you to that position?

11 A. I was appointed in that position by the Llap operation zone  
12 headquarters.

13 Q. Was there any person in particular who appointed you to that  
14 position?

15 A. The Llap operation zone commander Rustem, by the nickname of  
16 Mustafa -- by the nickname of Remi.

17 Q. Did you hold any other position in the Kosovo Liberation Army?

18 A. After December, I was responsible for the civil administration  
19 in the Llap operation zone appointed to that position by the  
20 General Staff.

21 Q. And since when and until which moment did you hold that  
22 position?

23 A. From December 1998 until KFOR and UNMIK came to Kosovo, when the  
24 chairman of -- I was appointed chairman of the commune of Llap  
25 operation zone.

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1 Q. Was it June 1999 until you hold your position, that second  
2 position in the KLA?

3 A. Until September 1999.

4 Q. And who appointed you to that second position?

5 A. I was appointed in the Rame Buja in that position [as  
6 interpreted].

7 Q. You mean by Rame Buja; correct?

8 A. Yes, by Rame Buja. He was a member of the General Staff.

9 Q. Could you tell the Court what were your responsibilities, first,  
10 as a commander of politics and morale? In general terms. You don't  
11 have to delve into details.

12 A. My position was that of a superior for political morale whose  
13 duty was to explain people about the political circumstances in  
14 Kosovo, the international circumstances, to explain to the soldier  
15 the need to organise the Kosovo Liberation Army.

16 Q. In this position, were you also a member of the operational zone  
17 command of Llap?

18 A. Yes, I was a member and a soldier of the Llap operational zone.

19 Q. As to deal with the second position, the commander for civil  
20 administration, also in this capacity, were you also the member of  
21 the operational zone command of Llap?

22 A. My second position was that of reporting to Rame Buja who was  
23 responsible for the civil administration.

24 Q. So are you saying that you were responsible directly to the  
25 Rame Buja who was a member of the Kosovo Liberation Army

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1 General Staff? Is that what you are saying?

2 A. Yes.

3 Q. Speaking about this second position, the commander for civil  
4 administration, what responsibilities did you have in this capacity?

5 A. Preparation for the administration of the country when the  
6 cities were liberated in order to have the administration in place,  
7 in order to have every institution have their own responsibilities.

8 Q. Were you responsible for any particular area or particular  
9 cities?

10 A. I was responsible for the zone covered by the Llap operation  
11 zone, comprising Prishtine, Podujeve, Fushe Kosove, and Obiliq town.

12 Q. Did you have, in your capacity as the commander for civil  
13 administration, any powers to nominate certain people in those areas?

14 A. Without my permission, nobody could do anything.

15 Q. Could you elaborate which -- what are you talking about, without  
16 your permission, nobody could do anything. What do you mean by that?

17 A. I meant that without my consent, nobody could be appointed as  
18 commune chairman. That is, every commune chairman was appointed to  
19 that position with my approval.

20 Q. And until when did that situation last, that without your  
21 approval these nominations could not take place?

22 A. Until UNMIK assumed this competence to develop the civil  
23 administration.

24 Q. When was it, if you could tell the Court?

25 A. I am not certain, but the UNMIK representative, when they came

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1 to Kosovo, he contacted the chairman, commune chairman that we had  
2 already appointed, and they continued their efforts to establish the  
3 administration in these communes.

4 Q. But was it, as you said, September? Because you told us a few  
5 minutes ago that you held that position until September 1999. Was it  
6 in September when you rested your responsibilities in this area or  
7 was it later than that?

8 A. In September, the KLA was demobilised. And from that moment on,  
9 I was engaged in the political organisation of the KLA, which was a  
10 political entity that ran for the Assembly of Kosovo.

11 Q. And what --

12 THE INTERPRETER: Sorry, it was the movement for the liberation  
13 of Kosovo. Correction.

14 MR. MICHALCZUK:

15 Q. Oh, so you are talking about the movement for the liberation of  
16 Kosovo; correct?

17 A. The National Movement for the Liberation of Kosovo.

18 Q. We will come back to this issue a little bit later. But for the  
19 sake of this initial examination, could you tell us since when you  
20 were a member of that movement, National Movement for the Liberation  
21 of Kosovo?

22 A. From 1993 I was the member of the National Movement for the  
23 Liberation of Kosovo, a political-military organisation that worked  
24 to organise and raise awareness of the people to engage in an armed  
25 struggle against the Serb occupiers.

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1 Q. Mr. Humolli, we might come to that topic a bit later, and then I  
2 will ask you possibly some questions also on that movement and your  
3 participation in it. Before I do that, however, I have a set of  
4 slightly different questions.

5 Do you know Salih Mustafa?

6 A. I heard about him since the 1990s, but I know him directly after  
7 1996.

8 Q. And how did you meet him in 1996?

9 A. After he was released from prison where he was sentenced by the  
10 Serb court, we met in Tirana with him.

11 Q. Could you tell the Court just a little bit about this meeting  
12 with Salih Mustafa? What was the meeting about?

13 A. Salih Mustafa was sentenced as a member of the National Movement  
14 for the Liberation of Kosovo. And after his release from prison,  
15 together with Bahri Fazliu, we discussed his readiness to continue  
16 the struggle against the Serb occupiers.

17 Q. And so I understand, when you already met Salih Mustafa in 1996,  
18 was he already a member of the National Movement for the Liberation  
19 of Kosovo, already at that time?

20 A. After his release, first we discussed his readiness and  
21 willingness to continue the war. When he agreed to do that, he  
22 continued to be a member of the National Movement for the Liberation  
23 of Kosovo.

24 Q. What was Salih Mustafa's position in the National Movement for  
25 the Liberation of Kosovo?

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1 A. At this period, he was a mere member of this movement.

2 Q. And later on, but we are talking only about the wartime period,  
3 did he become somebody else, not just a mere member, but did he get  
4 any other position within this movement?

5 A. The structure of this movement was -- consisted of popular  
6 councils. These councils had members that worked to set up  
7 organisational trios. And he, Salih Mustafa, undertook to enlarge  
8 the ranks of this movement in Prishtine and everywhere else in  
9 Kosovo.

10 Q. Did he have any particular assignment in Prishtine when it comes  
11 to his membership in the movement for the liberation of Kosovo?

12 A. His duty was to distribute the magazine Clirimi which was  
13 published every month by the national liberation movement.

14 Q. Distributed in Prishtine or Kosovo-wide?

15 A. In Prishtine and everywhere he could through the people that he  
16 knew.

17 Q. I understand. Mr. Humolli, was Salih Mustafa also a member of  
18 the Kosovo Liberation Army?

19 A. In this period, the National Movement for the Liberation of  
20 Kosovo set up its own units irrespective of the KLA. And these  
21 units, after the killing of Zahir Pajaziti, decided that all these  
22 units were going to be called the KLA units from then on.

23 Q. Could you remind us when Zahir Pajaziti was killed?

24 A. On 31 January 1996.

25 Q. So are you saying that from the moment he was killed -- and let

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1 me go back to the transcript because I need to understand it better.  
2 You said that after the killing of Zahir Pajaziti, those units, and I  
3 understand units of the National Movement for the Liberation of  
4 Kosovo --

5 A. Yes.

6 Q. -- decided to be called KLA units and decided to be members of  
7 the KLA? Could you explain that a little bit more?

8 A. Because Zahir Pajaziti was very close to the National Movement  
9 for the Liberation of Kosovo, we didn't want to set up a parallel  
10 unit, let's say, military or political unit with that of KLA. So the  
11 mission of the liberation movement was to rally all the military  
12 forces into one organisation. That is, to set up one unified  
13 political front to be more effective in our struggle against the Serb  
14 occupiers.

15 Q. I'm more trying to -- I'm trying to establish the date when this  
16 happened, when the units of the National Movement for the Liberation  
17 of Kosovo decided to be members or decided to join the structure of  
18 the Kosovo Liberation Army.

19 A. After the talks we had, the General Staff of the KLA, we agreed  
20 on 11 May 1998, we drew up an agreement that all the formations of  
21 the national movement, the military formations, be led by the  
22 General Staff of the KLA. And from this moment onwards, every unit  
23 of this movement was part of the structure of the KLA.

24 Q. I understand that before that agreement of 11 May 1998 was  
25 signed, there were some discussions leading to signing of that

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1 agreement. Who was involved in those discussions on the part of the  
2 Kosovo Liberation Army, and who was involved in those discussions on  
3 the part of the National Movement for the Liberation of Kosovo?

4 A. In August 1998, together with Rrustem Mustafa, we agreed that in  
5 the Llap operation zone we coordinate our actions. At the same time,  
6 we discussed that Rrustem Mustafa show to the General Staff of the  
7 KLA that we were willing to join them.

8 As far as I, myself, I undertook to show to the national  
9 movement our willingness to join the KLA. After the massacre in  
10 Prekaz of Adem Jashari family, then the conditions were created for  
11 us to start to engage in more serious negotiations to become part of  
12 the KLA. I had a meeting with Sabit Gashi, Arben Fetoshi, as  
13 representatives of the students. This meeting took place in Drenica  
14 in the General Staff headquarters.

15 The conditions were ripe for signing the agreement for uniting  
16 with the KLA. And this conversation took place with Rexhep Selimi,  
17 representative of the KLA.

18 Q. Mr. Humolli, thank you very much for that. This is very clear.  
19 However, we have a very small unclarity when it comes to the dates.  
20 You said that you decided at some point - you and Rrustem Mustafa -  
21 you decided to discuss the issue with possible joinder with the KLA.  
22 And you said that you started doing that from August 1998.

23 But from the time progression, it seems that it should be  
24 August 1997, I think, because you said earlier that the agreement  
25 that was signed was signed on 11 May 1998. So I understand that the

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1 discussions in August about an agreement must have been before  
2 11 May 1998. So if it was August, those discussions between you and  
3 Rrustem Mustafa must have been, indeed, in August 1997.

4 Is my understanding correct?

5 A. Yes, that's correct. It was in 1997 that cooperation in the  
6 Llap operational zone was between Rrustem Mustafa and the National  
7 Movement for the Liberation of Kosovo. So we undertook this  
8 obligation in order to have our impact for establishing the structure  
9 in the General Staff but also to have an impact on the National  
10 Movement for the Liberation of Kosovo. And, of course, these talks  
11 continued with the preparation of the circumstances so that we could  
12 enter into an agreement between the two parties. And these talks and  
13 discussions continued throughout the year.

14 We had talks in Tirana. We also had talks in the west, where we  
15 knew that there were representatives of the KLA. And the final  
16 accord that was entered into on 11 May 1998 was entered into because  
17 it was very emergent, in our opinion, to have these joint unions and  
18 joint formations following the massacres in Prekaz.

19 So there were thousands of volunteers that were willing to join  
20 the military formations, and there were many people that wanted to  
21 join the military structures. Therefore, emergently, we needed to  
22 make sure that people were joined around the cause and to make sure  
23 that all the military formations are geared towards the same aim.

24 Q. Mr. Humolli, this is all very clear. Just one issue for us, for  
25 all of us, including the parties and also the Court, could you remind

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1 us what was the date of the massacre of the Jashari family in Prekaz?

2 A. Well, the battle started on 5 March and it lasted up until  
3 7 March 1998.

4 Q. So the agreement between Kosovo Liberation Army and the National  
5 Movement for the Liberation of Kosovo was signed, as you said, on  
6 11 May 1998. Who are the signatories on the part of the Kosovo  
7 Liberation Army and on the part of the National Movement for the  
8 Liberation of Kosovo?

9 A. Rexhep Selimi signed the agreement on behalf of the KLA.  
10 Whereas on behalf of the National Movement for the Liberation of  
11 Kosovo, it was Sabit Gashi signing the agreement.

12 Q. This joinder that we are discussing right now between KLA and  
13 the national movement, did that mean that National Movement for the  
14 Liberation of Kosovo in its entirety joined the Kosovo Liberation  
15 Army or only some of its elements? Because you said before, as far  
16 as I remember, that the national movement was, as you called it, a  
17 political-military organisation.

18 So my question, I believe, is did also the political part of  
19 this organisation join the KLA or was it only the military wing of  
20 it?

21 A. The KLA units that were established by the National Movement for  
22 the Liberation of Kosovo passed on to the command of the Kosovo  
23 Liberation Army. Whereas when it comes to the membership of the  
24 national movement, they continued with the political aspect of their  
25 work despite of the General Staff of the National Movement for the

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1 Liberation of Kosovo. Because members of the national movement were  
2 also the elderly and they would not possibly become part of the units  
3 of the KLA. And this is why politics happen in parallel to the  
4 military engagement and the union of the movement with the KLA.

5 Now, given that the units, the armed units of the movement were  
6 transferred to the KLA, it was easier for us to continue with the  
7 political wing of the movement.

8 Q. That is very clear. Mr. Humolli, I started asking you questions  
9 about Salih Mustafa, and I don't believe I got a clear answer to my  
10 question whether Mr. Mustafa was also a member of the KLA. You told  
11 me about the merger, but I would like to get from you a clear answer  
12 to my question, was also -- Salih Mustafa, was he also a member of  
13 the Kosovo Liberation Army?

14 A. After the merger with the KLA, Salih Mustafa became a member of  
15 the Kosovo Liberation Army. So he was a member. He was part of the  
16 military units of the national movement. In order to establish the  
17 armed units of the KLA, it was myself that was responsible for that  
18 upon an order of the General Staff of the KLA.

19 Q. What was Salih Mustafa's position in the KLA?

20 A. Salih Mustafa's position in the KLA was a commander of the BIA  
21 guerilla that operated in the urban area in Prishtine, Fushe Kosove,  
22 and Obiliq.

23 Q. We will come back to this issue a little bit later. I will have  
24 a few follow-up questions on this. But before we do that, I would  
25 like to draw your attention -- let's switch the topic slightly. I

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1 would like to draw your attention to the beginning of the NATO  
2 bombing campaign that started on 24 March 1999.

3 Do you recall entering Prishtine after that date?

4 A. After the start of NATO bombing, we entered Prishtine at the end  
5 of March.

6 Q. Do you remember the date when you entered Prishtine in March?  
7 You said at the end of March. Do you remember the date?

8 A. At the end of March. Probably 30 March or early morning of  
9 31 March.

10 Q. Mr. Humolli --

11 MR. MICHALCZUK: I would like to read, with the permission of  
12 the Court, a very short passage of Mr. Humolli's statement that he  
13 gave to the Defence. It's a very short passage. It won't take much  
14 time.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

16 MR. MICHALCZUK: Thank you, Your Honour.

17 Q. I would like to read a very short passage of your statement that  
18 you gave to the Defence.

19 MR. MICHALCZUK: And this is, for the record, the Defence  
20 statement of Fatmir Humolli with number 2, ERN DSM00119-00133,  
21 page 5.

22 Q. And on that statement, when you gave it to the Defence, there  
23 was the following question from the Defence:

24 "When did the offensive start?"

25 Your answer was:

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1           "The offensive started in December 1998 but it intensified after  
2 the NATO bombings of March 1999. I was part of the groups that  
3 entered Prishtine and that was sometime on 28 March 1999."

4           Having heard that, can you exclude that you entered Prishtine on  
5 28 March as you stated to the Defence in the part that I have just  
6 read back to you?

7           A. I am positive that I've told the lawyer as well that it was the  
8 end of March. I don't remember the exact date. But 24 December,  
9 when the offensive started against Llapashtice area, and 24 March,  
10 when the NATO bombing started. I mean, there is a huge difference  
11 between the two. You know that I've told you that I entered  
12 Prishtine at the end of March. And I have also told you what were  
13 the reasons for us to enter Prishtine.

14           I don't believe there is any ambiguity there, and I think that  
15 there is -- I mean, I follow the same line in the statement in my  
16 declaration for the Defence lawyer and for you as well. So it is  
17 about 20 years now from that time, and it is very difficult for me to  
18 understand in details when I am asked these kind of questions, both  
19 from yourselves but also this has been the type of questions that  
20 have been asked by the Defence lawyer as well. So these were the  
21 types of questions I've been asked, and that's the answer.

22           Q. Mr. Humolli, I perfectly understand it was 22 years ago, so it's  
23 very hard to be precise about the exact dates. So can we say that  
24 your entry into Prishtine took place at the end of March but you  
25 don't remember the exact date? Is it fair to say that?

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1 A. So when I say the end of March, it's understandable that it's  
2 the end of March, because I know where we were on 1 April. On  
3 1 April, we were informed that the people were going to Macedonia,  
4 and in this moment in time we left Prishtine.

5 Q. We will come to the dates possibly in a moment. But tell us how  
6 you entered Prishtine, as you stated today, at the end of March and  
7 what were you doing there? What was the reason for that?

8 A. The reason for us entering Prishtine was that following the  
9 information that we were provided with by the Prishtine guerilla,  
10 that the army, the Yugoslav Army was distributing information so that  
11 the population would flee, would escape from the area and would go in  
12 other neighbouring countries. So the Llap operational zone, when we  
13 saw these types of information that were distributed, we were  
14 thinking that probably some massacres would happen towards the civil  
15 population in Prishtine, in the surrounding areas.

16 And this is why the decision was taken that the units would  
17 enter Prishtine so that we would ban the possibility for the Serb  
18 police to have a free hand against the civil population. It was  
19 after this moment in time where all the soldiers that knew Prishtine  
20 entered Prishtine, and one of those soldiers was myself. I was there  
21 together with Salih Mustafa. I entered Prishtine together with him.

22 Q. Who else entered Prishtine together with you? It was you,  
23 Salih Mustafa. Do you remember anybody else?

24 A. Salih Mustafa -- Salih Mustafa knew the soldiers of the  
25 guerilla. That was not our task, as a matter of fact. And again

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1 with Ejup Maqedonci we entered Prishtine. So he was a superior in  
2 Sharban, and he was together with some soldiers of his.

3 Q. So you entered Prishtine, as I understand, to protect local  
4 population against a possible massacre, as you put it. How long did  
5 you spend in Prishtine?

6 A. In Prishtine, we were for about two days. We remained there for  
7 two days. We entered towards the end of the 30th, and so we stood  
8 there all day long, and we left there on 1 April. So we left early  
9 in the morning at dawn.

10 Q. So just to be clear. According to your statement of today, you  
11 left Prishtine on 1 April early in the morning at dawn? Is that what  
12 you said?

13 A. Yes, early dawn.

14 Q. And you said that you spent in Prishtine about two days; is that  
15 correct, what you have said? I am talking about your today's  
16 statement.

17 A. Approximately.

18 MR. MICHALCZUK: Your Honour, with your permission, I would like  
19 to read back to the witness a very short portion of his SPO statement  
20 that regards the length of his stay in Prishtine.

21 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed,  
22 Mr. Prosecutor.

23 MR. MICHALCZUK: So, for the record, this is SPO statement with  
24 the number 100954-TR-ET, Part 2, page 30, lines from 16 to 25.

25 Q. The question of the Prosecutor about exactly that day of yours

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1 in Prishtine was:

2 "Did you stay there overnight?"

3 Your answer was:

4 "I stayed there during the day. And then at night, we moved to  
5 reach Sharban and Llapashtice."

6 And the question of the Prosecutor was:

7 "So just to clarify the issue. So you -- on one day you entered  
8 Prishtine, you stayed there for the whole day, that day, the same  
9 day, and then at night you left Prishtine and you went to Sharban and  
10 to Llapashtice; is that correct?"

11 And your answer was:

12 "Yes, it is correct."

13 And then you continued:

14 "We needed to go and to give the information to Llap operational  
15 zone about the events that happened in Prishtine."

16 So from this short passage, it seems that you were in Prishtine  
17 only one day.

18 A. So if we are considering the hours, it is more than 24 hours.

19 If we entered in the night on the 30th, we left Prishtine on early  
20 morning on 1 April. So this is what the situation is. And so in  
21 this moment in time, I was not aware that I had to accurately report  
22 about the time. And it's not that we have taken any record of the  
23 time that we've spent there.

24 Q. No, I understand. I understand. The situation was not ripe for  
25 taking any written records. I understand that perfectly. But today,

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1 you told us on at least two occasions that it was a long time ago and  
2 it was at the end of March. And now you are saying that it was on  
3 1 April and that you are now sure that on 1 April in the morning you  
4 left Prishtine.

5 So how can you be sure about the date if it happened 22 years  
6 ago and in the context of -- you said before that it was at the end  
7 of March when you entered Prishtine?

8 A. In my declaration, I have also said that it's the end of March,  
9 the start of April, and the beginning of April is 1 April.

10 Q. My only question in this regard. You told us before today that  
11 you are not sure about the dates of your entry. Are you similarly  
12 not sure about the day when you left Prishtine?

13 A. I am not not safe [as interpreted], because I know when the  
14 citizens of my country went to Macedonia. And I know that the  
15 soldiers told us that they have passed to Macedonia. So there were  
16 some individual maltreatments, and we judged that the risk for a mass  
17 massacre was overpassing that moment in time. So this is the reason  
18 why 1 April is a day that I can remember better.

19 Q. I understand. We might come to the dates again in a moment.  
20 But tell us, today you stated that, as you said, on 1 April, in the  
21 morning, you left Prishtine. Where did you go from Prishtine, from  
22 there?

23 A. From Prishtine we went to Sharban, from Sharban to Rimanishte,  
24 from Rimanishte to Vranidoll, from Vranidoll to Vrbovce [phoen], and  
25 from there we went in the neighbourhood of Llumnice in Barileve.

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1 Q. So you said that "we" left Prishtine. Who left Prishtine  
2 together with you?

3 A. I was together with Salih Mustafa and the members, the soldiers  
4 of the unit that served in Sharban.

5 Q. So you yourself went exactly where, to which point? Do I  
6 understand correctly your destination point was Llapashtice?

7 A. We went to Sharban. We rested there for a couple of hours. And  
8 from there, we went to the neighbourhood of Lumnezve [phoen]. And  
9 from the neighbourhood of Lumnezve, I went to the Llap operational  
10 zone headquarters in Llapashtice.

11 Q. Did Salih Mustafa go with you all the way to Llapashtice or did  
12 he part ways with you at some point?

13 A. We departed together with Salih Mustafa to leave for  
14 Llapashtice. But en route while we were discussing, because we had  
15 similar things to discuss, Salih Mustafa stopped in the neighbourhood  
16 of Lumnezve and then I continued further on.

17 Q. We got the interpretation about this place as Lumnezve. Was it  
18 rather Llumnice? Could you say that again for the record?

19 A. The neighbourhood of Llumnicve [phoen].

20 Q. You said the neighbourhood of Llumnicve. What town or village  
21 was Llumnicve part of?

22 A. That is a neighbourhood of the village of Barileve, and Barileve  
23 itself is composed of many neighbourhoods.

24 Q. So you told us that you parted ways with Salih Mustafa in  
25 Llumnicve neighbourhood of Barileve; is that correct?

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1 A. Yes, it is.

2 Q. What is the distance in terms of kilometres between Prishtine  
3 and Barileve?

4 A. It's about 10 kilometres in the paved street.

5 MR. MICHALCZUK: Madam Court Officer, I would kindly ask you to  
6 pull up -- or Mr. Court Officer, I would like to kindly ask you to  
7 pull up a map of the Prishtine area, Kosovo, which is under the  
8 following ERN number SPOE00238094 to 00238094. It's a one-pager.  
9 It's a map. If we could --

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,  
11 can I remind you that we are approaching 12.30. So please bear that  
12 in mind with your line of questions to see when it's a good moment to  
13 stop.

14 MR. MICHALCZUK: Your Honour, I'm going to just show the witness  
15 a certain map, ask him to take a look at it. I will ask a question  
16 or two, and then we could perhaps go for a break.

17 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
18 Mr. Prosecutor.

19 MR. MICHALCZUK:

20 Q. Mr. Humolli, can you see in front of you the map?

21 A. Yes, I can.

22 Q. There is a possibility to make markings on the screen. And if  
23 possible, could you, for us, mark Prishtine? Maybe you could put a  
24 circle around Prishtine for us to understand better your route from  
25 Prishtine to Llapashtice.

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1 A. So if we're talking about the itinerary that we followed from  
2 Prishtine to Llapashtice, I am not talking about the asphalted way  
3 that is 10 kilometres, but that was twice the amount of kilometres  
4 and that had to go through a mountainous area.

5 Q. I understand. We will cover this a bit later. Could you  
6 please, for now, for us, make a circle around Prishtine. Just for  
7 everybody to understand what we are talking about geographically.

8 JUDGE DEKKERS: Just to make it sure, I will ask the  
9 Presiding Judge if she can see the map. Can you confirm that to me?

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Yes, I have the  
11 disponibility via Legal Workflow to all the material the SPO is  
12 using, and I have called it up myself.

13 JUDGE DEKKERS: Okay. Thank you.

14 MR. MICHALCZUK: I can see that we have --

15 JUDGE DEKKERS: Sorry to interrupt you.

16 MR. MICHALCZUK: Of course.

17 JUDGE DEKKERS: The marking might be the issue, but we can show  
18 the marking also after the break.

19 MR. MICHALCZUK: We can also do that, of course, Your Honour.

20 JUDGE DEKKERS: Yes.

21 MR. MICHALCZUK: Yes.

22 JUDGE DEKKERS: Maybe that would be the best thing to do.

23 MR. MICHALCZUK: I absolutely agree.

24 JUDGE DEKKERS: Yes? Thank you. And sorry for the interruption  
25 again.

1 MR. MICHALCZUK: If this is the case, Your Honours, I don't have  
2 for now questions. We will resume after the break with some  
3 questions. Hopefully, we'll be able to make markings on the map.  
4 Thank you.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Then thank you,  
6 Mr. Prosecutor.

7 Mr. Humolli, we will now have a break for one and a half hours  
8 till 2.00, and then we will proceed from 2.00 to 4.00.

9 Madam Court Usher, could you assist the witness in exiting the  
10 room, please.

11 [The witness stands down]

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

13 We will break and we will resume in one and a half hours. The  
14 hearing is adjourned.

15 --- Luncheon recess taken at 12.31 p.m.

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

17 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Welcome back.

18 I will call appearances.

19 Mr. Prosecutor, could you confirm in which composition you are  
20 now?

21 MR. MICHALCZUK: Your Honour, we are in the same composition as  
22 before the break.

23 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you very  
24 much.

25 Victims' Counsel.

1 MS. BARBEAU: Yes, the same for us. We have the same  
2 composition than this morning, Your Honour.

3 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you very  
4 much.

5 Defence counsel.

6 MR. VON BONE: We have no changes, Your Honour.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

8 Before I call the witness in, and before we resume with the  
9 direct examination for Witness 4849 by the SPO, the Panel wants to  
10 address the scheduling arrangements for the remainder of the  
11 testimony. And the Panel wishes to put to the parties and the  
12 Victims' Counsel two options, and then I will give an oral order  
13 depending on the submissions received.

14 The first option with regard to the schedule would be to  
15 complete the direct examination and the questioning by the  
16 Victims' Counsel and then the Defence counsel. Then the Defence  
17 counsel would proceed with its cross-examination entirely in public  
18 session. So we would have the SPO finish, then the Victims' Counsel,  
19 and then the Defence counsel would start with its cross-examination.  
20 And if requested, we will go then through redirect and rejoinder as  
21 well, and that would be all done in public session. And this would  
22 take place between today and 3 February, as initially scheduled. And  
23 then the Defence would be granted its request, if any, to re-call  
24 Mr. Humolli as a Defence witness during its case, at which stage the  
25 Defence can pose all questions they consider appropriate also in

1 private session.

2 And the second option would be to complete the direct  
3 examination and the questioning by Victims' Counsel, and then the  
4 Defence would be granted its request, if any, to re-call Mr. Humolli  
5 as the Defence witness during its case. At which stage, the Defence  
6 can pose all questions they consider appropriate in private session.

7 And both options take into consideration the calendar of  
8 deadlines already established by the Panel in its Second Decision on  
9 the Conduct of Proceedings, which should remain unchanged unless  
10 absolutely necessary. And these two options proposed by the Panel to  
11 the parties and the Victims' Counsel is also based on avoiding  
12 re-calling -- yes, calling this witness three times. Because he has  
13 been called today, we would be re-calling him maybe next week, like  
14 we discussed this morning, and then also maybe during the Defence  
15 case. So this proposal tries to avoid that situation.

16 Well, I leave the floor to the parties and the Victims' Counsel  
17 to seek their views on the above options.

18 Mr. Prosecutor, you have the floor at first.

19 MR. MICHALCZUK: Your Honour, we would go -- if we can have a  
20 vote, we would vote for option number 1; namely, for the Prosecution  
21 to elicit as much as we can today and possibly tomorrow, and then we  
22 will continue as much as we can with this witness as he's present  
23 here in the public session, and then with the Defence cross-examining  
24 the witness, instead of calling the witness again in option two.

25 So our preference, in sum, is for option one.

1           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
2 Mr. Prosecutor.

3           Very well. Victims' Counsel, you have the floor.

4           MS. PUES: Thank you, Your Honours. Equally for us it seems  
5 that option one would be a good option which strikes the right  
6 balance between the needs of the different parties and would allow  
7 proceedings to continue as normal as possible in these circumstances.  
8 So option one.

9           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
10 Victims' Counsel.

11           Defence counsel, you have the floor.

12           MR. VON BONE: May I consult for a moment, Your Honour.

13           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Of course. Please  
14 proceed.

15                                           [Specialist Counsel confer]

16           MR. VON BONE: Yes, Your Honour. We understand that in option  
17 one we would continue on 3 February, and we would still -- if we  
18 request for Mr. Humolli as a witness for the Defence, that we can do  
19 such a request again, that would be granted. Do I understand that  
20 well?

21           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel,  
22 if under option one --

23           MR. VON BONE: Yes.

24           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- what we would  
25 do is we would continue like we would always do. So the normal

1 proceedings, you would be doing your cross-examination, we will do  
2 the redirect and the rejoinder, and the Judges would do their  
3 questions.

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] But you would be  
6 already granted a request, if any --

7 MR. VON BONE: Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- I mean,  
9 because --

10 MR. VON BONE: Of course.

11 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- formally it  
12 still has to be done, of course.

13 MR. VON BONE: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Because we will  
15 have the Defence preparation conference.

16 MR. VON BONE: Right.

17 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You would already  
18 be told now --

19 MR. VON BONE: Yeah.

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- that the Panel,  
21 because we want to -- we want to give the accused a fair hearing and  
22 if there are questions to be put by you to this witness which cannot  
23 be put now to this witness, they must be put at a certain moment --

24 MR. VON BONE: Right.

25 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- and that would

1 be, in that case, during the Defence case. We don't -- we don't want  
2 you not to be able to put those questions to the witness, because  
3 that is in the right of the accused. No doubt about that.

4 MR. VON BONE: Right. Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] So, yes, if you  
6 would put him on the witness list, yes, the Panel would be --

7 MR. VON BONE: Willing to --

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- to grant the  
9 request --

10 MR. VON BONE: Okay.

11 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- to proceed with  
12 him as a witness.

13 THE INTERPRETER: Could the speakers kindly not overlap during  
14 interpretation. Thank you.

15 MR. VON BONE: Sorry. I understood. I understood.

16 So in that case, Your Honour, option one is that we continue on  
17 3 February --

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] No, we will  
19 continue today --

20 MR. VON BONE: Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- tomorrow --  
22 today is Tuesday.

23 MR. VON BONE: Right.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] We have tomorrow,  
25 and we have Thursday.

1 MR. VON BONE: Right.

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Those three days  
3 were scheduled --

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- to do the  
6 hearing of the -- the testimony of this witness, and we would proceed  
7 like we would have done also under normal circumstances if I would  
8 have been present in the courtroom.

9 MR. VON BONE: Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] So we would do it  
11 now.

12 MR. VON BONE: I understand. It is just that we would like to  
13 have an opportunity, Your Honour, to consult with our client, and  
14 that would be preferably tomorrow morning before the case starts so  
15 that we have at least an idea and able to see what we can do in  
16 cross-examination. So as long as we have a possibility to consult  
17 with our client regarding it, then I think we could go with option  
18 one. And I hope there would be any time available to consult.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] As I see the  
20 planning for today, Defence counsel, is that the SPO -- we have still  
21 two hours --

22 MR. VON BONE: Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- and the SPO  
24 will continue with its examination-in-chief of this witness.

25 MR. VON BONE: Yes.

1           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And then the  
2           Victims' Counsel.

3           I will verify with the SPO, but I think that less or more there  
4           will be a natural moment of a break --

5           MR. VON BONE: Yes.

6           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- that we could  
7           finish. So --

8           MR. VON BONE: Yes.

9           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- that will be  
10          between 2.30 -- 3.30 and 4.00.

11          MR. VON BONE: Yes.

12          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And then you will  
13          have the time after that to consult with your client --

14          MR. VON BONE: Yes.

15          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And if there is  
16          still a remainder --

17          MR. VON BONE: Yes.

18          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- of questions by  
19          would it be the SPO or the Victims' Counsel, that we were not that  
20          far, you will still have this afternoon to consult with your client  
21          on the questions of cross-examination.

22          MR. VON BONE: Yes.

23          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] But that has  
24          nothing to do -- I would say that has nothing to do with my --

25          MR. VON BONE: No.

1           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- the proposal  
2 that lays on the table --

3           MR. VON BONE: I understand.

4           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- that we want to  
5 postpone -- because that's what it's all about.

6           MR. VON BONE: Yes.

7           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] We want to  
8 postpone the questions in private session to the Defence case. That  
9 is our question now.

10          MR. VON BONE: Yes. Yes, yes.

11          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And on that, I  
12 would like an answer of you.

13          MR. VON BONE: Yes.

14          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And if I  
15 understood it right, you are saying, but please correct me if I'm  
16 wrong: We could go along with option one, but please, I would like  
17 to consult with my client regarding the cross-examination. But that  
18 would not have been different if -- if we would have done the  
19 questions in a private session also today, if I would have been  
20 present. That's another request.

21          MR. VON BONE: That is correct, Your Honour. It is all just  
22 assuming that the SPO finishes today its examination; is that  
23 correct?

24          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You could still,  
25 this afternoon, consult with your client regarding the

1 cross-examination from the part of today. And tomorrow, if you would  
2 need some extra, more time because there are still a lot of questions  
3 by the SPO, you could also always have some time to speak with your  
4 client within a reasonable manner. But we have not been doing it  
5 differently, isn't it, up till now.

6 MR. VON BONE: Okay. Then I think that -- I think we can go  
7 along with option one then. So we will have then a court session  
8 tomorrow as well, and the Thursday.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] We will see for  
10 Thursday.

11 MR. VON BONE: Of course.

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Let us see how  
13 we --

14 MR. VON BONE: Of course.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- proceed. Thank  
16 you for your views.

17 Before I give my oral order, Mr. Prosecutor, is it for you  
18 already possible to say something about the time you think you will  
19 be needing this afternoon?

20 MR. MICHALCZUK: Your Honour, we started quite late today. And  
21 our examination was scheduled to last for four hours, and I believe  
22 we have exactly the questions that would require answers for -- and  
23 the questions and answers will fill this time slot of four hours,  
24 maybe even slightly more.

25 In a nutshell, we will not finish today. It's likely we'll

1 finish at some point tomorrow, but I cannot give you any indications  
2 with regard to that before we finish this day. And we will see how  
3 fast we will progress.

4 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
5 Mr. Prosecutor. I noted that. We will proceed and we take it as it  
6 comes. Very well.

7 MR. MICHALCZUK: Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

9 I will now render an oral order.

10 In order to preserve the fair and expeditious conduct of the  
11 proceedings and to avoid calling Mr. Humolli as a witness as many as  
12 three times, the Panel hereby decides to complete the direct  
13 examination and the questioning by Victims' Counsel, and orders the  
14 Defence counsel to proceed with his cross-examination afterwards  
15 entirely in public session.

16 If requested, we will go through redirect and rejoinder as well,  
17 also in public session, within today and 3 February 2022. The  
18 Defence would then be granted its request, if any, to recall  
19 Mr. Humolli as a Defence witness during its case, at which stage the  
20 Defence can pose all questions they consider appropriate in private  
21 session.

22 And this concludes the oral order.

23 Very well. Now we can continue with the direct examination of  
24 Witness 4849 by the SPO.

25 Madam Court Usher, can we please bring the witness into the

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1 courtroom. Thank you.

2 [The witness takes the stand]

3 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Welcome back,  
4 Mr. Humolli.

5 THE WITNESS: [Interpretation] Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] How are you?

7 THE WITNESS: [Interpretation] Very good.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Good to hear.

9 Mr. Humolli, before we continue with the direct examination by  
10 the Specialist Prosecutor, I want to inform you of a decision of the  
11 Panel. That we have decided to proceed with the examination by not  
12 only the Specialist Prosecution Office but also the Victims' Counsel  
13 and also the Defence counsel.

14 Early this morning, I told you that it was different. But  
15 today, tomorrow, and maybe the day after, that is a reserve day, we  
16 will be -- they will be examining you, and also the Judges. And then  
17 at a later stage of this procedure, if the Defence decides to call  
18 you as a witness too, you will be called again as a witness and then  
19 also questions can be put to you in private session. And in that  
20 case, the Panel will be hopefully complete again altogether in the  
21 courtroom.

22 Have you understood that?

23 THE WITNESS: [Interpretation] Yes, I am available for the Court.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

25 Then I will give the floor to Mr. Prosecutor. Please proceed

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1 with your examination-in-chief.

2 MR. MICHALCZUK: Thank you, Your Honour.

3 Q. And good afternoon, Mr. Humolli. I believe in front of you you  
4 might have a map of the Prishtine region; is that so?

5 A. Yes.

6 Q. Before the break, we were discussing the departure of yourself  
7 and Mr. Salih Mustafa from Prishtine. And you told us that you  
8 continued to the village called Barileve; is that correct?

9 A. Yes.

10 Q. Could you please mark for us on this map that you have in front  
11 of you Prishtine by putting a circle around it?

12 A. [Marks]

13 Q. Could you now put a similar circle around this village of  
14 Barileve?

15 A. It must be here but the letters are very small.

16 MR. MICHALCZUK: Could we perhaps zoom in a little bit, because  
17 on the version of the map that I have in my folder, this place is  
18 pretty visible. So maybe we could just make this map just a bit  
19 bigger.

20 THE COURT OFFICER: Mr. Specialist Prosecutor, if I was to do  
21 that, the markings are going to change. So you might want to ask the  
22 witness to do that again, please.

23 MR. MICHALCZUK: Yes.

24 Q. So maybe you could do that again. What we aim for is the  
25 precision in marking.

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1 MR. MICHALCZUK: And a bit bigger, if you may -- oh, this is  
2 going to be a bit tricky because later on my request would be to mark  
3 also another location. So could we simply zoom in for a second for  
4 the witness just to see the location where it is, then slowly zoom  
5 out. And if he's able to see it -- also the map in a smaller scale,  
6 that would be brilliant. Okay.

7 Q. Mr. Witness, can you see this village that we discussed,  
8 Barileve?

9 A. Yes.

10 Q. If we slowly zoom out, would you still be able to see it and  
11 mark it for us?

12 MR. MICHALCZUK: Could we zoom out a little bit just to see the  
13 entirety of the map? Thank you very much.

14 Q. So could we now do it on this scale? So first, please, put a  
15 circle around Prishtine.

16 A. [Marks]

17 Q. Then put a circle around Barileve.

18 A. [Marks]

19 Q. Could you also put a circle around Llapashtice?

20 A. Llapashtice should be somewhere here.

21 Q. Okay. I understand. I could see that there is a place close to  
22 it, but it's close to it. Maybe it's around the same, around the  
23 same place. Okay. Thank you very much.

24 So just to clarify for the record that when you left Prishtine  
25 and Salih Mustafa, as you said, was together with you, you went to

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1 Barileve and then you continued to Llapashtice but Salih Mustafa did  
2 not continue with you? Is that the case?

3 A. Yes.

4 Q. Do you know where Salih Mustafa went when he had parted ways  
5 with you?

6 A. I don't know where he went. But I know that he stopped at  
7 Llumnice neighbourhood to rest and then I continued.

8 Q. Could you tell us, Mr. Humolli, how much time did you stay  
9 together with Salih Mustafa in Barileve?

10 A. I am not sure, but I don't think we stayed for a long time.  
11 Because while walking, we started talking and then we parted ways.  
12 He stopped there where I said, and I continued further on. I can't  
13 give you an answer how long we stayed together in the Llumnice  
14 neighbourhood, but until we were assured by the Llumnice unit that we  
15 could continue our way towards Llapashtice.

16 Q. Do you remember what was at least the part of the day when you  
17 parted ways with Salih Mustafa in Barileve?

18 A. In the afternoon, I believe. I can't give you an exact hour.

19 Q. From your previous answer, I understand that you were walking  
20 from Prishtine to Barileve together with Salih Mustafa; is that so?

21 A. Yes.

22 MR. MICHALCZUK: I would like to mark this map for  
23 identification.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well.

25 MR. MICHALCZUK:

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1 Q. So you said that that trip to Barileve was on foot. Do you know  
2 if Salih Mustafa, during the year 1999, during the wartime, if  
3 Salih Mustafa sometimes travelled in that area by car?

4 A. It was difficult to travel by car because you had to pass  
5 through the road that was controlled by the Serb forces. So we were  
6 obliged to make that section of the road by foot, because it would be  
7 dangerous to use the car.

8 Q. I understand that that way from Prishtine to Barileve was  
9 covered by yourself and Mr. Mustafa on foot. I understand that. My  
10 question is of a more general nature: Do you know whether  
11 Mr. Mustafa during the wartime, I'm talking -- let's focus on 1999,  
12 whether he was using a car?

13 A. I used a car. Salih used a car. But after the NATO strikes  
14 began, events developed rather differently because the Serb forces'  
15 movements were unpredictable. So they were obliged to run away from  
16 the NATO strikes, and we, too, we couldn't move about with cars as we  
17 used to do before the NATO air strikes.

18 A detail that I should say is that NATO struck also KLA trucks  
19 because it couldn't identify whether they belonged to the KLA or the  
20 Serbs forces. So under such circumstances, the KLA had to be very  
21 careful in its movements by cars.

22 Q. You said KLA had to be careful, but you are not saying that KLA  
23 was not using cars, that they were not moving by cars.

24 A. It used cars as need was. But when its positions were near the  
25 road or near places where fighting was taking place, it could not use

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1 the cars. Only in the peripheric area where it was much farther from  
2 the fighting positions it did.

3 Q. Mr. Humolli, you told us today before the break that at some  
4 point you were nominated for the position of the commander for civil  
5 administration, and you told us today it was in December 1999; is  
6 that so?

7 A. It should be so. I don't exactly know the date, but it should  
8 be the end of 1998.

9 Q. I would like to talk actually about the dates.

10 MR. MICHALCZUK: And I would like to seek the permission of  
11 Your Honours to read a very brief statement, part of the statement of  
12 Mr. Humolli that he gave to the SPO.

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

14 MR. MICHALCZUK: So I would like to make reference to the SPO  
15 statement of Mr. Fatmir Humolli ERN 100954-TR-ET, Part 1, RED,  
16 page 9, lines from 22 to 24.

17 Q. And listen what you said, what is in the record at least, in  
18 relation to the time when you were nominated for that position. The  
19 question of the Prosecutor, line 22:

20 "And then how about this second position, commander for civil  
21 administration?"

22 And your answer was:

23 "In autumn of the same year, 1998. That means after October."

24 So you said today it should be sometime in December 1998 where  
25 you were nominated to that position. To the SPO you said it was

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1 autumn, after October. So can you say that you are not indeed sure  
2 about those days?

3 A. In Kosovo, in 22 December, we launch the start of the winter  
4 season. So up until 22 December, it's autumn. And I can't tell you  
5 in details what the date was back then.

6 Q. I understand. You also told us today that from your appointment  
7 to the position of the commander for civil administration, so that  
8 second position within the KLA, you were engaged in developing civil  
9 administration structures; is that correct?

10 A. Yes.

11 Q. And you also gave us several locations within which you were  
12 developing those structures. You mentioned Prishtine, for example.  
13 You mentioned Podujeve. Did that development of those structures  
14 require a lot of organisational effort on your part?

15 A. Everything needed its own time. In this phase, because of the  
16 dynamic developments of the process, we received the mandate to set  
17 up the administration. Therefore, we studied the possibilities on  
18 who would be the proper persons to activate in the communes once they  
19 were liberated by the Kosovo Liberation Army.

20 So everything was prepared in advance so that in the moment in  
21 time when the commune was liberated, we would automatically appoint  
22 the people responsible for establishing the relevant administration  
23 in the communes.

24 Q. I understand from the moment of liberation, you mean June 1999;  
25 correct?

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1 A. Our preparations were that whenever this happened, whenever the  
2 towns were liberated, we would be ready to appoint the person that  
3 would be responsible to set up the communal administration in the  
4 relevant town or place that was liberated.

5 Q. I understand. I would like to focus on the first months of your  
6 activities as the commander for civil administration. So you were  
7 appointed, let's say, October, December 1998. But let's focus on the  
8 first part of 1999. That development of civilian administration or  
9 civil administration, did that require considerable amount of travels  
10 from you visiting those places, villages, towns in the region?

11 A. Travels were needed, but because of the conditions imposed by  
12 the constant offensives, we tried to make sure that our travels were  
13 limited because we already had some civil protection that was  
14 organised at the level of the Llap operational zone. Therefore, we  
15 had the possibility to get orientated through the administration that  
16 was allocated to the civil protection.

17 And everything went in parallel to the public administration  
18 that was organised by the General Staff and the civil defence that  
19 was organised by the Llap operational zone. However, in this point  
20 in time there was no clear rules, there were no clear rules on how  
21 the organisation was going to happen. And this is the reason why we  
22 were all waiting and we were drafting the rules on the way for us to  
23 proceed.

24 Q. I understand that. But from what you told us before, as a  
25 person who was the commander for civil administration, you were

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1 developing the local civilian administrative structures; was that so?

2 A. I was appointed to develop them. And in this point in time, we  
3 were waiting for the draft rules of the General Staff so that we  
4 could continue with tangible work.

5 Q. Did that development -- were your activities involving meeting  
6 people within the Llap operational zone territory?

7 A. Yes, I've met with people. So they've come and seen me. So  
8 there was this person that was named of the mayor of the commune of  
9 Prishtine. He came to the Llap operational zone. Naser Greicevci as  
10 well came. So he was elected the mayor of the commune of  
11 Fushe Kosove. So the talks we were holding were on how to proceed  
12 further afield.

13 Q. I understand. I have maybe the last question. Were you engaged  
14 in the development of any brigades in the Llap operational zone in  
15 1999?

16 A. We were in a war situation. And at any place there was a  
17 battle, I was staying there, and I have been part of that relevant  
18 event.

19 Q. I understand that. My question was more precise. Namely, were  
20 you involved in the organisation or creation of any brigades within  
21 the Llap operational zone?

22 A. I have dealt with the organisation of the Llap operational zone,  
23 and I have been involved as well in the organisation of every unit of  
24 the zone. So I've given my contribution in the context of the  
25 National Movement for the Liberation of Kosovo, and no brigade has

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1 been set up without the contribution of this movement. Therefore, I  
2 was involved in the establishment of the brigades as well.

3 Q. Wasn't a brigade established in 1999 within the Llap operational  
4 zone?

5 A. Brigade 153 was established in 1999. Whereas in 1998, there  
6 were two brigades established; namely, 152 and 151. Whereas the  
7 guerilla, the BIA guerilla, was operational from the illegality time,  
8 and it continued its work throughout. So these were the four  
9 formations at the beginning of 1999 under the responsibility of the  
10 Llap operational zone.

11 Q. I understand. Just one last question about Brigade 153 that you  
12 mentioned. What was your involvement in the creation of this brigade  
13 in 1999?

14 A. I was engaged because Adem Shehu was a superior from the  
15 Republic of Albania and he was in charge of training the units for  
16 the National Movement for the Liberation of Kosovo in the barracks in  
17 Tirana. Therefore, I proposed to the Llap operational zone for him  
18 to be elected as the commander of 153 Brigade.

19 Q. Were you also physically travelling to establish that brigade?

20 A. We have moved frequently. And once the brigade was established,  
21 I believe that I received the authorisation by the command of the  
22 operational zone. And I'm not very sure about the moment when this  
23 unit and this command became legal. I'm not sure on whether I was  
24 there or not at that moment in time.

25 Q. I understand. Speaking about dates, in your statement to the

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1 Defence, and we discussed this statement earlier on today, you were  
2 not sure about any particular day, indicating that you entered  
3 Prishtine sometime on 28 March 1999.

4 Let me read you part of your statement dealing with the dates of  
5 that time. Part of the SPO statement.

6 MR. MICHALCZUK: And I would like to read to the witness, with  
7 the permission of Your Honour, part of the SPO statement which is on  
8 the following ERN number: 100954-TR-ET, Part 2, page 28, line 9, 12.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Do you want to  
10 have Madam Court Officer pull it up?

11 MR. MICHALCZUK:

12 Q. So --

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,  
14 sorry, is this going to be pulled up?

15 MR. MICHALCZUK: It could be pulled up, yes. Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I would have a  
17 preference to pull it up --

18 MR. MICHALCZUK: Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- please.

20 MR. MICHALCZUK: So let's do so.

21 Q. So the question of the Prosecutor to you about that time in  
22 Prishtine, and especially the entry, was as follows:

23 "And then you said that you entered Prishtine together. So what  
24 would be the date of that entry?"

25 Your answer was:

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1           "The dates could be either 31 March or 1 April. I'm not sure  
2 about them."

3           Do you remember saying that to the Prosecutor?

4           A. The only thing that I remember is that I'm not 100 per cent  
5 certain about the days, but I remember that it was the beginning of  
6 April or the end of March. The reason for that is that bombing  
7 started on 24 March, and it kept on for many days up until the  
8 Serbian military forces took the decision to make the population flee  
9 away from that area.

10           So I cannot tell you of exact dates today, and that is what I've  
11 told you back then as well. What I can say is that it's the end of  
12 March. And if we take into account the fact that this is a process  
13 that lasts for a couple of days, I mean, this is how you come up with  
14 those dates. And I don't know how to otherwise explain you the  
15 length of the days.

16           Q. So, Mr. Humolli, just to sum up what you have just said. So you  
17 are not exact, you cannot be exact about the dates. The entry to  
18 Prishtine could be on 28 April, because -- this is the end of March.  
19 It could be 29 April. Maybe it could be 30 April, maybe 31 April.

20           A. In this moment in time, and when you asked me and when I told  
21 you that it was the end of March, the beginning of April, well, at  
22 least at that moment I did not remember that March has 31 days. And  
23 logics tells you that considering that March has 31 days, then you  
24 can make the correlation otherwise. But I've told you that this was  
25 at the end of March and the beginning of April, and that's the only

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1 logic. There is no second logic to that.

2 So I am sure, like I've told you, that on 1 April, the first  
3 column passed through Prishtine to Macedonia, and we were informed by  
4 the activists that were in Macedonia about this. And there were also  
5 soldiers of the guerilla. And there was no possibility, you know,  
6 just to go for 1 kilometre and not have a guerilla soldier along with  
7 the population.

8 Q. You know, I'm trying to understand better how precise you  
9 remember this date, you said, that the first column of people moved  
10 towards Macedonia, as I understand. But first of all -- and I have  
11 read in detail the statement that you gave to the Defence, and also I  
12 reminded myself about our own statement taken by you. And you never  
13 mentioned this issue of any unit, any group of people moving to  
14 Macedonia as a time post around which you orient yourself around the  
15 dates. You are telling this only now.

16 So can you tell us why didn't you say that to the Defence in  
17 your statement? Why didn't you say that to the Prosecution in your  
18 statement?

19 A. The reason for that is that neither the Prosecutor or the  
20 Defence asked for explanations that are detailed as you're asking me  
21 right now.

22 Q. Yes. But you told us today in the answers to several of my  
23 questions that you cannot be sure, it could be the end of March, but  
24 you were not certain about the dates. And I understand that also at  
25 that time, giving your statement to the Defence or the Prosecution,

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1 you were not sure about the dates. But you could also at that time  
2 give us this, so to speak, time post, saying, "Well, I remember it  
3 because on that day there was a certain group of people that moved to  
4 Macedonia." Why didn't you tell it to us at that time if you were  
5 still at that time also not sure about the dates?

6 MR. VON BONE: Your Honour, if I may. I believe that the  
7 witness has --

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel --

9 MR. VON BONE: -- just answered --

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel,  
11 could you please wait until I give you the floor.

12 MR. VON BONE: Okay.

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You may proceed,  
14 Defence counsel.

15 MR. VON BONE: Your Honour, I believe that the witness just  
16 answered that particular question. So to repeat the same question  
17 does not make the answer any different, in my view.

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor --

19 MR. MICHALCZUK: Your Honour, this --

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- you can proceed  
21 to try to elicit from the witness an answer. But bear in mind that  
22 we are going around the same subject now for -- and I see your point.

23 So please proceed, but we are coming at the moment that I think  
24 that there may be some repetitiveness in answers.

25 MR. MICHALCZUK: Your Honours, I understand that. The issue,

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1     however, is of a great importance for the case. We all know that the  
2     question of dates is a very relevant one.

3             So with your permission, just very briefly, I'll try to continue  
4     and then I'll move to another topic. It's a question of  
5     understanding how well the witness could understand the dates after  
6     22 years have passed since all those occurrences, all those events.  
7     This is relevant in relation to the substance of this case,  
8     Your Honour.

9             PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,  
10     the reason that I'm allowing you to continue with this line of  
11     questioning is exactly for this reason, that I see that it is very  
12     relevant for the case. I just wanted to give you a reminder that I  
13     was also seeing the point of the Defence.

14             But please proceed.

15             MR. MICHALCZUK:

16     Q.     Mr. Humolli, how do you know that the column you mentioned  
17     passed on 1 April and not, say, on 30 March, 29 March, 31 March? How  
18     do you know that?

19     A.     We were informed by the brother of Salih Mustafa. He was  
20     accompanying the column.

21     Q.     I understand that he --

22     A.     Salih Mustafa's brother was a soldier of the guerilla as well,  
23     and he was part of the soldiers to have different positions amidst  
24     the population. So it was the wave of the population that led them  
25     to that direction, and this is why we were notified of this

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1 occurrence. So we were notified of this and then we went ahead going  
2 towards Llapashtice.

3 Q. This is true. Your answer implies -- your answer is about how  
4 you were informed about that movement and who informed you about it.  
5 My question was about how do you know that. How do you know that  
6 this was that particular date?

7 A. It was on 1 April that we went towards Llapashtice. Whereas one  
8 day before that, they went to Macedonia.

9 Q. No, but again, this is very relevant, because you are explaining  
10 to us what happened, how the development was taking place. My  
11 question was how can you remember that precise date? Is there any  
12 time post that you could refer to? For example, you told us before  
13 that on 24 March there was a NATO bombing. Very memorable event  
14 indeed, I agree.

15 From that moment, however, from 24 March until 1 April, there  
16 are plenty of days. And from what you told us, there were plenty of  
17 things happening. For example, you mentioned that, in your  
18 understanding, the Serbian forces were about to, possibly, organise a  
19 massacre in Prishtine, and you went there. There were so many events  
20 within these dates.

21 My question again, because we have to be precise about it, how  
22 can you be sure that it was 1 April when you left Prishtine and not  
23 any other day? Maybe 28th March, 29th, 30th, 31st?

24 A. Given that I recall that we went to Llapashtice in April, there  
25 is no way that we're talking about a different date.

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1 Q. I understand. But -- again, I understand that you went to  
2 Llapashtice, and you told the Court already that you did. At some  
3 point you parted ways with Salih Mustafa in Barileve. It's not a  
4 question of where did you go. It's a question of when was it and why  
5 can you be precise about that date? What is the time post in  
6 relation to which you can orientate yourself when it comes to that  
7 precise date? 24 March, as I said, and possibly you agree with me,  
8 it was several days before. Many things could have happened in the  
9 meantime, and many things -- I mean, tell us about, again, why are  
10 you so sure it was the 1st?

11 A. I've told you that it was on 1 April. I've told the Defence it  
12 was on 1 April. And, of course, I've based myself on the information  
13 that we've received. But back then, you didn't ask us on how we  
14 received that information.

15 MR. MICHALCZUK: Your Honour, I would like to quote another  
16 short part of the statement of the witness about --

17 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

18 MR. MICHALCZUK: -- the time when he was going from Prishtine  
19 with Salih Mustafa. Today he told us - and also he said the same in  
20 his statement to the SPO - that he continued with Salih Mustafa to  
21 Barileve, then they parted ways, and he himself continued towards  
22 Llapashtice. So this is the statement of the SPO and his testimony  
23 of today.

24 Q. However, I would like to refer you, Mr. Witness, to your  
25 statement you gave to the Defence about that trip from Prishtine.

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1 MR. MICHALCZUK: And this is the Defence statement of  
2 Fatmir Humolli number 2, DSM00119 to 00133, page 5.

3 Q. And this is what you said to the Defence. The question from the  
4 Defence:

5 "And did you travel together to Llapashtice?"

6 Together, impliedly, with Salih Mustafa.

7 And your answer was:

8 "Yes, me and Salih Mustafa went to Llapashtice. Ejup stayed in  
9 Sharban. Salih, he returned immediately to Sharban. From there, I  
10 don't know. He received his task from the command and continued  
11 further."

12 So from this statement you gave to the Defence it seems that you  
13 went with Salih Mustafa all the way to Llapashtice. Today you told  
14 us he didn't go with you. So what is exactly what happened, what you  
15 told us today and to the SPO or what you told to the Defence counsel,  
16 in relation to where Salih Mustafa went with you?

17 A. This is the truth, what I am telling you. We departed  
18 together -- and this is what I told the Defence as well, but I don't  
19 know how they have recorded that down. But the truth was that we  
20 departed together. We were planning to go there together, but then  
21 we took the decision, because we saw the events in Prishtine, and we  
22 decided for myself to report to the headquarters of the zone; whereas  
23 Salih stopped to get back to Sharban.

24 On how he got back to Sharban, that, I don't know. I was  
25 accompanied by the Lumi unit to Llapashtice and this is what

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1 happened. This is the truth.

2 Q. I understand. But would you agree with me that there is a  
3 discrepancy between your statement to the Defence, "Salih went with  
4 me to Llapashtice," and your testimony of today that Salih did not go  
5 with you to Llapashtice but you parted ways in Barileve? Do you see  
6 that discrepancy?

7 A. In essence there is no discrepancy, but there is a discrepancy  
8 in the approach. The Court has already given me this statement for  
9 me to read it, and I'm talking here with reference to the statement  
10 I've given to the Defence. The statements that I've read, it's clear  
11 that somebody that knew Albanian took the statements directly from  
12 myself. Whereas when it comes to the statement I've given to the  
13 Prosecution office, it's understandable from the wording it was  
14 translated from English. So they have taken as a basis the English  
15 version and they have translated that into Albanian, and sometimes  
16 there are discrepancies.

17 But what is true is what I've told you right now.

18 Q. I understand. My point I'm trying to make to you is that if  
19 we've got so much discrepancies when it comes to big geographical  
20 distances, different locations that you gave regarding this  
21 encounter, how can you be sure about the date if you don't even  
22 remember precisely where geographically you travelled together with  
23 Salih Mustafa? That is my question.

24 A. We went together with Salih Mustafa many times, and when the  
25 lawyer asked me, I wasn't sure. That was my position then. When the

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1 Prosecution asked me, it was much later. And at that time, I had  
2 time to think it over before giving your answer. That's why my  
3 answers are more detailed to you than those to the lawyer.

4 This discrepancy is due to the dynamics of events but shouldn't  
5 be regarded as something exceptional. We didn't dare keep a diary.  
6 If we did, I would have been more accurate when narrating everything  
7 that happened. I would have written down the history of my activity  
8 if I did keep a diary. So we have to understand what happened but  
9 not in terms of exact dates.

10 Like I'm today here. I came here on the 30th, and the session  
11 is taking place on the 1st. These are things that, you know, are not  
12 so easy to understand. I remember when I left home, it was the 30th,  
13 and now the session starts on the 1st. I don't think it is something  
14 that can be understood what you are trying to understand.

15 Q. I understand. So in a nutshell, you accept that your account  
16 has changed with regard to the dates and to the places, because we've  
17 got different accounts when it comes to dates and places today --  
18 that stems from your today's testimony, from your statement to the  
19 SPO, and from the statement that you gave to the Defence. Do you  
20 accept that?

21 MR. VON BONE: Your Honour.

22 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel, I  
23 will first want to --

24 THE WITNESS: [Interpretation] Which dates do you think are  
25 unclear?

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1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Witness, could  
2 you -- Mr. Humolli, could you please take off your headset, please.

3 Defence counsel, you have the floor.

4 MR. VON BONE: Yes, Your Honour. I do not believe that the  
5 witness has to accept anything from the Prosecution. So the line of  
6 questioning of "do you accept this" or "do you accept that," I think  
7 it's just that the witness has his testimony, that's what he says,  
8 and the acceptance of something is a conclusion by the SPO, it is not  
9 something that the witness is saying.

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel, I  
11 don't think that it's problematic to use the wording "do you accept."

12 Mr. Prosecutor can continue. He wants to try to understand why  
13 there are certain discrepancies in the testimony -- apparent  
14 discrepancies, according to the SPO, in his statements. And he is  
15 asking the witness to explain that.

16 MR. MICHALCZUK:

17 Q. Mr. Humolli --

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,  
19 please proceed.

20 MR. MICHALCZUK: Yes. Your Honour, I'll try to be brief.

21 Q. Mr. Humolli, this is a very relevant thing because it seems to  
22 me that your memory has changed across those statements. A quite  
23 different account was given to the Defence as we have discussed  
24 today. A quite different account was given to the SPO, and we also  
25 discussed that today.

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1 Today you are telling us an account which also slightly differs  
2 from either the Prosecution -- SPO statement or the Defence  
3 statement. So would you agree with me that your memory has been  
4 changing when it comes to those dates at the end of March, as you  
5 said?

6 A. I don't agree with you. I have been very accurate, end of  
7 March, beginning of April, and I don't think the dates are at stake  
8 here. Why should we go into that?

9 Q. Mr. Humolli, could you tell me whether you met Salih Mustafa at  
10 any point in January 1999?

11 A. I met him every week, I think.

12 Q. Could you tell the Court precise dates of those encounters with  
13 Salih Mustafa in January 1999?

14 A. I cannot give you an accurate date, but our meetings were on a  
15 weekly basis. The dates for us were all the same. We didn't have  
16 any weekend or any time off because of the war.

17 Q. This is perfectly understandable. Could you tell us, speaking  
18 about January, where those meetings were taking place between you and  
19 Mr. Salih Mustafa?

20 A. Most of the meetings took place in Sharban, Rimanishte,  
21 sometimes in Llapashtice, depending on the needs and circumstances.

22 Q. So you are talking about the meetings between yourself and  
23 Salih Mustafa in January 1999; correct?

24 A. Yes. This was the case every month. Such meetings with  
25 Salih Mustafa and our superiors were held wherever we went. Wherever

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1 I went, I met the commanders of the brigades or the relevant units.  
2 When I was in Gollak, I met Brigade 153 commander. When I was in  
3 Llapashtice, it was 151, 152. When I went to Cicavica, I met those  
4 of Brigade 142 in the Shala operational zone.

5 Q. Speaking about February 1999, could you give us a precise date  
6 or dates of any meeting with Salih Mustafa?

7 A. I wish I was able to provide you accurate dates.

8 Q. Mr. Humolli, during the war - I am talking about 1998, also  
9 1999 - did you have any personal strategy preparing yourself for your  
10 potential capture by the Serbian forces?

11 A. It was very less likely that we would be captured by the Serb  
12 forces. But if it was a matter of arresting us, I was prepared how  
13 to talk to them. Just as I declared to you that if a pressure was  
14 exerted on me, I would have refused to talk to you as well.

15 Q. That is true that you said that.

16 MR. MICHALCZUK: Your Honour, with your permission, I'm going to  
17 read to the witness probably one last excerpt from his SPO statement  
18 regarding the dates.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

20 MR. MICHALCZUK: I'm referring to SPO statement number  
21 100954-TR-ET, Part 2, page 24, line 25, and page 25, line 1 to 5. So  
22 on page 24, it's going to the last line. On the following page, 25,  
23 it's going to be lines from 1 to 5.

24 Q. This is what you said to the Prosecutor, Mr. Humolli. And,  
25 again, bear in mind my question about your personal strategy

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1 preparing yourself for potential capture. You said the following  
2 thing, line 25:

3 "And you should know that during that period of time I prepared  
4 myself to forget the events."

5 The question of the Prosecutor was:

6 "Why?"

7 And you said:

8 "Because I was -- I would go around and the danger would be that  
9 of being arrested by the Serbian forces, and that was the way we  
10 would prepare ourselves not to tell anything to the Serbian forces."

11 Did you say that to the Prosecutor, Mr. Humolli?

12 A. Yes, it's correct. But to my recollection, this is a Kosovo  
13 court and not a Serbian court. And there is a difference. If you  
14 allude to something different. I know that the Assembly of Kosovo  
15 has approved the establishment of this court, that's why we are open  
16 to cooperate. That's why I came here to help this court not make  
17 mistakes regarding these events.

18 And I am very sure that for you it's very hard to understand how  
19 things developed on the ground.

20 Q. You're right, Mr. Humolli. I cannot even imagine. That's why  
21 you are a witness, to tell us about those developments. So do you  
22 confirm that, indeed, as stated to the SPO, you had that strategy to  
23 forget events and you were preparing yourself to forget events; is  
24 that correct?

25 A. It's correct. It happened to me that I moved by having my ID

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1 card not to endanger the citizens, because the police might always  
2 arrest us. But when we were armed and moved about, it was not likely  
3 that the police could arrest us. From Plave, for example, to the  
4 bus, I used to travel with my ID card -- a fake ID card. But I  
5 always was in danger of being identified by a face and not by the ID  
6 card.

7 Q. Mr. Humolli, so let's move on. Did you see Salih Mustafa again  
8 during the war after that first encounter in Prishtine?

9 A. Of course, I did.

10 Q. Could you tell us when it was and where it was?

11 A. I am not certain about the meetings. I met him in Sharban when  
12 the Serb offensives aimed to drive the population away from Gollak.  
13 And then I met him when the wounded left from Zllash to the rear of  
14 the enemy in Koliq.

15 Q. Because of this case, let's focus on that encounter in Zllash  
16 that you have just mentioned. Could you tell the Court, and all of  
17 us, when that encounter with Salih Mustafa would take place in  
18 Zllash?

19 A. I wouldn't dare provide you with an exact date, but one day or  
20 one and a half days before the ending of the Serb offensive in  
21 Zllash, when we transported the wounded and people without weapons  
22 from Zllash to Koliq. And it was Salih Mustafa and Sejdi Veseli that  
23 organised that movement, and I was part of that, helping them.  
24 Present there were the deputy commander of the brigade,  
25 Salih Mustafa, Rrahman Dini who was a member of the brigade staff.

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1 Q. I understand. You said you cannot give us any precise dates.  
2 However, I would like to get those dates from you. Try to travel  
3 back in time. You told us already about certain dates. We discussed  
4 this Prishtine encounter with Salih Mustafa.

5 So I'm trying to ask you with more precision, could you give us  
6 roughly the dates of your encounter of Salih Mustafa in Zllash --  
7 with Salih Mustafa in Zllash?

8 A. I can't give you the date, but I can say that we met every  
9 maximum ten days. Regarding the mission to remove the wounded from  
10 Zllash because of the Serb offensive which ended on 19th or 20th  
11 April, this may be two or three days after when I myself stayed in  
12 Zllash.

13 Q. So you said that the Serbian -- let me just get back to the  
14 transcript. So you said the Serb offensive ended on the 19th and the  
15 20th, and two or three days after you were in Zllash. Is that  
16 correct or could you clarify it again for us? Because I don't think  
17 the record is super clear.

18 A. Two or three days after the offensive ended, I was in Zllash.

19 Q. So you're in Zllash at that time. How did you meet  
20 Salih Mustafa? What was he doing when you saw him at that time in  
21 Zllash?

22 A. I met those of Brigade 153, but I don't know what Salih Mustafa  
23 did. I do know, however, that the staff of Brigade 153 decided to  
24 remove the unarmed people and the wounded from the war zone, and the  
25 overwhelming majority of the soldiers, and to transform that area

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1 into a fighting area divided in small groups to cause -- to inflict  
2 damages to the Serbian army.

3 Q. When you came to Zllash at that time, where did you come from?  
4 Where had you been before you came to Zllash?

5 A. Rimanishte, Sharban, in that part where fighting was taking  
6 place, in order to protect the civilian population. The duty of most  
7 of the superiors was to be as close as possible to the soldiers. If  
8 the superiors are close to the battle, they are more motivated to  
9 fight. The resistance grew. Therefore, there were less victims,  
10 civilian casualties, compared to other operational zone.

11 Q. I understand. Were you in those locations that you mentioned  
12 between the beginning of April and the time you went to Zllash after  
13 that Serb offensive?

14 A. The Llap operation zone command, when I was there it was the  
15 beginning of April. I can't say for how long I stayed. But after  
16 one week or ten days, fighting broke out in Sharban, Rimanishte,  
17 which was the fighting line. And this was the period when I passed  
18 from Rimanishte and Sharban. So it is some ten days or the half of  
19 April.

20 Q. You told us that you met Salih Mustafa -- because my question  
21 was about meeting Salih Mustafa in Zllash at that time that you  
22 mentioned after the offensive. So when you saw Salih Mustafa, what  
23 was he doing? Because you said you met him, so I understand that  
24 there was an interaction between the two of you. So, again, my  
25 question, what was he doing when you met him?

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1 A. I don't know what he was doing. But the decision made to remove  
2 the wounded, I am sure that Salih Mustafa was part of it in the  
3 brigade staff. I can't tell you more than that. If the brigade  
4 decided that Salih Mustafa, Sali Veseli [as interpreted], Rrahman  
5 Dini, and myself to accompany these people - that is, the wounded and  
6 the unarmed people - from this area, then he was part of that  
7 strategy to remove the wounded.

8 Q. Did Salih Mustafa actually participate in the moving of the  
9 wounded from Zllash? Did you see him doing that, removing people,  
10 participating in any way in the removal of the wounded people from  
11 Zllash?

12 A. He was personally involved, Salih Mustafa, because he had a  
13 friend of his who was wounded. And I remember that he was -- he went  
14 to the wounded.

15 Q. So you saw him attending the wounded, being with the wounded  
16 people?

17 A. Yes, we were together. He saw me. I saw him. We engaged in  
18 the same movements to transport the injured to the rear of the --  
19 rear part of the enemy lines.

20 Q. So where did you transport the wounded from Zllash?

21 A. From Zllash to a neighbourhood of Kecekolle. And we waited  
22 until dawn to continue to remove them when there were no Serb forces,  
23 to take them to Koliq where an offensive had already taken place and  
24 the Serb forces had withdrawn from there.

25 Q. So you told us before that you saw Salih Mustafa in Prishtine,

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1 and we discussed that issue at length before, and that you left with  
2 him at some point, the end of March, beginning of April. And the  
3 next time you saw him was when he was tending the wounded after the  
4 offensive? Is that the case? Is that correct?

5 A. I am telling you that I have seen him at other times too, but  
6 this is more focused because of the duty we had to transport the  
7 wounded. But logically speaking, I told you we -- our superiors, we  
8 met very often. So -- because as I explained, the Llap operational  
9 zone command had to be very active and near the troops.

10 I can't tell you exactly when, because the meetings were very --  
11 something normal and very common. It was not something  
12 extraordinary, like the case is now with me being here in this court  
13 and looking at the Judges.

14 Q. I understand. Speaking of Zllash, the location of Zllash, from  
15 which place in Zllash were the wounded taken to Koliq, as you said,  
16 by yourself and Salih Mustafa and the others who were participating  
17 in that evacuation?

18 A. Zllash has about some 20 houses. At the centre was a school,  
19 and it had -- the houses were around the school. The wounded were in  
20 a base in the periphery of Zllash, above the school, because of the  
21 height, and it was a position which was more easily to defend. It  
22 was far from the roads, and the Serb forces couldn't penetrate there  
23 easily.

24 Q. How far was that place from which you took the wounded to the  
25 school that you have just mentioned in terms of kilometres -- the

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1 distance? Not kilometres. Tell us more or less the distance.

2 A. I am not very certain now. I don't know.

3 Q. Just one last question about --

4 MR. VON BONE: Your Honour, if I may.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Humolli, could  
6 you please take off your headphones, please.

7 Defence counsel, please proceed.

8 MR. VON BONE: Yes. I'm not sure, but counsel is saying that --  
9 what is it here ...

10 MR. MICHALCZUK: Yes, I think I can see what my learned  
11 colleague is saying --

12 MR. VON BONE: Yes.

13 MR. MICHALCZUK: -- because there is a question probably  
14 misquoted.

15 MR. VON BONE: Yes.

16 MR. MICHALCZUK: The question in the transcript, it's on  
17 page 77, the question is line 23:

18 "How far was that place from which you took the wounded to the  
19 school that you had just mentioned in terms of kilometres ...?"

20 MR. VON BONE: Yeah, exactly.

21 MR. MICHALCZUK: So maybe I should clarify. I'm not suggesting  
22 that -- I'm not suggesting in any way that the witness said that the  
23 wounded were in the school. My question was about the distance.

24 School --

25 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] That's how --

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1 MR. MICHALCZUK: -- and the --

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] That's how I  
3 understood it too.

4 MR. MICHALCZUK: Yes, I just wanted to clarify. My question was  
5 about the place from which the wounded were evacuated in relation to  
6 the school, the distance between the two places. That was my  
7 question. I think the witness has already answered that question,  
8 but we could clarify it if necessary. If this was the issue.

9 MR. VON BONE: That is indeed the issue. I thought -- it seems  
10 in the transcript as if the wounded would be in the school but  
11 they -- well, maybe you can have some clarification on that issue.

12 JUDGE DEKKERS: Madam President, I saw and heard that the  
13 accused was reacting loudly in the courtroom, and maybe you could not  
14 notice it back home. But I think it's good to make an official note  
15 of that here in the courtroom.

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Yes, no, I did not  
17 hear it.

18 And, Mr. Mustafa, you're not supposed to take the floor when you  
19 are not given the floor. And I won't -- I warn you. And this is an  
20 official warning.

21 And there is another question I have for the witness. Does the  
22 witness understand English? Do you understand English, Mr. Humolli?

23 JUDGE DEKKERS: Maybe you have to repeat the question,  
24 Madam President.

25 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Do you understand

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1 the English language, Mr. Humolli?

2 THE WITNESS: [Interpretation] No, I don't. I only know that you  
3 are speaking English.

4 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well. Thank  
5 you.

6 Mr. Prosecutor, I was under the impression that the witness  
7 answered to your question -- I don't know that he had understood it  
8 well. But to have it rightly on record, I would say repeat the  
9 question, and then he can answer it, and then we have no discussion  
10 about it.

11 And thank you, Mr. Defence counsel, for raising it.

12 MR. MICHALCZUK: Of course, Your Honour. I'll repeat the  
13 question.

14 Q. My question was, just for the sake of clarification, what was  
15 the distance between the school in Zllash and the place from which  
16 you evacuated the wounded people?

17 A. I do not know the exact distance. I know that that place was  
18 more elevated as compared to the school.

19 Q. One question about the timelines again. And I apologise, I'm  
20 coming back to the issue of the timelines on and on, but it is  
21 relevant, I believe, in the context of this case.

22 From the moment you parted ways with Mr. Salih Mustafa, we've  
23 discussed this issue of Prishtine encounter and later on when you  
24 parted ways in Barileve, to the moment you met him in Zllash on the  
25 occasion of the evacuation of the wounded, where were you meeting

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1 Mr. Mustafa? In which occasions? Was it, I don't know, the front  
2 line? Was it at some meetings during which you were exchanging  
3 information? What was it? What were those occasions?

4 A. They were routine meetings, but they were not planned meetings.  
5 So like I said, we would meet maximum every ten days, because the  
6 battles were such that we had to be close. We had to be close to the  
7 soldiers. And, of course, Salih Mustafa had to be as close as  
8 possible to the information that was provided from the enemy side.

9 Now, about the time when we met, I can't provide you details  
10 about the meetings because those were routine meetings, and that's  
11 all I can say.

12 Q. But about locations of those meetings with Salih Mustafa, in  
13 between these two time posts that I mentioned, can you tell us any  
14 places - villages, locations - where you were meeting Mr. Mustafa  
15 within that timeframe that I indicated in my previous questions?

16 A. So given that they were routine meetings, I don't know exactly  
17 where we met. It's not that I have ever thought about that. But the  
18 idea was for us to meet frequently because we were covering more or  
19 less the same terrain.

20 So the battle that was held was from Batllave, Rimanishte, Lupq,  
21 to make the civil population, the civilians, to leave their homes.  
22 And we had to take care of the left side of the road  
23 Prishtine-Leskovc and the right-hand side of Prishtine-Orllan. So  
24 that was the strategy of the army.

25 Q. Let's move on to a slightly different topic; however, it is

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1 related, at least when it comes to the location. Did any members of  
2 your family stay in Zllash in 1999?

3 A. In 1998, it was my father and my brother. Whereas in 1999, it  
4 was my wife and my two children.

5 Q. When was it that they stayed in Zllash in 1999?

6 A. In April of 1999, they left Zllash one day before the offensive  
7 started. So they left from Zllash and went to Prishtine.

8 Q. Could you tell me the dates within which your family members,  
9 your wife and children were, in fact, in Zllash in April, as you  
10 said, 1999.

11 A. They remained there three or four days before the offensive in  
12 Zllash started, because they also remained in Rimanishte and Sharban,  
13 and because of the offensives there as well they passed to the area  
14 of Zllash. They were in Zllash for about three or four days in one  
15 of the houses above the school.

16 Q. You told us that around that time, more or less, you also came  
17 to Zllash. So, as you said, your family stayed there for three, four  
18 days. How many days before or after they came to Zllash you also  
19 went there?

20 A. I went to Zllash to the brigade command, to the brigade  
21 headquarters every week. It was not something precise because the  
22 training and the fighting were related in the part of Sharban and  
23 Rimanishte with the Brigade 153 headquarters, because they belonged  
24 to Brigade 153.

25 I was part of Sharban, but it happened that I would move from

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1 Sharban to the brigade as well.

2 Q. I understand. What I'm trying to the establish is whether you  
3 were also in Zllash during the time when your family was also there.  
4 That is my question.

5 A. I was there when my family was in Zllash because I saw them off.  
6 So they left to Prishtine and I saw them off while doing so. Whereas  
7 my father, he saw them off up until in the vicinity of Prishtine.

8 Q. So you saw your family off. But my question is within this  
9 period of time, three, four days of your family's stay in Zllash, how  
10 long were you in Zllash? Were at that time with them one day when  
11 they were there, two days, three, or the whole stay of theirs?

12 A. Three, four days, up until the operation for the evacuation of  
13 the injured, I was in Zllash. It was this period in time when my  
14 family left Zllash, as well as the injured were evacuated from there.

15 A good majority of the family members that were there, because  
16 there was no house in Zllash that was not occupied by civilian  
17 population, but a good majority of those people left for Prishtine.  
18 And part of the group were as well members of my family.

19 There was no house in the Gollak region that would not invite  
20 civilian population, because the population of Gollak area became ten  
21 times more back then. Because before, there were many people that  
22 left to Prishtine and Podujeve area, but in that moment in time,  
23 those houses would take many other civilians.

24 So, in other words, every single house in the area was full of  
25 women and children.

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1 Q. I understand. Speaking about the time, I want to clarify maybe  
2 one last thing. So there was an offensive approaching, Serbian  
3 offensive, around that time; correct? How long before the offensive  
4 reached Zllash had your family left Zllash for Prishtine?

5 A. One day. One day before the offensive started in the right-hand  
6 side of the road Prishtine-Leskovc. One day before that. One day  
7 before the offensive started. Because the Serbian offensive went  
8 through the villages of the commune of Podujeve, and the population  
9 fled away from the Gollak area and they started to enter in Prishtine  
10 through the columns, and that was the moment in time when my family  
11 went there as well.

12 Q. So you told us -- you have just told us that your family left  
13 Zllash around roughly one day before the offensive started. So could  
14 you tell us --

15 A. Yes.

16 Q. -- again when was it that the offensive, Serbian offensive  
17 started?

18 A. The offensive started from the 18th, from what I recall, in the  
19 Zllash area. So it was present on the 19th or 20th, and it lasted  
20 for about one day. I don't exactly know the date, but the offensive  
21 there was all -inclusive, so they entered into the area from all  
22 directions. And the Zllash area -- from Zllash to Mramor, that area  
23 was surrounded by the Serbian forces, and it was bombed and shelled  
24 all the time. And this is the reason why the civilian population had  
25 to escape from there.

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1           In general, the Serbian forces, the Serbian military forces were  
2           not able to have battlefields and fightings into certain areas. But,  
3           however, while the battlefield continued from Podujeve to Leskovc,  
4           they continued into that route. But the logics of the Serbian  
5           military forces, because they didn't have the logics to fight the  
6           soldiers of the KLA, so they were bombing the place so that they made  
7           sure that no one was left in the area.

8           Q.    I understand. You told us that your family left roughly one day  
9           before the offensive, and then you told us that it could be around  
10          18 April when it started. So can we assume that they left on  
11          17 April, or we cannot say that with certainty? I am talking about  
12          the precise date when your family left.

13          A.    We can assume as we wish, but I don't know.

14          Q.    Mr. Humolli, where did your family stay in Zllash at that time?  
15          Could we discuss a little bit the location where they stayed.

16          A.    I told you that they were located in one of the houses above the  
17          school of Zllash. They were tents of families sheltered there like  
18          my family.

19          Q.    How far was that location where your family were staying in  
20          Zllash from the school that you mentioned before in terms of  
21          kilometres or, if it's less than a kilometre, metres? More or less.

22          A.    It's several times that I'm telling you that I can't tell you  
23          the distance. I don't know the distance.

24                PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor.

25                MR. MICHALCZUK: Yes, Your Honour.

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1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I think I heard  
2 that question already before in different wording.

3 MR. MICHALCZUK: I think my question, Your Honour, before was  
4 about the distance between the school and the place from where the  
5 wounded were evacuated. And now my question is the distance between  
6 the school and the place where the family of the witness was staying.  
7 I think my question is --

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I see. You're  
9 right. You're right. Thank you.

10 MR. MICHALCZUK: I apologise if I'm asking the same question  
11 again but --

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] No, you don't have  
13 to apologise. I see --

14 MR. MICHALCZUK: -- for the clarity --

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- what you're  
16 saying.

17 MR. MICHALCZUK: Thank you, Your Honour. Thank you.

18 Q. Mr. Humolli, are you aware of the existence of any military  
19 hospital in Zllash?

20 A. In these two facilities that my family was staying, there was  
21 this facility which was the hospital, and it was from there that we  
22 took the injured and we evacuated them towards Koliq. So there were  
23 those facilities which were occupied by civilian population,  
24 including my wife and my children, and there was this other facility  
25 where the injured were located.

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1 Q. Speaking about the wounded and your -- in the context of the  
2 stay of family in Zllash, did the wounded come after your family had  
3 left for Prishtine, or when your family was still there in Zllash?

4 A. For as long as my family was there, the injured were there too.  
5 Because there were developments in the area of Viti of Marec where  
6 the battles left our soldiers injured, and they left towards a  
7 village which we call Viti of Marec which is beneath the village of  
8 Zllash. So that part left, and those that were injured were  
9 evacuated to the outskirts, to the suburbs.

10 Q. Mr. Humolli, I would like to --

11 MR. MICHALCZUK: Of course, with the permission of the Panel.

12 Q. I would like to read to you part of your SPO statement exactly  
13 about this issue.

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

15 MR. MICHALCZUK: Thank you, Your Honour.

16 I'm referring to the SPO transcript ERN 100954-TR-ET. It's  
17 Part 3, page 7, and it starts from line 23 and continues until  
18 line 25. And then it finishes on page 8, line 1.

19 I apologise, Your Honours. I need to give just a little bit --  
20 I need to give corrected page numbers. So it would be the same page,  
21 page 8, but lines would be 23 to 25, and then line 8 and 13.  
22 Sorry -- from 8 to 13, yes. From 8 to 13.

23 Q. The question of the Prosecutor exactly about this issue was as  
24 follows:

25 "Okay, sorry. Did the wounded people end up there after your

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1 family had left or at the same time when the family of yours was  
2 still there? Could you tell us what happened in kind of time  
3 sequence?"

4 And your answer was:

5 "After my family left. Because the fighting started after the  
6 departure of the families."

7 So what are you saying today after having heard this part of the  
8 statement? When the wounded were there in that location, was your  
9 family, indeed, still there or had they left before the wounded were  
10 placed in that location, in that place?

11 A. What I know is that one person, Teuta Hadri [phoen], that was a  
12 doctor, she got to know my wife that was in Zllash. Now, about the  
13 dynamics or the developments and the pressure associated to them,  
14 that is not of importance to me. That's not of relevance to me. I  
15 don't know whether that's the case or not with the Prosecutor.

16 However, what I can say is that my family left the place before  
17 the offensive, and the injured could not leave the place earlier. So  
18 a little bit before the offensive was over, we removed -- we  
19 evacuated the injured. Now, we are only talking about the Zllash  
20 area being taken by the Serbian forces, but the battles had started  
21 many days before that. And the injured were not only injured that  
22 day but they were injured even before that, as was the case of Viti  
23 of Marec or Sharban where people were injured as well.

24 I have no comment, and I don't know how to explain that, but  
25 what I know for a fact is that Teuta Hadri, that was the only doctor

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1     there, so has been in contact with my wife even after the war. So  
2     she has been the doctor of my wife after the war as well, but we have  
3     known her during the war.

4     Q.    Was there any moment when your family was staying in Zllash that  
5     you were staying with them? My question stems from the fact that you  
6     told us that there were several developments. I understand you were  
7     very busy preparing for the incoming offensive. So my question again  
8     is when your family was still there, did you stay with them for a  
9     certain amount of time?

10    A.    I have visited my family.

11    Q.    When you were visiting them, do you remember in which place they  
12    were staying?

13    A.    There was this house amongst the other houses where people  
14    lived.

15    Q.    Did your family occupy a certain room of that house or the whole  
16    house? Do you remember that?

17    A.    In the times of war, there was no luxury such as to have a house  
18    all by yourself. So there were many civilians and there were too  
19    many people staying at the same home. So the children and women  
20    would stay inside the house, whereas the men would stay outside.

21    Q.    Right. But you told us that your family at that time consisted  
22    of your wife and two children who were staying there in Zllash; is  
23    that correct?

24    A.    Yes, yes.

25    Q.    Were they staying, your wife and your children, were they

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1 staying in one particular room of that house that you told us about?

2 A. The children and women, they would sleep inside. But when it  
3 comes to meeting them, I would have met them in the yard. I don't  
4 know the details on how I met them, but I have met with my children  
5 there and that's the most important thing.

6 Q. So can we say that you were not really staying with them over  
7 that time when they were in Zllash but you were just visiting them;  
8 is that correct? Is my understanding correct?

9 A. It's a short period of time. The developments were very  
10 dynamic. And so I visited them. I don't remember how long I  
11 remained with them.

12 Q. When you were visiting your family in that place that you  
13 mentioned, was it in front of that building? Where were you meeting  
14 them? Because you said, "I was meeting them in the yard."

15 A. Can you repeat the question once again, please?

16 Q. Yes, of course. If I'm unclear, I apologise for that. When you  
17 were visiting them, you said that those encounters with your wife,  
18 with your children, were taking place not inside of that building but  
19 in the yard. Is my understanding of your answer correct?

20 A. Yes.

21 Q. When you were there, how long did that encounter with them last,  
22 or encounters when you were there? So you go to that place, you meet  
23 your family members in the yard, and roughly how long did that  
24 encounter or encounters with them take place?

25 A. I am not sure. But what is important is that we have discussed

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1 about the situation, and I have told her that they need to go to  
2 Prishtine.

3 Q. I understand you cannot tell us with great precision how long  
4 those encounters were taking place, but are we talking about minutes  
5 of that discussion? So you're coming, talking to them a few minutes,  
6 informing them about developments, and going back to your obligations  
7 and duties? Or was it longer than that? Could you tell us a little  
8 bit more about those encounters?

9 A. It's not an issue of minutes. It's an issue of hours. But I  
10 can't tell you how long that was. I haven't kept any record of that.  
11 So I know that I've met them. I've met my parents as well. And  
12 that's it.

13 Q. So do I understand correctly that you were meeting them in the  
14 yard in front of some building or buildings, and you were talking for  
15 hours with them in front of the building in the yard? Is my  
16 understanding correct?

17 A. Yes, yes.

18 Q. Mr. Humolli, when you were visiting them, talking to them, did  
19 you have any chance to visit any buildings in that location any --  
20 apart from talking to them, you were standing in the yard, any chance  
21 to visit other locations there within that yard?

22 A. The hospital was there as well. There were the injured there as  
23 well. I met with the injured as well as with my family members. So  
24 there was this building where the hospital for the rehabilitation of  
25 the injured soldiers was located, and it was from there that we

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1 evacuated them to other areas.

2 MR. MICHALCZUK: Your Honour, with your permission, I would like  
3 to read to the witness a very short part of the SPO statement.

4 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,  
5 you may. At the same time, I would like to remind you of the time we  
6 are now. So I suggest you finish your line of questioning for today,  
7 if that's possible, and then we resume tomorrow.

8 MR. MICHALCZUK: Your Honour, this is exactly what I intended to  
9 also suggest. I don't have too many questions on that particular  
10 issue, so a few minutes from now and we should wrap up for today.

11 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well. Please  
12 continue.

13 MR. MICHALCZUK:

14 Q. Mr. Humolli, I would like to read to you a part of the SPO  
15 statement.

16 MR. MICHALCZUK: And for the record, it is the following ERN  
17 number: 100954-TR-ET, Part 3, page 7, lines 15 to 19.

18 Q. Listen to this exchange between the Prosecutor and yourself,  
19 Mr. Humolli. Question:

20 "When you were staying with your family in that compound, were  
21 you visiting other buildings within that compound or were you staying  
22 only in the building where your family was?"

23 And you said:

24 "No, I didn't -- no, I didn't need to go around. I needed to  
25 stay with my family because I had not seen them for several months."

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1           So from this exchange, Mr. Humolli, it seems that you didn't  
2           actually go around but you were focused on your family, as you said,  
3           because you hadn't seen them for several months. So is that correct  
4           what you said to the Prosecutor?

5           A.    It is correct. It is true that the rooms where the civilian  
6           population was staying, those rooms I didn't visit. I didn't see.  
7           And this is the context in which I gave the statement to you. We  
8           didn't discuss about the injured during that time. The injured were  
9           covered before some days of the finale of the Serbian offensive  
10          towards Zllash.

11          So my family was staying there for about three to four days, so  
12          this is just one piece of the development of the event for three or  
13          four days. So whereas when it comes to the injured, I did see them  
14          because when it comes to the other rooms where the civilian  
15          population was residing, I mean, it was not correct on my end to go  
16          and see them or to visit them.

17          Q.    Just to understand it a little bit better, and this probably  
18          will be the last area I need to have more precision, if possible,  
19          from you, Mr. Humolli.

20          So when your family was there, and you were visiting them,  
21          talking to them, is my understanding correct that you were not going  
22          to any places within that compound, but when they left and there were  
23          wounded people piling up there, you, indeed, visited the wounded? Is  
24          my understanding correct?

25          A.    The question is not clear to me.

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1 Q. All right. So let me rephrase it. So is my understanding of  
2 your statement correct: That when your family was still in Zllash  
3 and you were visiting them to see them, discuss issues with them,  
4 advising them to go to Prishtine, you were not visiting other places  
5 within that compound; however, when they left and wounded people  
6 started piling up in that location, you, indeed, visited the wounded  
7 people? Is my understanding of your statement correct?

8 A. You haven't understood it right. I said that I didn't visit the  
9 places, the rooms where other civilians stayed, and that the wounded  
10 came and stayed there for three, four days because of the battles  
11 that were fought earlier. So I, of course, visited the wounded  
12 there. The wounded were there for the time that my family was there.  
13 The reason that my family left one day before the offensive -- the  
14 decision to remove the wounded was taken three, four days before the  
15 offensive. That is the order of events. I don't know how to explain  
16 it better, what happened.

17 Q. The only issue that I have with what you have just said is that  
18 in the statement to the SPO that I quoted and I put to you, you said  
19 clearly that when you were visiting your family you were not going  
20 around, you were not going to other buildings, and you were focused  
21 on your family as you -- because you had not seen them for months.  
22 And now you're saying that you indeed visited one place; namely, the  
23 place where the wounded were kept.

24 So I'm asking about this discrepancy. Could you explain this  
25 discrepancy? Why did you say that to the SPO, that you did not

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1 indeed walk around and you did not indeed enter any other places?

2 A. I already told you I didn't visit the other places where other  
3 families were being accommodated. I said that I visited the wounded  
4 too. But I can't give you minor details, like times, and maybe it's  
5 difficult for you, too, to understand without being there when events  
6 unfurled. We who have experienced such events find it difficult to  
7 recall them, let alone yourself to understand by listening to me or  
8 others, listening to different variants.

9 So you have to bear in mind the time. And as to minutes or  
10 seconds, I can't tell you, even though now - we are talking now - I  
11 can recount the event but the details, in my opinion, are not just to  
12 ask me about at this time because I believe I can't, I'm not able to  
13 tell you. If I could, I would have told you, because I came here  
14 voluntarily to assist this Court.

15 And you have to understand me. There has never been any  
16 tendency to change my statement given to you or to the lawyer,  
17 Defence lawyer, because I'm certain that no regular army in the world  
18 could have waged a more just war than our army did.

19 Q. Mr. Humolli, this is very true that we were not there, and this  
20 is exactly the reason why we are asking all the questions, because  
21 you were there. That's why we try to get as many details as possible  
22 and to get the clearest answers from you as possible.

23 And thank you very much for today's testimony.

24 MR. MICHALCZUK: Your Honour, Your Honours, this would conclude  
25 my line of questioning for today. I will continue tomorrow with some

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1 other topics.

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,  
3 Mr. Prosecutor. It is, indeed, now after 4.00 and, therefore, the  
4 end of the day in court. We will continue with the questioning of  
5 Mr. Humolli, Witness 4849, tomorrow at 9.30.

6 Mr. Humolli, thank you very much for your time today. Let me  
7 remind you that you should not --

8 [The witness stands down]

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- discuss your  
10 testimony with anybody this evening or --

11 JUDGE DEKKERS: Sorry to interrupt you once again,  
12 Madam President, because the witness already left the courtroom. But  
13 he will come back in a minute. I will let you know.

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] What happened?  
15 Okay.

16 JUDGE DEKKERS: We don't know but ...

17 [The witness takes the stand]

18 JUDGE DEKKERS: Yes, he will have a seat now. So this will be  
19 the best moment to proceed.

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Humolli, you  
21 already left, I understood. I still had some things to say to you.

22 We will resume tomorrow at 9.30. And I want to remind you that  
23 you should not discuss your testimony with anybody. Have you  
24 understood that?

25 THE WITNESS: [Interpretation] It is clear to me.

1           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Okay. Very well.  
2           You will be --

3           THE WITNESS: [Interpretation] But I believe my testimony is  
4           public.

5           PRESIDING JUDGE VELDT-FOGLIA: [via videolink] But, anyhow, it's  
6           not to be discussed at this moment in time. And you will be escorted  
7           by somebody of the Registrar, and I hope you will get some rest this  
8           evening. It has been a long day. And we will see you again tomorrow  
9           morning at 9.30. Thank you for today.

10          THE WITNESS: [Interpretation] Thank you.

11          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Madam Court Usher,  
12          could you please escort the witness out of the courtroom.

13                                 [The witness stands down]

14          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Madam  
15          Court Usher.

16          Mr. Prosecutor, is there still something you would like to raise  
17          at this moment in time?

18          MR. MICHALCZUK: Not at this point, Your Honour. Thank you.

19          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

20          Victims' Counsel, is there something you would like to submit to  
21          the Court?

22          MS. PUES: No, thank you, Your Honour.

23          PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well. Thank  
24          you.

25          Defence counsel, do you have anything to raise?

1 MR. VON BONE: Yes, Your Honour, briefly. Only that I would  
2 like to make some arrangements with Mr. Mustafa in order that he can  
3 be called and that we can have contact with him. So, therefore, it  
4 would be useful if he stays a few more minutes together with somebody  
5 of the Registry so that we can properly conduct a time and the way of  
6 communication.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well. I will  
8 leave that for CMU to arrange. And tomorrow, when we continue with  
9 the SPO direct examination, you will be granted a longer break in  
10 order to discuss in addition to what has been done in direct  
11 examination today, to discuss it with your client tomorrow.

12 Very well. Then I thank the parties and the Victims' Counsel  
13 for their attendance. And I thank the interpreters and the  
14 stenographer and the audio-visual booth and security for their  
15 assistance today.

16 The hearing is adjourned till tomorrow, 9.30.

17 --- Whereupon the hearing adjourned at 4.09 p.m.

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