

1 Monday, 11 April 2022

2 [Open session]

3 [The accused entered court]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

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

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

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 First of all, I will call the appearances.

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

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Victims' Counsel, you have the floor.

18 MS. VOSSENBERG: Good morning, Your Honours. Good morning,
19 everybody. The participating victims are represented this day by
20 myself, Brechtje Vossenbergh, co-counsel.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Defence Counsel, you have the floor.

23 MR. VON BONE: Good morning, Your Honour. The Defence is
24 represented by my co-counsel, Mr. Betim Shala; myself,
25 Julius von Bone; interpreter and investigator Mr. Fatmir Pelaj. In

1 the courtroom joining today is Mr. Mustafa, the accused.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And for the record,
3 you are appearing in front of Trial Panel I.

4 Today we will hear the testimony of Defence Witness 900,
5 Mr. Kapllan Parduži. However, before that, the Trial Panel would
6 like to address three issues with the parties and participants.

7 First, we will issue an oral order.

8 On 7 April of this year, the Panel received the Defence revised
9 order of witnesses for the months of April and May 2022, which is
10 filing 373, which did not include any references to Defence witnesses
11 1200 and 1900.

12 On the same day, via e-mail sent by CMU to the Defence at
13 18 minutes past 6.00, the Panel asked the Defence to clarify whether
14 and when it intends to call witnesses 1200 and 1900.

15 On 8 April 2022, the Defence responded via e-mail sent at 7.54
16 in the morning that it no longer intended to call Witness 1200 and
17 1900. The Defence further added with regard to Witness 1400 and 1500
18 that it expected their examination to last two hours rather than
19 three hours as estimated in filing 373.

20 The Panel stresses that the Defence has an obligation to notify
21 the Panel if it decides to amend its list of witnesses. This derives
22 from Rule 119(5) of the Rules. Defence Counsel failed to act
23 diligently in this situation and only informed the Panel when
24 prompted to do so. Be that as it may, the Panel orders the Defence
25 to file its amended list of witnesses into the case record by

1 Tuesday, 12 April 2022, and the list shall also reflect the Defence
2 updated estimated time for direct examination of Witness 1400 and
3 1500.

4 This concludes the Panel's oral order.

5 Then we have a second item, also with regard to Defence. And
6 the Panel asks the Defence to confirm whether the accused will make
7 an unsworn statement pursuant to Rule 142(1) of the Rules, and the
8 Panel understands that should this be the case, the ensuing statement
9 will be made after the testimony of the last witness, which is filing
10 335, paragraph 5.

11 And Panel would like to hear from the Defence, A, whether the
12 accused would be ready to make the unsworn statement in the week of
13 16 May, so that would be on the 17th, 18th, and/or the 19th of May;
14 B, what is the estimated duration of the statement; and C, whether
15 the accused will be answering questions from the Panel before or
16 after the statement.

17 Defence Counsel, are you ready to give an answer to these
18 questions or shall we postpone it to tomorrow morning?

19 MR. VON BONE: Better to postpone it to tomorrow morning,
20 Your Honour. Then we will consult about it.

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

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

23 [Private session]

24 [Private session text removed]

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20 [Open session]

21 THE COURT OFFICER: We are in open session, Your Honours.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you. We now will proceed
23 with the testimony of Defence Witness 900.

24 Just to put it on record. We have given permission to have the
25 examination done in Albanian by e-mail last Friday.

1 PRESIDING JUDGE VELDT-FOGLIA: Very well. Mr. Parduzi, today we
2 will start with your testimony. You are called to testify before the
3 Specialist Chambers in the case of the Specialist Prosecution Office
4 against Salih Mustafa to assist this Panel to reach a verdict.

5 After you have taken your solemn declaration to tell the truth,
6 you will be asked questions by the counsel representing Mr. Mustafa,
7 sitting on your right-hand side. Then you will be asked questions by
8 the lawyers for the Prosecution on your left side nearest to the
9 Judges, on that side. And then you will be asked questions by the
10 Victims' Counsel, who are also on your left side, if any. And at the
11 end, you may be asked questions by the Panel.

12 You understand that?

13 THE WITNESS: [Interpretation] Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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

17 Mr. Parduzi, please -- and do I pronounce it well? Is it
18 Mr. Parduzi?

19 THE WITNESS: [Interpretation] Parduzi, yes.

20 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please, listen
21 carefully to each question. And if you don't understand, feel free
22 to ask for the question to be repeated. We want you to tell the
23 truth and to tell us what you saw, what you heard, what you
24 experienced yourself. If you found out in some other way, then you
25 should say so and explain how.

1 You may not remember all the details of the events, and this is
2 perfectly fine. Please testify on what you remember, and it's
3 perfectly fine to say "I don't remember," "I don't know," because you
4 should not guess and you should not make things up.

5 Please answer the questions in a focused way. If clarification
6 is needed, you will be asked to do so. And I might interrupt you if
7 you're deviating in your answer from what you were asked. And I also
8 remind you that you may refuse to answer a question on issues that
9 might tend to incriminate you.

10 Have you understood all this?

11 THE WITNESS: [Interpretation] Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: I also would like to give you
13 some practical advice for your testimony.

14 Everything what we say here is translated and recorded, so it is
15 important to speak into the microphones in front of you, to speak
16 clearly, and to speak at a slow pace. This will allow the
17 interpreters to translate everything.

18 You should only start speaking when the person asking you a
19 question has finished. And when a question is asked, Mr. Parduzi,
20 please count in your head up to five and only then give an answer,
21 and I insist on this. It's very important. And this pause of five
22 seconds is essential for us to properly follow what you are saying.

23 And when Mr. Shala will be performing the questioning, finish
24 his question, please wait five seconds. This is really important.
25 So I might need to interrupt you, because when you hear the question

1 in Albanian, I can imagine that you might want to answer right away,
2 but you really should keep your answer and only after five seconds
3 talk. Yes?

4 If I raise my hand, please stop talking. If I start talking
5 into the microphone, I will be overlapping what you are saying, so I
6 prefer not to do that. Sometimes you will be asked to take off your
7 headphones or even you might be ushered out when something needs to
8 be discussed regarding the content of your examination, in order not
9 to influence you.

10 And if you have any questions, if you need a break or you need
11 other kind of assistance, please raise your hand and then I will give
12 you the floor in order to ask the question.

13 Have you understood all this?

14 THE WITNESS: [Interpretation] Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well.

16 Do you speak English, Mr. Parduzi?

17 THE WITNESS: [Interpretation] No.

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

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

23 THE WITNESS: [Interpretation] Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: Court Clerk, can you please
25 assist the witness with his solemn declaration.

Witness: Kapllan Parduзи (Open Session)
Examination by Mr. Shala

Page 3411

1 Please, Mr. Parduзи, read the text provided to you.

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

6 WITNESS: KAPLLAN PARDUZI

7 [Witness answered through interpreter]

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Parduзи. You are
9 now under oath to tell the truth.

10 We can now begin with the testimony of Mr. Parduзи, starting
11 with the questioning by the Defence Counsel.

12 Defence Counsel, you have estimated two hours for your
13 questioning of this witness. As usual, please inform the Panel of
14 any change in this regard for planning purposes. You have the floor.

15 MR. SHALA: Yes, Your Honour. I will. Thank you.

16 Examination by Mr. Shala:

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

18 A. Good morning.

19 Q. Mr. Witness, did you provide Salih Mustafa's Defence a
20 statement?

21 A. Yes.

22 Q. Do you recall when was that?

23 A. Yes.

24 Q. Can you tell us when was the date?

25 A. On 26 February 2021.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3412

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, wait. You have to
2 wait a little moment before you start talking.

3 MR. SHALA: [Interpretation]

4 Q. Other than the Defence, have you provided any statement to
5 anyone else during that time period? I am talking about 2021 and now
6 about 2022.

7 A. Yes, I was contacted in December by the Prosecutor, and in
8 January 2022 I was for an interview at EULEX office in Kosovo.

9 THE INTERPRETER: Fushe Kosove, correction.

10 MR. SHALA: [Interpretation]

11 Q. In what capacity were you invited?

12 A. I don't know in what capacity, even though I considered it
13 unjust then and now. But since you started questioning me, I wanted
14 to raise two concerns before the Panel. Personal, my two personal
15 concerns, if I am allowed to do that.

16 PRESIDING JUDGE VELDT-FOGLIA: You are for now only allowed to
17 answer the questions that the Defence counsel is putting to you.

18 MR. SHALA: [Interpretation]

19 Q. Mr. Parduži, I wish to discuss together today the period of 1998
20 and 1999. Were you a member of the Kosovo Liberation Army?

21 A. Yes, I was.

22 Q. Since when did you join the KLA?

23 A. I joined in May 1999 and until now.

24 Q. Do you recall in what part of Kosovo did you join the Kosovo
25 Liberation Army?

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3413

1 A. Yes.

2 Q. In what part was that?

3 A. In the Llap operation zone.

4 Q. In 1998, at the time when you joined the KLA ranks in the Llap
5 operation zone, were there brigades in operation?

6 A. No, they did not exist. They were formed later.

7 Q. Can you tell us when were they formed?

8 A. I don't know, to tell you the truth, because I was not involved
9 in it, but I think it was sometime by the end of August 1998.

10 Q. How many brigades were formed then?

11 A. Two brigades: 151, Pajaziti; and 152, Shaban Shala. At the
12 zone of the brigade, there were three, but Brigade 153 was formed, I
13 think, sometime in February 1999, if I'm not mistaken.

14 Q. What brigade were you a member of after the brigades were
15 formed?

16 A. I belonged to 151, Zahir Pajaziti Brigade.

17 Q. Where was the staff of the brigade then, 151?

18 A. We were -- we had our staff in Bajgore school, in Bajgore
19 village.

20 Q. Were you all the time there in Bajgore until June 1999?

21 A. No. We stayed until 19th or 20th September 1998, when the first
22 offensive took place between the Serb forces and the KLA forces in
23 Kacanoll village or gorge, dividing Llap or Mitrovica territories or
24 municipalities.

25 Q. And where did you go after that?

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3414

1 A. Brigade 151 settled in Bradash village.

2 Q. Did you have any grade or any rank at that time in the KLA?

3 A. Yes, I had the highest grade that existed in the KLA then.

4 Q. Can you tell us what grade?

5 A. Soldier of the Kosovo Liberation Army. That was the highest
6 grade.

7 Q. With the establishment of Brigade 151 and 152, do you remember
8 who were the commanders of these two brigades?

9 A. Yes.

10 Q. Can you tell us who they were?

11 A. The commander of 151 initially had as a commander Nuredin
12 Ibishi, Leka. 152, Shaban Shala brigade, was Idriz Shabani.

13 THE INTERPRETER: And the last name I couldn't catch. With the
14 pseudonym Luta, correction. With the pseudonym Luta.

15 Could the witness please be asked to slow down.

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness --

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: -- can you please wait a little
19 bit more when you give an answer to the question of the Defence
20 counsel. Because for the interpreters, it gets complicated if you
21 answer so quickly. So, please.

22 Please proceed, Defence Counsel.

23 MR. SHALA: Thank you.

24 Q. [Interpretation] Mr. Witness, you said Nuredin Ibishi was
25 appointed as commander of Brigade 151. What does that mean,

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3415

1 initially?

2 A. Can you be more specific? Nuredin Ibishi was commander when
3 Brigade 151 was established, in its beginning.

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would have the
5 same question: What do you mean with "what does that mean"? What
6 are you aiming at? What is the question for the witness?

7 You can ask it to the witness, but please make it more specific.

8 MR. SHALA: Yes.

9 Q. [Interpretation] Does it mean that Nuredin Ibishi was not its
10 commander until June 1999, namely, of Brigade 151?

11 A. Let me explain. Brigade 151 was not formed in June 1998 but in
12 August, sometime in mid-August of 1998.

13 Q. Yes, but my question was, was he commander until June 1999, that
14 is, of Brigade 151?

15 A. No.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you could also
17 ask - can you take off your headphones - until when was Mr. Leka
18 commander of Brigade 151 and then we get an answer, because now we
19 still don't know anything. We just don't know that he was not a
20 commander until then. But ask him until when, please.

21 MR. SHALA: Yes, thank you.

22 THE INTERPRETER: Microphone for Your Honour.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you put on your
24 headphones? Thank you, Mr. Witness.

25 MR. SHALA: [Interpretation]

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3416

1 Q. Until when was Nuredin Ibishi commander of 151 Brigade?

2 A. I can't be precise, but I think until end of November, beginning
3 of December of 1998. Then he became a chief of staff of Llap
4 operational zone.

5 Q. And who followed him as commander of 151 Brigade?

6 A. Commander of 151 Brigade was taken up by Idriz Shaban, Luta.
7 And on Brigade 152, the commander was --

8 THE INTERPRETER: We couldn't get the name. Can he repeat,
9 please.

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you repeat the
11 name of the Brigade 152?

12 THE WITNESS: [Interpretation] The commander of 152 Brigade was
13 Arif Muqolli, with the pseudonym Profa.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 MR. SHALA: [Interpretation]

16 Q. Mr. Witness, when did you know Salih Mustafa? At what time
17 period?

18 A. Physically, from 1998. But as Salih, I knew of him earlier
19 through the media, because he was persecuted and the press has
20 written about him. So I knew about him from the media coverage, but
21 physically I knew him in 1998.

22 Q. Where did you meet him initially in 1998, if you remember?

23 A. I may be mistaken, but it was either in Bajgore or Zaberxhe
24 [phoen]. It's more likely it would be in Bajgore because, at that
25 time, he brought people who wanted to join the ranks of the KLA and

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3417

1 train them, provide them with military training.

2 Q. Do you remember whether you had any personal contact? And if
3 yes, how long was that contact?

4 A. Yes, I had contacts with him, because it was an absurdity not to
5 meet him. We greeted him maximum for an hour, but sometimes even for
6 a lesser period, but not more than one hour.

7 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

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

9 Could you be more specific with regard to the time frame,
10 because I read here that he met him initially in 1998. But these
11 remarks, on what time frame do they apply?

12 MR. SHALA: Yes.

13 Q. [Interpretation] Mr. Witness, you said that you met
14 Salih Mustafa in 1998. Do you remember the date or at least the
15 month in 1998 when you met him? That is, Mr. Salih Mustafa.

16 A. No, I don't remember the dates, because I did not take any notes
17 of the dates. It could have been July. However, I am saying it
18 could have been July as the nearest month, but I cannot be precise.

19 Q. During that meeting, were you interested in the activity of
20 Salih Mustafa, in the time period of 1998?

21 A. I'm sorry, but can you be more specific? Salih Mustafa's
22 activity was also my activity. We had the same goal. It was to
23 increase the ranks of the KLA.

24 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

25 Could you take off your headphones, Mr. Witness.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3418

1 In page 16, line 11, you say, your question is:

2 "During that meeting ..."

3 But what I understood is that the witness is saying that he met
4 on several occasions with Mr. Mustafa, so it's not -- yes, you should
5 be more precise in your question. Or maybe you intend something
6 else. But I think that this is confusing. He is not talking about
7 one meeting.

8 MR. SHALA: Yes, physically from 1999 first time and for that
9 time. Okay. I can go --

10 PRESIDING JUDGE VELDT-FOGLIA: No, for me it's not clear --

11 MR. SHALA: Okay.

12 PRESIDING JUDGE VELDT-FOGLIA: -- so I just want to elicit
13 precise information from the witness.

14 MR. SHALA: Yes, okay.

15 PRESIDING JUDGE VELDT-FOGLIA: I don't want to interfere with
16 your questioning --

17 MR. SHALA: Okay.

18 PRESIDING JUDGE VELDT-FOGLIA: -- but this is not precise
19 enough --

20 MR. SHALA: Yes, yes.

21 PRESIDING JUDGE VELDT-FOGLIA: -- I would say.

22 MR. SHALA: Okay.

23 Q. [Interpretation] Mr. Witness, you said that in July 1998 you met
24 Salih Mustafa physically for the first time, and you said that this
25 meeting lasted for approximately an hour.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3419

1 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait.

2 THE WITNESS: [Interpretation] Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: Take your headphones off, please,
4 Mr. Parduži.

5 It's not that he said that it was in July. He said, "I think it
6 might be." It's not that he said it was July 1998.

7 MR. SHALA: And I asked -- and my question was approximately in
8 July.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay. That was not translated.

10 MR. SHALA: Oh, sorry.

11 PRESIDING JUDGE VELDT-FOGLIA: It was just said "in July 1998."

12 MR. SHALA: No, approximately.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then is that stated
14 for the record.

15 Mr. Witness, I'm sorry that you have to put on and put off all
16 the time the headphones, but it's better that you do not hear my
17 questions. No, no, but you can leave it on. Now you can leave it
18 on. Thank you, Mr. Witness.

19 MR. SHALA: [Interpretation]

20 Q. Mr. Witness, I apologise for having to repeat the question. You
21 said that approximately in July, around July 1998, you met
22 Salih Mustafa physically for the first time.

23 During this meeting, do you remember if you talked with
24 Salih Mustafa about his activities as a soldier of the liberation
25 army?

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3420

1 A. I said it earlier, and I'm repeating it, Salih Mustafa's
2 activities were my activities and activities of each and every
3 soldier of the KLA. About that subject, there was nothing to
4 discuss, because we all knew what we had to do.

5 Q. Did you show interest in those recruits that he brought there?
6 And in what way or form did he contact them and bring them there?

7 A. Do you mean Salih Mustafa?

8 Q. Yes, Salih Mustafa.

9 A. I don't know. But as things flowed, every volunteer would come
10 to join, and those who knew that they wanted to join would bring them
11 to join. The majority of them were of young age who did not complete
12 military service and had no knowledge on using weapons. So,
13 therefore, they completed training, and depending on the
14 circumstances, we engaged them. But this was always on a voluntary
15 basis.

16 Q. Did you know from which part of Kosovo did he bring these
17 recruits?

18 A. Kosovo was one and indivisible. 99 per cent were from Prishtine
19 with the environs and the villages surrounding it.

20 Q. How come you are so sure that those recruits were 99 per cent
21 from Prishtine with environs?

22 A. I believe they were. There could be also from other parts if
23 they were students at the university. However, I believe that the
24 majority of them were from there. This is my conviction.

25 Personally, I do not go to check who was from which part of Kosovo.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3421

1 Q. In July 1998, did you know in what part of Kosovo was
2 Salih Mustafa active or operating as a soldier of the Kosovo
3 Liberation Army?

4 A. I believe the question is general, because Kosovo, in its
5 entirety, had need. And wherever there was need, everybody tried to
6 contribute in the best possible way they could. I don't know, but I
7 think that his focus and main area of operation was the Llap
8 operational zone.

9 Q. In 1998, up until June 1999, you personally, were you in the
10 village of Zllash?

11 A. Yes, I was.

12 Q. How many times were you there?

13 A. In 1998, once. We sent some ammunition and weapons there. And
14 in 1999, I was three to four times. So in total, four, five times, I
15 would say.

16 Q. When you went to Zllash for the first time in 1998, do you
17 remember approximately which month that was or which date that was in
18 1998 when you went there?

19 A. The dates are hard to remember. We were not in position to keep
20 a diary or notes and write down dates because life was very dynamic
21 and the events very dynamic and, unfortunately, very dramatic. If
22 I'm not mistaken, it was in October, end of October 1998. I brought
23 some weapons and ammunition there and also got supplies from Zllash,
24 because there was a centre for supplies there to meet the needs of
25 the zone. Supplies as in food and clothing.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3422

1 Q. Do you remember in which location did you get those weapons?

2 A. Although this question is again in general terms, I will answer.
3 I received the weapons in 151 Brigade in Bradash.

4 Q. How far is Bradash from Zllash?

5 A. I don't know as the crow flies. However, by road it was quite
6 far.

7 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, is that -- or,
8 Mr. Witness, you said: "I don't know as the crow flies." What do
9 you mean with that?

10 THE WITNESS: [Interpretation] As the crow flies, the air-line
11 distance between Bradash and Zllash. That I don't know. But by
12 road, it was quite far, and that road was quite difficult. Because
13 we did not use main roads. We used secondary roads.

14 PRESIDING JUDGE VELDT-FOGLIA: And what do you mean with "quite
15 far"? Can you make it more concrete? Because it's a subjective
16 estimation of yours. What is far for you may not be far for somebody
17 else. How much time would it take by foot, or how much time would it
18 take by car?

19 THE WITNESS: [Interpretation] For you, it's absurd to hear that
20 sometimes you would need 12 or 13 hours or even a day at the time to
21 make that journey. In normal circumstances by main road, it's one
22 and a half hours. We did not do any measurements. I cannot say for
23 sure this was the distance.

24 PRESIDING JUDGE VELDT-FOGLIA: I don't want a distance from you,
25 Mr. Parduži. I want to know, in that time, because we are talking

Witness: Kapllan Parduzi (Open Session)
Examination by Mr. Shala

Page 3423

1 about that period, if you would go to Zllash, how much time it would
2 take by the means of transport you would use. And I'm not here to
3 say that something is absurd or not. I am just listening and trying
4 to understand.

5 THE WITNESS: [Interpretation] Your Honour, it's difficult for
6 you to understand because it's impossible to make a correct
7 description. However, I am doing my utmost to describe. That road
8 took at minimum seven hours, but sometimes it would take even
9 24 hours, depending on the circumstances and the obstacles that would
10 appear on the journey.

11 PRESIDING JUDGE VELDT-FOGLIA: And are you talking by foot or by
12 car or by tractor?

13 THE WITNESS: [Interpretation] By car.

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

15 You have the floor, Defence Counsel.

16 MR. SHALA: Yes, thank you.

17 Q. [Interpretation] After you handed over the weapons and took the
18 food and other supplies that you mentioned, like blankets, where did
19 you bring them afterwards?

20 A. To Bradash, in the warehouse of the 151 Brigade.

21 Q. Mr. Witness, I would like to go back to the month of July 1998.
22 You said that approximately in July 1998 you met Salih Mustafa. The
23 recruits that Salih Mustafa brought, did they complete their
24 training, if you remember?

25 A. Yes, all of them completed the training.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3424

1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I want to ask
2 you a question.

3 Mr. Witness, can you take off your headphones, please.

4 Defence Counsel, we are circling around 1998 already for a
5 while. What is the relevance of these type of questions with regard
6 to the Defence case?

7 MR. SHALA: Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: Just for our understanding.

9 MR. SHALA: As first to show the witness that he really knows
10 Salih Mustafa and knows from that time of period. And I am trying
11 now to get that did Salih Mustafa was in Zllash in that time of
12 period, because he mentioned he saw only in that place in Bajgore.

13 PRESIDING JUDGE VELDT-FOGLIA: I understand that, but you're now
14 asking about the training --

15 MR. SHALA: Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: -- of the people in --

17 MR. SHALA: Yes. And did that recruit went to Salih Mustafa
18 unit or went somewhere else.

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed, but it's
20 good to get at some point in the direction of the indictment.

21 MR. SHALA: Okay.

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

23 THE INTERPRETER: Microphone for Your Honour.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Parduži.

25 MR. SHALA: [Interpretation]

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3425

1 Q. Mr. Witness, the recruits who completed the training and those
2 that Salih Mustafa brought, do you have any knowledge or do you know
3 whether they returned to Salih Mustafa's unit or whether they went to
4 another unit or another brigade?

5 A. No, they did not go to the unit. Because when the brigades were
6 formed, there were companies. A majority of them were systemised in
7 151 and 152, mainly in 152, but it could happen that some of them
8 went to Salih Mustafa's unit. That I cannot confirm or deny, because
9 I don't know.

10 Q. Do you know how long did that training last?

11 A. For a minimum of 10 days and maximum of 21 days.

12 Q. Thank you, Mr. Witness. At the time when you were in Zllash,
13 the occasion when you sent the weapons there, do you remember to whom
14 you handed over those weapons?

15 A. I handed them over in the building or house or let's call it a
16 staff. We would call staff headquarters every private house because
17 we did not have military barracks as regular armies. There were
18 certain individuals there in that building. One of them was
19 Fatmir Sopi. And there was another person, Asllani, who was in
20 charge of the warehouse. Now, he's a martyr. And in the meantime,
21 Salih Mustafa came there.

22 Q. Do you remember or can you describe for us that house and the
23 area around that house? Was it the only building in that part?

24 A. Yes, there was a forest around it. It was a one-storey house, a
25 ground-floor house, as far as I remember, because I did not go inside

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3426

1 the house. It was a beautiful weather and also I had to go back. So
2 from what I could see, it was a ground-floor house.

3 Q. Were there any other houses except this one?

4 A. At that time, if we are talking about 1998, I didn't see any.
5 In 1999, I did see other houses. How many, I don't know, because I
6 did not count them.

7 Q. I'm asking you, Mr. Witness, about the house where you handed
8 over the weapons, not houses in general in Zllash.

9 A. As far as I remember, there weren't any. It was a separate
10 house.

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Parduži, please try to wait
12 some seconds before answering the question of the Defence Counsel
13 because we have to be able to read here what the question was. And
14 if I don't know what the question is, I cannot assess your answer
15 rightly. Okay?

16 THE WITNESS: [Interpretation] Okay.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Defence Counsel, please proceed.

19 MR. SHALA: Thank you.

20 Q. Mr. Witness, at the time when Nuredin Ibishi was appointed chief
21 of staff at the General Staff of the Llap operational zone, you, did
22 you remain in the brigade?

23 A. Please, Nuredin Ibishi is not part of staff. Of course, part of
24 the General Staff, but he was appointed chief of staff. And from the
25 first day, I went together with Nuredin Ibishi until I was wounded.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3427

1 Q. Do you remember when this wounding took place?

2 A. Yes.

3 Q. Can you tell us when was that?

4 A. On 10 April 1999. I don't know if it's a coincidence or
5 something accidental. It's 23 years ago on the date yesterday that I
6 find myself here testifying before the Specialised Chambers.

7 Q. Do you remember where this wounding took place?

8 A. Yes, in the village of Surdull.

9 Q. The day you were you wounded, was there fighting in Surdull
10 village?

11 A. Yes, there was fighting for the whole day.

12 Q. After you were wounded, do you remember where you were taken?

13 A. Yes, I do remember.

14 Q. Can you tell us?

15 A. I was wounded on 10 April, as I mentioned. During the fighting,
16 there was also a displaced population in Gollak area, more than
17 40.000 citizens - amongst them, children, elderly, women - with --
18 some of them had buses, some had cars, in order to save themselves
19 from the Serbs.

20 PRESIDING JUDGE VELDT-FOGLIA: Sir, the question was: "After
21 you were wounded, do you remember where you were taken?" Where you
22 were taken, that is the question. Please answer the question of the
23 Defence Counsel.

24 And could you also ask the witness when, which year of 10 April,
25 because I didn't see a year appear in the transcript.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3428

1 Please proceed.

2 MR. SHALA: Yes, thank you.

3 Q. [Interpretation] You said on 10 April. Which year?

4 A. 1999.

5 Q. And after you were wounded, were you transferred from the
6 location where you were fighting?

7 A. Yes, because I was severely wounded, and Commander Leka was,
8 too, but lightly injured. He continued the fighting. During the
9 day, some friends took me to the village of Recice.

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness --

11 THE INTERPRETER: Could the witness please repeat the name of
12 the village.

13 PRESIDING JUDGE VELDT-FOGLIA: Can you repeat the name of the
14 village?

15 THE WITNESS: [Interpretation] To Recice.

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please stay focused
17 when you answer the questions. Don't add all kind of information.
18 If clarification is needed, you will be asked.

19 Please proceed, Defence Counsel.

20 MR. SHALA: [Interpretation]

21 Q. Mr. Witness, the day you were wounded, were you in Surdull from
22 that day earlier or did you go there?

23 A. We went at the end of March, beginning of April to that part.

24 Q. From which part did you set off in the direction of Surdull?

25 A. From the village of Katunishte, we went on to the north-eastern

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3429

1 part of Gollak.

2 Q. Once you were taken from the battlefield to Turiqice village,
3 your treatment, did that take place in that village?

4 A. No, because there were not even minimum conditions there. I
5 only received first aid there.

6 Q. At the location where you were as a wounded person, were other
7 soldiers also brought there, wounded soldiers?

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please wait with
9 your answer. Please start again over. Thank you.

10 MR. SHALA: [Interpretation]

11 Q. Yes, Mr. Witness, wounded.

12 A. Not as a wounded person but a wounded. I did not see, I don't
13 know, because I personally was in a more severe situation. There
14 were the civilians, there were some children, there were wounded.
15 But as for other soldiers, I don't know.

16 Q. And were you then transferred from Turiqice to another location
17 which would have better conditions for your treatment?

18 A. Yes. From there, we had an improvised hospital in the village
19 of Potok, in the opposite side, north-west.

20 Q. You said "in the opposite side." Do you know how far is
21 Turiqice from Potok, approximately?

22 A. I wouldn't know, but I know that it took us two days to get
23 there, more than 48 hours to get to the improvised hospital in Potok.

24 Q. Do you remember what villages you went through at the time?

25 A. I remember the villages when we passed through before I got

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3430

1 wounded. After I was wounded, I don't remember because my health
2 condition didn't allow me to do that.

3 Q. Do you remember on what day did they carry you to Potok village?

4 A. Can you specify it more? What do you mean, on that day or when
5 we arrived in Potok, or when?

6 Q. After you got wounded, they carried you from the battle
7 to Turiqice, battlefield to Turiqice. And you said that you were
8 wounded on 10 April 1999. How long did you stay in Turiqice, do you
9 remember?

10 A. To tell you the truth, I don't. I'm saying approximately four,
11 five hours, until they gave me the first aid and until they find a
12 trailer -- a tractor with a trailer. And when darkness fell, with
13 that tractor they took me to the military hospital in Potok.

14 Q. You mean on the same day that you were wounded they carried you
15 to Potok village?

16 A. Yes.

17 Q. Do you know who organised your transportation from Turiqice to
18 Potok village?

19 A. Salih, of course. And he also secured the road.

20 Q. Why do you say Salih?

21 A. Because logically speaking, I would say that because he was in
22 charge of that part, for the passage of people, soldiers, goods,
23 supplies. Because he supplied all the population there. There were
24 over 20.000 displaced people who had settled in that area. So I
25 would presume it was he, because I couldn't see really with my

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3431

1 eyes -- own eyes because I was gravely wounded.

2 Q. And you say "Salih," are you talking about Salih Mustafa?

3 A. Yes. Every time I say "Salih," I refer to Salih Mustafa.

4 Q. During that period, time period of your transportation from
5 Turiqice to Potok village, did you personally see Salih Mustafa?

6 A. Yes.

7 Q. Do you remember how you saw him? You saw him on the move or you
8 contacted -- he contacted you?

9 A. He made -- he secured the road, because it was a winding road,
10 secondary road that ran through the mountains. But in two occasions
11 he stopped. This tractor stopped, and the weather was very bad. It
12 was very cold with rain. He came up and asked me, "How are you? Can
13 you stand it?" And that's it.

14 Q. You mentioned the tractor with a trailer. Were you the only one
15 there?

16 A. No, we were together with Commander Leka, Nuredin Ibishi.

17 Q. Other than Salih, do you remember if you saw some other
18 soldiers?

19 A. It's a hypothetical question. I might have seen them, but I
20 couldn't identify who they were, because it was raining, it was dark.
21 And, of course, there must have been those who assisted him, because
22 alone, Salih Mustafa or anyone couldn't do anything.

23 Q. My question was were there other soldiers, not whether you knew
24 them.

25 A. Yes, there were.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3432

1 Q. The road from Turiqice to Potok, do you know if Salih Mustafa
2 escorted you all along the way with his other soldiers?

3 A. Most of the way, yes. More than half of the way -- or half, I
4 would say. If I'm not mistaken. Because my situation was
5 deteriorating and so they -- they sent me to a village, Bellopoje or
6 Rimanishte, I am not really sure. We rested there for some hours.
7 And Salih had other duties and obligations, and he went back. And
8 persons from Brigade 151 took us and transported us to Potok.

9 Q. When you arrived in Potok, were you aware? Were you conscious?

10 A. Partly conscious. Sometimes I was. Sometimes I lost
11 consciousness.

12 Q. Do you remember how long did you take to recover? How long did
13 you stay in this improvised hospital in Potok?

14 A. Up until the end of April 1999, I would say.

15 Q. Where did you go after that?

16 A. We moved from there because of the fighting, daily fightings and
17 shelling. From 24 December 1998, there was the Llapashtice battle,
18 and a single day didn't pass by without fighting. Sometimes more
19 intensive, sometimes less intensive, but there were fightings on a
20 daily basis. So we displaced to Popove. From there, they carried us
21 to Rimanishte and Zllash, because the purpose that we went to Zllash
22 was to send -- to take me to Tetovo, Macedonia, for further
23 recuperation.

24 MR. SHALA: Your Honour, please, just a minute to consult.

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

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3433

1 [Specialist Counsel confer]

2 MR. SHALA: [Interpretation]

3 Q. During the time you were in Potok, Mr. Witness, did you meet
4 Salih Mustafa there?

5 A. To my recollection, no.

6 Q. Do you remember, after you left Potok, when were you in Zllash?
7 In what time period were you there?

8 A. There were two attempts to take me to Macedonia. The first time
9 it was impossible. We had to return. It must have been end of
10 April. I don't know the accurate date, but end of April and early
11 May, I would say. That must have been the period.

12 Q. You said that there were two attempts to take you to Macedonia.
13 The first time you didn't succeed. During this time period that you
14 were in Zllash, end of April, beginning of May, do you mean during
15 the first attempt or during the second attempt?

16 A. You are asking me about the wounding or in general?

17 Q. For the wounding.

18 A. After the wounding, it was the first time.

19 Q. The second attempt --

20 PRESIDING JUDGE VELDT-FOGLIA: I don't understand very well what
21 the answer was and what the question was, to be honest. "You said
22 that there were two attempts" -- can you take off your headphones,
23 please.

24 "You said that there were two attempts to take you to Macedonia.
25 The first time you didn't succeed. During this time period that you

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3434

1 were in Zllash ..."

2 What is your question then? "Do you mean during the first
3 attempt or during the second attempt?" What are you asking there?

4 MR. SHALA: [Microphone not activated].

5 THE INTERPRETER: Microphone, please.

6 MR. SHALA: In the end of April or beginning of May, he was in
7 Zllash.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes.

9 MR. SHALA: So after that, he mentioned two attempts. First
10 attempt for Macedonia didn't have success, and second attempt. And
11 my question, it was: Did he was there from first time and in second
12 time in that time of period, that two attempts.

13 PRESIDING JUDGE VELDT-FOGLIA: What I understood is that in the
14 period of time that the witness was in Zllash --

15 MR. SHALA: Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: -- that there were two attempts
17 to bring him to Macedonia.

18 MR. SHALA: Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: So he already answered your
20 question. In the time frame, as I understood it, end of March,
21 beginning of May, yes, in that time frame there were two attempts to
22 bring him. And the second attempt apparently worked, because he went
23 to Macedonia.

24 So he was not somewhere else. He was in Zllash, I understood,
25 and there were two attempts. So if you are not sure about that, you

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3435

1 can confirm it. Ask the witness to confirm that. But I think that's
2 what he said.

3 MR. SHALA: Okay. I wasn't sure and that is the reason why I
4 ask it.

5 PRESIDING JUDGE VELDT-FOGLIA: Yes, but don't feed him with the
6 answer. I would say ask him: The two attempts to bring you to
7 Macedonia, where were you? Yes? Where were you? And then he can
8 answer that.

9 MR. SHALA: [Interpretation]

10 Q. Mr. Witness --

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you want to ask
12 something?

13 THE WITNESS: [Interpretation] No, I just wanted one minute of
14 pause. Only one minute.

15 PRESIDING JUDGE VELDT-FOGLIA: One minute. But then we have
16 to -- you have to go out and -- very well.

17 THE WITNESS: [Interpretation] No, here. Here.

18 PRESIDING JUDGE VELDT-FOGLIA: Here? Okay, please.

19 THE WITNESS: [Interpretation] Just to --

20 PRESIDING JUDGE VELDT-FOGLIA: Please, please proceed.

21 THE WITNESS: [Interpretation] -- feel more comfortable, to sit
22 properly.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, is this enough?
24 Because you can take some more time.

25 THE WITNESS: [Interpretation] Yes. No, it's fine. I can

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3436

1 continue now.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well.

3 Defence Counsel, you may proceed.

4 MR. SHALA: Thank you.

5 Q. [Interpretation] Mr. Witness, you said that it was end of April
6 or beginning of May 1999. During this time, you were in Zllash
7 before you went to Macedonia. And you said that there were two
8 attempts made. Were you in Zllash during this time when both
9 attempts were undertaken during that time period?

10 A. In fact, I couldn't do anything myself. They were undertaken by
11 others. Yes, I was in Zllash during both attempts.

12 Q. I want to make it clearer. When was the first attempt made, to
13 that end?

14 A. End of April, beginning of May sometime.

15 Q. And when was the second attempt?

16 A. It was by the end of May, I think.

17 Q. During this time period, from the first to the second attempt,
18 did you remain in Zllash all the time?

19 A. No.

20 Q. After the first attempt, when did you leave Zllash?

21 A. Three, four days, I think. Four days. Five at most.

22 Q. At the end of April, beginning May 1999, when you went to
23 Zllash, for them to take you to Macedonia, during this time did you
24 meet Salih Mustafa there?

25 A. Yes, I saw him in passing.

Witness: Kapllan Parduзи (Open Session)
Examination by Mr. Shala

Page 3437

1 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, Defence Counsel.

2 Mr. Witness, can you take off your headphones?

3 We have been talking a lot about Zllash now, but I think it's
4 good that you would explore some more where in Zllash because --

5 MR. SHALA: I am going [Overlapping speakers] ...

6 PRESIDING JUDGE VELDT-FOGLIA: -- because before you did -- yes,
7 I saw that you were deviating to -- it looked like another issue.
8 But to be more specific, because we know that there has been
9 discussion around this issue. So, please.

10 MR. SHALA: Yes, thank you.

11 Q. [Interpretation] Do you remember -- Mr. Witness, do you remember
12 when you were there in Zllash for the first time, which was end of
13 April and beginning of May 1999? When I say "the first time," I mean
14 the first attempt to take you to Macedonia. Do you remember where
15 were you staying?

16 A. Yes, I do.

17 Q. Can you tell us where?

18 A. In a private home, improvised home. I don't know how to put it.
19 Like a kind of outpatient clinic or hospital. It was not a real
20 hospital, in fact, but just for me to rest and to be provided the
21 basic care, like drips and so on.

22 Q. Do you remember when you went to that house? Do you remember
23 what it looked like?

24 A. No, I wouldn't say, because it was late. And, frankly speaking,
25 I couldn't lift my head and because I had to lean over because of my

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3438

1 wounds, and -- I don't know what to say. It was a ground-floor,
2 village home.

3 Q. Do you remember how many rooms there were?

4 A. No, I don't know that. I wasn't able to look around. They put
5 me in a room, there were two beds there, and that's it.

6 Q. When you left that house, after how many days was the second
7 attempt made for you to go to Macedonia?

8 A. Are you talking about the first time?

9 Q. The first time. The first time.

10 A. The first time it was one night. I slept there one night. And
11 on the next day, by midday, they -- Salih Mustafa's team, headed by
12 him, organised this attempt, and we went up to the village in the
13 border area with Serbia. And there, we were informed that the Serbs
14 had information, of course, and had surrounded some villages, so we
15 had to turn back. And I stayed another night there in Koliq. I
16 don't know how the wrong -- how long the trip was. Maximum, I would
17 say five days.

18 Q. At the moment that you left that house, could you look around
19 it, outside of it?

20 A. If I were today, I would be able to look around, but not then.
21 I wasn't able.

22 Q. That's why I asked you could you look around.

23 A. No, no, I couldn't. I was mostly lying. I saw only the sky.

24 Q. And you were in the same condition also when you returned?

25 A. Unfortunately, yes.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3439

1 Q. The second time, can you recount again to us what time period it
2 was when you went to Zllash to be transported to Macedonia?

3 A. The second time -- I'm speaking hypothetically because I don't
4 recall the dates. But I would say 20 May or it might have been
5 15 May. But the second time, we succeeded thanks to better
6 organisation, and Salih Mustafa escorted us to Bullaj village. From
7 Zllash to Mramor, you go to Bullaj then. That's where he came with
8 us personally. Then he charged some other soldiers of that area who
9 were familiar with the terrain to accompany us, and we continued on
10 our way.

11 Q. Do you remember how long you stayed in Zllash the second time
12 before you left for Macedonia?

13 A. I don't know. I don't remember. I can't give you a time. If I
14 knew then that I was going to testify someday, I would have taken
15 notes. I don't know. Maybe two, three days. I am not sure.
16 Because for me, one day was a week, for me personally. So what can I
17 say more? You wouldn't believe what I went through, but this is the
18 truth.

19 Q. The second time that you left for Macedonia, do you remember the
20 house where you stayed?

21 A. Can you be more specific? Are you talking about Zllash or on my
22 way when we moved?

23 Q. No, in Zllash. The second time that you went to Zllash.

24 A. It was the same house.

25 Q. This time could you look around the house, what it looked like

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3440

1 from the outside?

2 A. Unfortunately, no. I said it. I don't know if I am clear.
3 Without the help of my comrades who carried me, I couldn't move. I
4 couldn't even lift my head and look around or up. They just carried
5 me on a stretcher like a dead body. I was a living dead, if you
6 like.

7 Q. Thank you.

8 MR. SHALA: Your Honours, I need just a minute for consultation
9 with my co-counsel.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well. And we are
11 approaching 11.00, so if you could conclude your line of questioning
12 for now.

13 MR. SHALA: Okay. We can conclude now, because with this
14 questioning, I don't have more. So after the consultation, we will
15 see how [Overlapping speakers] ...

16 PRESIDING JUDGE VELDT-FOGLIA: Okay, very well. And could you
17 give us an estimation of how long you think you will be needing after
18 the break?

19 MR. SHALA: I believe no more than 10, 15 minutes.

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

21 Mr. Parduži, we are going to have a break for half an hour, and
22 then we will call you back to continue with the testimony and the
23 questioning by the Defence Counsel. Thank you.

24 THE WITNESS: [Interpretation] Thank you.

25 [The witness stands down]

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 Madam Prosecutor, after the break, apparently we only have
3 around a quarter of an hour left. What would be the preference for
4 the SPO, to break then or can we continue with the cross-examination?

5 MS. D'ASCOLI: Your Honours, as you wish. I could use this
6 break now to get ready. It's just that there are, let's say, many
7 areas that differ, let's say, from today's testimony to the statement
8 and prior references, so I will need to get that organised. But if
9 you wish, I can do that during the break.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. We can also add a quarter
11 of an hour, and then that would give -- because if not, we would have
12 a really early break. And so if we make it three-quarters of an
13 hour, if that would suffice, then I hope that that will work also.

14 MS. D'ASCOLI: Yes, absolutely. That's a great suggestion. I
15 appreciate it. Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we do it as follows.

17 And then, Madam Court Usher, could you also have the witness
18 informed that the break will be a quarter of an hour longer, so that
19 he is not getting ready for 11.00 but quarter past 11.00.

20 Then, very well. We will resume and we see each other at
21 quarter to 12.00.

22 The hearing is adjourned.

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

24 --- On resuming at 11.45 a.m.

25 PRESIDING JUDGE VELDT-FOGLIA: I see that we are in the same

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3442

1 composition as this morning before the break.

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

3 [The witness takes the stand]

4 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Parduži.

5 THE WITNESS: [Interpretation] Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: You can hear me fine?

7 THE WITNESS: [Interpretation] Yes.

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

9 I now give the floor to the Defence Counsel to continue with his
10 questioning.

11 You have the floor, Defence Counsel.

12 MR. SHALA: Thank you, Your Honour.

13 Q. [Interpretation] Mr. Witness, do you remember when you left from
14 Turigice to transport you to Potok village? Was the road difficult
15 to take? What time was then? I mean, how the weather was like then.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, wait, wait.

17 These are three different questions, I would say: Was the road
18 difficult to take, what time was it then, how the weather was like.
19 So two questions. Maybe we'll take one question at a time.

20 MR. SHALA: No, sorry. When translation made for that time, I
21 was meaning in that time not for the time, for the weather. So again
22 I repeat my question. So I am asking him only for the condition of
23 the road and the weather.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. That's clear. Thank you.

25 THE WITNESS: [Interpretation] Yes, I remember.

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3443

1 MR. SHALA: [Interpretation]

2 Q. Can you tell us, please? Can you describe it to us, please?

3 A. Do you mean to speak about the road or the weather?

4 Q. First about the condition of the road.

5 A. Atmospheric conditions were very bad. It kept raining all the
6 time. It was uninterrupted rain, and it was very cold. I can't say
7 whether it was under 0, but it was, indeed, very cold.

8 And shall I answer the second? The road was very, very
9 difficult. Mountainous road. Very difficult.

10 Q. During your testimony today, you said that you stopped in
11 Rimanishte village to take a break. Do you remember how long it took
12 you from Turiqice to Rimanishte?

13 A. I am not sure, I said, whether it was in Rimanishte or
14 Bellopoje. In one of the two we stopped for a break, but I am not
15 sure where. I don't know how long we stayed because I was in a very
16 grave situation. But I know that we travelled during the night and
17 also the next day. And in the evening, we arrived either in
18 Rimanishte or Bellopoje. I am not certain about that.

19 Q. And during the day, you saw Salih Mustafa for the last time in
20 either of the two villages that you stopped?

21 A. Yes.

22 MR. SHALA: Your Honour, just a minute with -- consultation with
23 my counsel.

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

25 [Specialist Counsel confer]

Witness: Kapllan Parduži (Open Session)
Examination by Mr. Shala

Page 3444

1 MR. SHALA: Your Honour, we don't have more further questions.

2 Thank you very much.

3 Q. [Interpretation] Mr. Witness, Defence has no further questions
4 for you. Thank you very much.

5 A. Thank you.

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

8 Before I give the floor to the SPO for its cross-examination,
9 the Panel will render an oral order regarding the items that the SPO
10 intends to use during its questioning.

11 The SPO has requested leave from the Panel, via e-mail dated
12 8 April 2022, at 11.16, to use two newly disclosed items in its
13 cross-examination of the Defence Witness 900. The material concerned
14 was disclosed immediately thereafter at 11.22.

15 The Panel notes that the newly disclosed items have been
16 discovered by the SPO in recent days in preparation for the witness
17 cross-examination. The Panel also finds that the material is not
18 lengthy and that the Defence and Victims' Counsel have had sufficient
19 time to study it.

20 Further, the Defence does not oppose the use of these items by
21 the SPO.

22 Accordingly, the Panel finds that the SPO has shown good cause
23 for not disclosing the material previously and authorises the SPO to
24 use it during its cross-examination of Defence Witness 900 pursuant
25 to paragraph 31 of the Decision on the Conduct of Proceedings, filing

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3445

1 170.

2 This concludes the Panel's oral order.

3 Madam Prosecutor, you may proceed with your cross-examination of
4 the witness.

5 Mr. Witness, it is now the turn of the counsels of the
6 Prosecution to ask you some questions.

7 You have the floor, Madam Prosecutor.

8 MS. D'ASCOLI: Thank you very much, Your Honours.

9 And just for the management of time, I'll continue until 1.00;
10 is that correct?

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you. This was a remark I
12 indeed still had to make. We want to continue till quarter past 1.00
13 so that we respect the one and a half hours. And for the afternoon,
14 I will confer with CMU to see how we proceed.

15 MS. D'ASCOLI: Perfect. Thank you, Your Honours.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Cross-examination by Ms. D'Ascoli:

18 Q. Mr. Parduži, good morning, almost afternoon. I'm the counsel
19 for the Prosecution who will ask you questions in cross-examination
20 today, and I will -- before we start, just a reminder, as
21 Madam President already explained to you at the beginning, please
22 leave time before answering after having heard the interpretation,
23 and also please focus specifically on the questions that I ask and
24 try to answer the specific question without elaborating or without
25 going into many details. And then if details are needed, I will ask

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3446

1 you to further explain. Is that okay?

2 A. Yes, I understand.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you. You raised your hand.
4 Madam Prosecutor, I will give the floor to Mr. Witness now.
5 Mr. Parduži, what do you want to say?

6 THE WITNESS: [Interpretation] Is she a Prosecutor or a lawyer of
7 the Prosecution? Because in Albanian I received it as "a lawyer."

8 PRESIDING JUDGE VELDT-FOGLIA: This is the Prosecution. She is
9 a representative of the Specialist Prosecution. So she is a member
10 of the Prosecution. And we call it a counsel for the Prosecution.
11 Maybe that's what is confusing you. But she is representing the
12 Prosecution.

13 [Microphone not activated].

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

15 THE WITNESS: [Interpretation] I just wanted to be clear.

16 MS. D'ASCOLI:

17 Q. Okay, Mr. Parduži. I have some questions to clarify what you
18 said in relation to, first of all, 1998, about the times that you
19 went to Zllash, and about the times you met with Mr. Salih Mustafa.

20 So you testified today that you met Mr. Salih Mustafa twice in
21 1998. The first time you said could have been in July 1998. This
22 was at page 16, line 9 of the live transcript. And you said that it
23 was likely in Bajgore, page 15, line 16. Do you remember that?

24 A. Yes, I remember that, and that's how it was.

25 Q. Okay. Then you said that the second time that you met

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3447

1 Mr. Mustafa was when you went to Zllash to bring weapons and
2 ammunition in October 1998. And this was at page 20, lines 13 to 14.
3 Do you remember that?

4 A. Yes, I remember that. But I think I didn't say exactly like
5 that. I put it rather differently.

6 Q. How did you put it? Because I have been careful in quoting the
7 transcript as it was this morning. What is it that you believe is
8 different from what I stated?

9 A. I am saying what I think. Yes, I met him when we sent some
10 weapons and ammunition. I saw him but very briefly. That should
11 have been my answer.

12 Q. Okay. And it is, in fact, also what I had referred to, but I'm
13 going to explore these meetings. And so if you have anything to add,
14 I will give you the opportunity to do so.

15 Now, first of all, I wanted to clarify whether -- so it appears
16 that you actually went to Zllash yourself that time in October 1999;
17 is that correct?

18 PRESIDING JUDGE VELDT-FOGLIA: 1998.

19 MS. D'ASCOLI: Sorry, 1998. 1998, sorry.

20 THE WITNESS: [Interpretation] I went with a driver, not by
21 myself.

22 MS. D'ASCOLI:

23 Q. Okay. When you gave the Defence a statement in February 2021,
24 did you have an opportunity to review that statement?

25 MR. VON BONE: Excuse me, Your Honour.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3448

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

2 MR. VON BONE: Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you take off
4 your headphones, please. Thank you.

5 [Microphone not activated].

6 MR. VON BONE: Yes, Your Honour. I believe it is a common
7 practice here that when witnesses come, that they are able to review
8 their statements here in the building. So if it is any other
9 occasion that the counsel is asking for, but this is a standard
10 practice that they review their statements here. So I just wonder
11 whether you are looking for any other occasion or whether you look
12 for that occasion that they are able to review it here?

13 MS. D'ASCOLI: Your Honours, my question was specific and was,
14 first of all, in relation to whether the witness reviewed or was read
15 the statement into Albanian when the statement was taken, so back in
16 February 2021.

17 PRESIDING JUDGE VELDT-FOGLIA: That's what I understood as an
18 answer. And it has been posed also on different occasions to the
19 witness.

20 MR. VON BONE: I just was wondering whether we are not --
21 whether we are on the same page, that people are always reviewing
22 their statements when they are arriving here.

23 PRESIDING JUDGE VELDT-FOGLIA: Is this clear enough,
24 Defence Counsel?

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

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3449

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

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

3 Madam Prosecutor, you have the floor.

4 MS. D'ASCOLI: Yes, thank you, Your Honours.

5 Q. Mr. Parduži, I'll go back to the question I asked so that you
6 can give me an answer. And my question was whether on 26 February
7 2021, at the end of the process of taking the Defence statement, you
8 had an opportunity to re-read that statement or to review it?

9 A. Yes, of course. After I gave the statement, I read it and I
10 signed it.

11 Q. And I noticed that you initialed -- you put your initials onto
12 every page and you also signed it at the end. So you remember that;
13 right?

14 A. Yes, of course I remember.

15 Q. And were you satisfied that the answers you gave were to the
16 best of your recollection?

17 A. I can't say if -- it wasn't a matter of choosing which answers
18 to reply. I stand behind what I said in my statement.

19 Q. Okay. I just want to explore some differences between the
20 evidence you gave today and the one you gave back then and understand
21 with you the reasons for that.

22 So in relation to these visits to Zllash in October, we learned
23 today, 1998. So I understand that you actually went to Zllash
24 yourself; right?

25 A. Yes, I went there myself.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3450

1 Q. Okay. I was asking because by reading your statement of
2 February 2021, it was not clear that you actually went yourself. I'm
3 reading from page 4.

4 MS. D'ASCOLI: The ERN of the statement is DSM00036 to 00048.

5 Q. And the specific sentence I'm reading is when you said, in
6 relation to speaking about Zllash:

7 "So, sometime in 1998, I do not remember exactly when but
8 somewhere in September or October 1998, we send some weapons there,
9 and we received some food provisions from there."

10 Do you remember that?

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please wait a
12 moment.

13 Madam Prosecutor, is there a specific reason you are not calling
14 it up?

15 MS. D'ASCOLI: No, Your Honours. Simply because it was a
16 three-line sentence, but I can call it up.

17 PRESIDING JUDGE VELDT-FOGLIA: I have a preference --

18 MS. D'ASCOLI: Of course.

19 PRESIDING JUDGE VELDT-FOGLIA: -- to call it up.

20 MS. D'ASCOLI: Yes, of course. And also because the witness
21 said he doesn't read or understand English.

22 So, but, yes, I will ask Mr. Court Officer, if we can please
23 have the Defence statement of 26 February 2021 on the screens,
24 please.

25 PRESIDING JUDGE VELDT-FOGLIA: Also the Defence Counsel can

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3451

1 just --

2 MS. D'ASCOLI: Of course.

3 PRESIDING JUDGE VELDT-FOGLIA: -- have a quick look and revise
4 it.

5 MS. D'ASCOLI: And I was reading from page 4.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 MS. D'ASCOLI: Thank you, Your Honours. Towards the end of the
8 page.

9 Q. So my question, Mr. Witness, was the statement says:

10 "... we send some weapons there, and we received some food
11 provisions from there."

12 Talking about Zllash. Do you remember that?

13 A. Before I answer, may I see the statement in Albanian, please?
14 The Albanian version? I can only see the English version.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes, but you hear the
16 translation. Do you want us to translate it again?

17 MS. D'ASCOLI:

18 Q. Also, the original of the statement was in English, so I believe
19 back then this must have been re-read to you in Albanian but not --
20 you did not have the Albanian version back then. Mr. Witness, would
21 you like me to read again the two sentences that I just read in
22 relation to Zllash in October 1998?

23 A. Yes, please. Can you repeat it?

24 Q. Of course. No problem. You said, in relation to Zllash:

25 "So, sometime in 1998, I do not remember exactly when but

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3452

1 somewhere in September or October 1998, we send some weapons there,
2 and we received some food provisions from there."

3 Do you remember that?

4 A. Yes, I do remember.

5 Q. My question was that it was not clear from this sentence that
6 you actually went to Zllash, which we learned today; is that correct?

7 A. Please, can you clarify the question? I do not understand the
8 question.

9 Q. Of course. Let me put it in this way: Why didn't you -- did
10 you not say expressly that you actually went yourself to Zllash on
11 that occasion?

12 A. It is not true. I said that I went there. You have it in the
13 transcript and in the statement that I went there. I confirmed it
14 and I stand behind it.

15 Q. Yes, today during your testimony it was clear that you went
16 there. And the reason I ask you a clarification is because, from
17 reading the statement, the expression "we send some weapons there,
18 and we received some food provisions," it does not necessarily imply
19 that you actually went to Zllash, and I found no other reference of
20 you being there in Zllash in October 1998. So my question was why
21 didn't you mention it expressly back then in that -- during giving
22 that statement?

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness --

24 THE WITNESS: [Interpretation] I will answer the question even
25 though you have received the answer to this question. I have said it

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3453

1 and I will repeat it. We went there. More than one implies more
2 than one person. I don't know what you want to bring from the
3 context of it. You may read it. I have said it very clearly that,
4 yes, we went there, so there were more than one individual. I was
5 there with another person.

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

8 For me, it would now be important if we could see the Albanian
9 version to see what's in there, just to see if there has been a
10 possible error in the translation.

11 MS. D'ASCOLI: I believe the Albanian version was produced later
12 from the English --

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, I know.

14 MS. D'ASCOLI: -- but I will call it and we can have a look.
15 It's DSM00749 to 00761.

16 PRESIDING JUDGE VELDT-FOGLIA: I would like to know --

17 MS. D'ASCOLI: Maybe page -- let's start with page 3.

18 PRESIDING JUDGE VELDT-FOGLIA: I would like to know what is
19 written in Albanian there, just to avoid any confusion on --

20 MS. D'ASCOLI: Of course.

21 PRESIDING JUDGE VELDT-FOGLIA: -- what we are discussing now.

22 MS. D'ASCOLI: Let's first go to page 3 to see if this specific
23 part is there. Page 4, please. I think it's towards the end of the
24 page. Middle. Yes, when it starts from: "Me Zllashin mua me
25 lidhin," I think so; right? But I think maybe it should be read

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3454

1 by --

2 PRESIDING JUDGE VELDT-FOGLIA: I would like to have it
3 translated by the translation unit, the corresponding sentence in
4 Albanian, before we continue. Is that possible?

5 Can you indicate, Madam Prosecutor, or maybe not -- if not --

6 MS. D'ASCOLI: I'll do my best. I think it's from the
7 beginning, "Me Zllashin," until the end of the first paragraph,
8 ending with "ushqimore."

9 PRESIDING JUDGE VELDT-FOGLIA: Okay.

10 Defence Counsel.

11 MR. SHALA: Yes, thank you. I think it is better to start not
12 "Me Zllashin" but before one question/answer, because that is really
13 in connection with that answer that is going after that.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, would that be
15 an objection -- would that be problematic for you that we include
16 that? I don't think so.

17 MS. D'ASCOLI: No, no absolutely. By reading the whole part, it
18 could also be that the question that Mr. Shala means refers to later
19 March or beginning of April 1999 when we know the witness later on
20 went. So, yes, absolutely, that doesn't make any difference.

21 MR. SHALA: No, no, this is for 1998, so the question: "Have you
22 ever been to Zllash," to start --

23 PRESIDING JUDGE VELDT-FOGLIA: No.

24 "What exactly do you mean when you speak about Zllash?"

25 And then:

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3455

1 "Zllash is for me related to 2 things."

2 "So sometime in 1998, I do not remember exactly when but
3 somewhere in September or October 1998, we send some weapons there,
4 and we received some food provisions from there."

5 And my only question is, for now, in order to be able to
6 understand the questioning of Madam Prosecutor is, what is written in
7 Albanian specifically after:

8 "... October 1998, we send some weapons there, and we received
9 such food provisions from there."

10 I would like to know from the translation unit if it's possible
11 if they can translate the same sentence in the Albanian version into
12 English. Is that possible?

13 THE INTERPRETER: "We sent some weapons there and from there we
14 took some food provisions."

15 PRESIDING JUDGE VELDT-FOGLIA: In the Albanian version
16 apparently the same is written as in English. So, for me, that is
17 important that we are not confusing the witness by citing something
18 that is not written.

19 So it's not necessary to go now with the witness into the
20 Albanian version or the English version. You are not confusing him
21 by giving him the translation of the English version. That, I wanted
22 to confirm, because I don't want him to be -- yes, I don't want to
23 confuse him. That's my point.

24 Madam Prosecutor, you can continue. Very well.

25 MS. D'ASCOLI:

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3456

1 Q. Yes, Mr. Witness, we confirmed through the interpreters that the
2 Albanian version is, in fact, identical to the English that I read to
3 you. So my only question was simply why you had not specified that
4 you personally went to Zllash on that occasion when sending weapons
5 and receiving food provisions.

6 MS. D'ASCOLI: I believe the witness gave us his answer. So if
7 Your Honours are satisfied, I can move to the next point.

8 Q. Unless, Mr. Witness, you have anything to add?

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

10 Mr. Witness, can you take off your headphones, please.

11 Defence Counsel, you have the floor.

12 MR. VON BONE: Yes, Your Honour. And I make the same point as
13 my co-counsel was making, that it's not a matter of whether he said
14 it or not. Because in the question before, it was asked whether he
15 had been in Zllash or not, and he said, "Yes, I was passing by." So
16 that connects him, apparently.

17 So citing only that paragraph without having the context of the
18 previous question, obviously, makes it that -- that, in fact, on such
19 occasion the Prosecutor can say, "Yes, well, there is a discrepancy
20 because you don't say that or that." But if you don't read the
21 paragraph before, obviously, then, there is no context. So I think
22 in that manner, it is better that we clarify that was what you said,
23 and then the next question was that.

24 I mean, I leave it up to counsel, but I think it's unfair to
25 just say, "We sent some weapons there," and, "You did never mention

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3457

1 that you were there." But I mean, I think the gentleman was
2 referring also to the previous answer.

3 MS. D'ASCOLI: Can I reply, Your Honour?

4 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, you have the
5 floor.

6 MS. D'ASCOLI: Yes. The connection between the question that
7 Mr. von Bone mentioned and the rest of the paragraph is that, in
8 fact, from the rest of the paragraph it is clear that the witness
9 went by Zllash, and I was just clarifying specifically in relation to
10 1998 because it wasn't clear. And it wasn't to impeach the witness
11 or anything. It was just to set the record clear and to understand
12 the differences. Because it was clear from the rest of the paragraph
13 that that first sentence, "I was there just by passing by," I had
14 understood it in relation to the second part, March or April, when
15 they went by and they went towards the area. That's all.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. I --

17 MR. VON BONE: May I, Your Honour?

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

19 MR. VON BONE: But if that was clear, then there would be no
20 question of the counsel to ask such a question, because counsel wants
21 to clarify something that does not need to be clarified. And just
22 saying, "Why did you not say at that time expressly that you did not
23 go there," it is unfair because it is just what he had said before.
24 The paragraph that we had just translated and cited was obviously in
25 connection with the previous question.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3458

1 So in that case, if it was so clear, counsel, then there is no
2 need --

3 PRESIDING JUDGE VELDT-FOGLIA: Please talk to me.

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: We always talk to me --

6 MR. VON BONE: Yes, sure.

7 PRESIDING JUDGE VELDT-FOGLIA: -- and then we do it like this.

8 MR. VON BONE: But I mean if it was clear, then there was no
9 need to ask such a question.

10 PRESIDING JUDGE VELDT-FOGLIA: I think clarification was
11 appropriate, but I see Defence Counsel's point that you could have
12 pointed out that at a certain moment he said he went to Zllash.

13 I would say for now that the witness has made clear that he
14 intended to say then that he was there and that he said it today. So
15 I think we can continue, but I see your point, Defence Counsel.

16 MS. D'ASCOLI: Yes, Your Honours. I'll move to the next part.

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

19 THE WITNESS: [Interpretation] You're welcome.

20 MS. D'ASCOLI:

21 Q. Now, in relation to the times that you met Mr. Salih Mustafa.
22 So I understand from today's evidence that it was twice in 1998 and
23 then other times in 1999. So was it twice in 1998, yes or no, that
24 you met Mr. Salih Mustafa?

25 A. I don't know where you got this conclusion. I met him once in

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3459

1 Zllash and Bajgore or Zaberxhe. I don't know where you got this
2 conclusion. That's up to you.

3 Q. So if you met him --

4 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, could you
5 please cite where you -- where he stated that, and then we can
6 confront him with this specific piece of evidence.

7 MS. D'ASCOLI: Yes, I had cited it before, but that was at the
8 beginning of my questioning, so I'll do it again.

9 Q. So I understand from today's evidence that you met
10 Mr. Salih Mustafa once in -- it could have been -- you said it could
11 have been July 1998 in Bajgore; right? So this was the first time in
12 1998?

13 A. Your Honour, I will repeat again. I don't know how she's
14 getting the answers from the context. I met him in 1998, in July, in
15 Bajgore where he brought some recruits. And the second time --

16 PRESIDING JUDGE VELDT-FOGLIA: Stop. Please, Mr. Witness, we
17 are all trying to be respectful. So Madam Prosecutor is citing from
18 the transcript what you said and trying to clarify something.

19 So remarks like, "I don't know where she gets that from," I ask
20 both the Defence Counsel and the SPO always to cite exactly, yes,
21 what the witness has said. So we are not trying to deceive you here,
22 and it's one of my jobs to control that. And we also try to be
23 respectful to each other.

24 So you said now that you saw him maybe around, approximately,
25 July in Bajgore.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3460

1 MS. D'ASCOLI: And, for the record, this was at page 16, line 9
2 of the live transcript, about the timing, July 1998, and about the
3 location, Bajgore, was page 15, line 16 of the live transcript.

4 MR. VON BONE: Yes, Your Honour.

5 PRESIDING JUDGE VELDT-FOGLIA: Can you take off your headphones,
6 Mr. Parduži. Thank you.

7 MR. VON BONE: Yes, Your Honour. Thank you very much. If I
8 may.

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

10 MR. VON BONE: Thank you.

11 I think the point of the witness was not much the issue of the
12 date or the approximate date, July 1998, but the amount of times.
13 And the citation that the Prosecutor used says only one occasion, at
14 least in that page 16, line 9. So that is why I believe that if the
15 citation is about two times in 1998, then the citation should be
16 correct indicating that.

17 MS. D'ASCOLI: I was about to give the second citation --

18 MR. VON BONE: Okay. So --

19 PRESIDING JUDGE VELDT-FOGLIA: Yes, she was about --

20 MR. VON BONE: Okay. Sorry.

21 PRESIDING JUDGE VELDT-FOGLIA: -- and I interrupted her.

22 MR. VON BONE: Okay. No, I did not get that because I thought
23 that was referring to page 16, line 9, and there was that occasion.

24 PRESIDING JUDGE VELDT-FOGLIA: I understand. We all try to do
25 our utmost, so thank you for being precise.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3461

1 MS. D'ASCOLI: Your Honours, I was taking it step by step in
2 answer to Your Honour's question to cite again the record.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 MS. D'ASCOLI:

5 Q. So that was the first time, Mr. Parduži, and then the second --

6 PRESIDING JUDGE VELDT-FOGLIA: No, wait, wait. Wait, wait --

7 MS. D'ASCOLI: Sorry.

8 PRESIDING JUDGE VELDT-FOGLIA: -- Madam Prosecutor. He has to
9 put on his headphones again.

10 Thank you, Mr. Parduži.

11 MS. D'ASCOLI:

12 Q. So, Mr. Parduži, as Madam Presiding Judge summarised, we read
13 from the transcript that the first time you said you met
14 Mr. Salih Mustafa was in July 1998, likely in Bajgore. And then the
15 second time, when you said you met or you saw him in 1998, was when
16 you went to Zllash to bring some weapons and ammunition in October
17 1998. And this was at page 20, lines 13 to 14 of today's transcript.
18 Do you remember that?

19 A. Yes, I remember, and I did repeat it several times.

20 Q. Okay. So that's why I said from today's evidence it looks
21 like -- I mean, we heard that you met Mr. Salih Mustafa twice in
22 1998. Then I was going to move forward to my next point which was to
23 clarify what you said in the past; namely, in the Defence statement
24 of February 2021.

25 MS. D'ASCOLI: And for this, Your Honours, we can again proceed

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3462

1 with the statement which is already on the screen. And I think I
2 need page 2 first of the English, please.

3 Actually, at page 2 there is the record of the first meeting in
4 1998. Then I wanted to compare it with page 5 of the English
5 statement. I need the penultimate paragraph from the end of the
6 page. Page 5, please. The end of the page. And the penultimate
7 paragraph.

8 MR. VON BONE: Excuse me, Your Honour.

9 PRESIDING JUDGE VELDT-FOGLIA: Is it something on the content?

10 MR. VON BONE: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Then I will ask -- Mr. Witness,
12 can you take off your headphones, please.

13 Defence Counsel, you have the floor.

14 MR. VON BONE: Yes, Your Honour. The citation of page 20,
15 line 13 and 14, reads:

16 "The dates are hard to remember."

17 That is where it starts.

18 "We were not in a position to keep a diary or notes or write
19 down dates because life was very dynamic and the events were very
20 dynamic and, unfortunately, very dramatic. If I'm not mistaken, it
21 was in October, end of October 1998. I brought some weapons and
22 ammunition there, and that I got supplies from Zllash, because there
23 was a centre for supplies there to meet the needs of ..."

24 Well, that does not mean, as the Prosecutor says, that it was a
25 meeting or that he saw him there. So is it now just -- is it about

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3463

1 going just to Zllash, or is it about seeing Mr. Mustafa somewhere on
2 a location? Because I think that is not what the witness answered in
3 that citation that Madam Prosecutor gave.

4 MS. D'ASCOLI: Your Honours, the presence of Mr. Mustafa is at
5 page 24, line 11 and 12.

6 PRESIDING JUDGE VELDT-FOGLIA: You can read it out, and I also
7 will have a look at it as you speak.

8 MS. D'ASCOLI: Yes, I'll read from line 6, the answer of the
9 witness -- oh, actually, from line 3 so that it is clear which time
10 we are discussing.

11 So the question of Mr. Shala was:

12 "Mr. Witness, at the time when you were in Zllash, the occasion
13 when you sent the weapons there, do you remember to whom you handed
14 over those weapons?"

15 And the answer was:

16 "I handed them over in the building or house or let's call it
17 staff. We would call staff headquarters every private house because
18 we did not have military barracks as regular armies."

19 Then he mentions a number of persons. I don't think it's
20 relevant that I read the whole passage. But at the end of the
21 sentence, from the end of line 11 to line 12, he says:

22 "And in the meantime, Salih Mustafa came there."

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, to be honest, I
24 remembered that this was said by the witness earlier this morning,
25 and I think that Madam Prosecutor was just citing the two passages

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3464

1 that referred to a specific occasion.

2 MR. VON BONE: Yes. My point was just that the citation that
3 she said that she saw -- or he saw there -- he saw there Mr. Mustafa
4 was not in the citation of page 20, line 13 and 14.

5 PRESIDING JUDGE VELDT-FOGLIA: But she cited both, wasn't it?

6 MS. D'ASCOLI: I don't remember, Your Honours, to be honest, if
7 I cited both. I mean, I remember that was what the witness said. I
8 tried to collect --

9 PRESIDING JUDGE VELDT-FOGLIA: Okay.

10 MS. D'ASCOLI: -- as quickly as possible all of the references
11 to today's transcripts, but I didn't misrepresent anything.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay.

13 MR. VON BONE: No, just that -- that was my only point, that
14 that -- that citation --

15 PRESIDING JUDGE VELDT-FOGLIA: But did you remember that he said
16 that earlier today?

17 MR. VON BONE: Your Honour, I read it in the transcript. I just
18 -- in the question was imposed that was in line 13 and 14 of page 20
19 but --

20 PRESIDING JUDGE VELDT-FOGLIA: But for next time --

21 MR. VON BONE: -- which was not the case.

22 PRESIDING JUDGE VELDT-FOGLIA: For next time, I would say,
23 because I see your point, but for next time, because we all knew, yes
24 -- because we all knew that it was said this morning that he was
25 there in October, you could say also the citation by Madam Prosecutor

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3465

1 is not correct. This is another citation. It was not that she was
2 telling something that he did not say. That would help the
3 expediency of this examination. Because I agree completely with you
4 that if Madam Prosecutor is saying something that is misrepresenting
5 what he is saying, we should not do it. But if apparently that is
6 not the right citation and you know that it has been said, you could
7 share it. And that counts for everybody.

8 Madam Prosecutor, please proceed.

9 MS. D'ASCOLI: Yes --

10 PRESIDING JUDGE VELDT-FOGLIA: No, wait, we have to -- I say
11 "please proceed," but I have to tell Mr. Witness to put on his
12 headphones.

13 Can you put on your headphones, please. Thank you, Mr. Witness.

14 MS. D'ASCOLI: Yes, I should have complemented page 20 with
15 page 24. Apologies if I didn't do it. I'm trying my best to use all
16 of the references that I noted down from this morning, but I clearly
17 remembered that and I had checked that and I wasn't misrepresenting
18 anything that the witness said. Thank you.

19 Q. So, Mr. Parduži, to go back to the questions about how many
20 times you saw Mr. Mustafa in 1998, you said today you saw him twice
21 in 1998; is that correct?

22 A. Yes. For the tenth time I confirm that, yes. Excuse me.

23 Q. Okay. Then I want to ask you a clarification in relation to
24 your statement from February 2021. I had called up page 5 of that
25 statement, and I'm going to read the sentence in which you speak

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3466

1 about the times you met Mr. Salih Mustafa. I'm just going to go to
2 the end of the sentence, because it is about numbers and not about
3 locations, and let's see how that goes. So you said the first time
4 you were talking about the events preceding your injury and how many
5 times you met Salih Mustafa. And you said:

6 "The first time was in 1998, and this time, it was the second
7 time, it was in 1999."

8 Do you remember saying in your Defence statement that you saw
9 Mr. Mustafa once in -- only once in 1998?

10 A. Your Honour, I say what I remember and I know and not what the
11 Prosecution wants to take out from the context. I said it and I will
12 repeat it. In my statement, and I will state here, that I met him
13 twice. This could have been a mix up. I said I met him in July and
14 October. The first time in Bajgore, and the second time in Zllash,
15 when I sent some weapons and ammunition and I took from there food
16 provisions. Whether they were food or clothes, that is what I have
17 said and that is what I am confirming today.

18 Q. Yes, Mr. Witness --

19 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor.

20 Mr. Witness, we are not trying to misrepresent what you are
21 saying or what you said in the past. We are just -- or
22 Madam Prosecutor is trying to show you what you said before and what
23 you said today. And then you can -- if it's a mixup, then you
24 explain it. But she's not citing anything else than you already said
25 before. That's what's happening here. And you can explain how we

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3467

1 should read what is in the Defence statement you have given. Nothing
2 more, nothing less.

3 Madam Prosecutor.

4 MS. D'ASCOLI: Yes, thank you, Your Honours.

5 Q. So, Mr. Parduži, I was trying to understand that. And my
6 question was why is there no mention in your statement to the Defence
7 of this second encounter with Mr. Mustafa in Zllash in 1998?

8 A. I was not asked most probably, and that is why I didn't reply.

9 Q. And can you explain why you said that you met him the first time
10 in 1998 and that the second time you met him was actually in 1999?
11 Can you explain that?

12 A. I never said that I met him for the second time in 1999. I have
13 never said it. I will repeat it again for the umpteenth time. I met
14 him in July 1998 for the first time, and I met him the second time
15 end of September or beginning of October. That is what I said and
16 this is the truth.

17 Q. I understand, Mr. Parduži. But I read to you your own words,
18 when I read: "... it was the second time, it was in 1999." Those
19 were your words from your statement.

20 A. I don't know if I'm clear enough. I only replied to the
21 question. If I'm not asked the question, I cannot reply. I cannot
22 reply to questions that are not posed to me. I only answer the
23 questions that I'm asked and I say what I know.

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I just want to
25 make a point to the witness.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3468

1 Mr. Witness, it's not here about what you were asked or what you
2 were not asked. What I see here in this statement, which is signed
3 by you, that you say:

4 "The first time was in 1998 ..."

5 It's something you are saying.

6 "... and this time," because you are talking about the time you
7 got wounded, "it was the second time, it was in 1999."

8 So it has nothing to do with what you are asked. It's something
9 that you are telling the Defence, and you give it a specific number.
10 You say it's the first time and it is the second time. And there,
11 from that, the question of Madam Prosecutor derives.

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

14 Defence Counsel, you're standing.

15 MR. VON BONE: Yes. Maybe, Your Honour, the issue is because
16 it's the same citation, page 24, lines 11, 12, says:

17 "And in the meantime, Salih Mustafa came there."

18 Whereas in the first time, there is apparently a meeting or so.
19 And maybe there's a distinction between that. Or could that be
20 clarified? Rather than saying, "You met him two times." Seeing
21 somebody or came there, we don't know what -- what was the nature of
22 that second contact, if there was any nature to it. That's the only
23 thing I am trying to say.

24 PRESIDING JUDGE VELDT-FOGLIA: I would stick to the wording in
25 the statement. I think that will do.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3469

1 Madam Prosecutor, I leave it now to you to continue. I've tried
2 to clarify it to the witness what we are discussing, and maybe
3 there's a good explanation. You can clarify that.

4 MS. D'ASCOLI: Yes, thank you very much, Your Honours. I think
5 the witness has answered my question. I can ask again. And I
6 propose that if the Defence counsel wants to take a different view to
7 that, he can do that during redirect.

8 PRESIDING JUDGE VELDT-FOGLIA: You will have ample opportunity
9 for that, Defence Counsel.

10 MS. D'ASCOLI:

11 Q. Mr. Witness, I'll just check whether you did answer the last
12 question, and then I'll move on.

13 MS. D'ASCOLI: Yes, when I put to the witness that those were
14 the words from his statement, the witness gave a clear answer. So I
15 will move on, if Your Honours are satisfied.

16 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

17 MS. D'ASCOLI: Thank you.

18 Q. Mr. Witness, I will now move to the time in April 1999 when you
19 were injured. Let me first ask you what was your condition during
20 the trip from Turiqice to Potok?

21 A. Unfortunately, I will repeat it again, I think I described it
22 earlier, but since you are putting the question, the conditions were
23 very difficult. They were grave.

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I do agree that
25 -- I prefer that we are not -- we don't re-ask questions.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3470

1 MS. D'ASCOLI: Okay. Then I will put it as a closed question.

2 Q. I understand you were seriously wounded; right?

3 A. Yes.

4 Q. Can you tell us what injury you had?

5 A. Do you want to see them or should I just describe them?

6 Q. Just describe them, please.

7 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, it's clear that we
8 are not going to ask you here to show them. We will just -- we just
9 want to have a description.

10 THE WITNESS: [Interpretation] I was injured on both shoulders by
11 a sniper rifle, and on the front part of the chest.

12 MS. D'ASCOLI:

13 Q. Did you have a lot of bleeding during the trip?

14 A. Yes, of course I was bleeding because I was seriously wounded.
15 You can imagine the weapons that were used. They are banned by
16 international conventions. But unfortunately, Serbs didn't choose
17 their means. They used all means possible.

18 Q. You told us, and this was at page 29, from lines 7 to 16 of the
19 live transcript, that you were put on a tractor trailer to be
20 transported to Potok. Do you remember that?

21 A. I said it and I confirm it.

22 Q. Can you give us more details, if you can, and if you remember,
23 regarding how you travelled?

24 A. Please, what are you most specifically interested in? What is
25 your specific question?

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3471

1 Q. Were you in -- where were you staying? Where did they put you?
2 You mentioned a tractor and a trailer. Where did they put you in
3 order to transfer you?

4 A. A tractor is not a means of transportation. It's used in
5 agriculture. But in the conditions that we were in, we had to use it
6 because it was the only opportunity, the only possibility to go
7 through those mountainous places.

8 Q. Were you lying in the trailer of the tractor?

9 A. It seems, Your Honour, Prosecutor doesn't understand. Of course
10 I was lying down, because my condition was very serious.

11 Q. Was there a doctor next to you?

12 A. There wasn't a doctor but there was a student, a fifth year. He
13 already graduated now. He's a scientist. But he wasn't then a
14 doctor. He was only a student of medicine.

15 Q. Do you remember the name of this student of medicine?

16 A. Yes, I do remember his name.

17 Q. What was his name?

18 A. Samir Shatrolli.

19 Q. Was there anyone else with you on the trailer?

20 A. These questions are repetitive. Yes, Nuredin Ibishi, Leka, was
21 also there. He was wounded. I have said this before.

22 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I agree with
23 that, that he said that already.

24 MS. D'ASCOLI: It wasn't clear to me whether he was on the same
25 trailer or he was in two different vehicles. So I'm exploring that

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3472

1 part.

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

3 MS. D'ASCOLI:

4 Q. So you told us Mr. Nuredin Ibishi, aka Leka, who was also
5 wounded, was there with you. Was he staying next you, meaning on the
6 same trailer, or were different vehicles transporting the two of you?

7 A. No, we not attached to each other, but we were in the same
8 trailer. It's been 23 years since then. I had a vest. I gave it to
9 Commander Leka, and fortunately, he survived. Because I think if he
10 hadn't had that vest he would have more serious injuries.

11 Q. So you're saying you were not attached to each other, but you
12 were in the same trailer. So the same vehicle was transporting the
13 two of you. Is my understanding correct?

14 A. We were on the same trailer.

15 Q. Were you conscious all the way, at all times, during this trip
16 or not?

17 A. No, I lost my consciousness, but I was going in and out of
18 consciousness. We also stopped along the way because the road was
19 very difficult, and so I had to stop and rest and receive some
20 medications, some sedatives or IV drips.

21 Q. With regard to the moment in time when you remember
22 Mr. Salih Mustafa approaching you, I understand - this is page 30,
23 line 22 - that it was up to the Rimanishte village; right?

24 A. No, I didn't say it like that. I said that he escorted us up to
25 Rimanishte or Bellopoje, but not in Rimanishte.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3473

1 Q. And how can you tell that he escorted you up to Rimanishte or
2 Bellopoje?

3 A. I will repeat it again and again. He secured the road in case
4 of a trap, ambush. Now, I know that when we stopped for a rest, he
5 asked me whether I needed an IV drip or something, or simply as a
6 comrade in arms, "How is it going? Just bear for a bit longer. We
7 will succeed. We will succeed." But I did not have with me a
8 compass to know in which village we were stopping every time.

9 Q. So in relation to the location, I understand you cannot really
10 tell where exactly Mr. Mustafa came to talk to you; is that correct?

11 A. How many times do I have to repeat it? That's what I said, and
12 I stand by what I said.

13 PRESIDING JUDGE VELDT-FOGLIA: Can you answer the question,
14 Mr. Parduži. Parduži, I'm sorry. I got mixed up. Mr. Parduži, you
15 have the floor. Can you answer the question?

16 MS. D'ASCOLI: Would you like --

17 PRESIDING JUDGE VELDT-FOGLIA: Because that was my point.

18 MS. D'ASCOLI:

19 Q. Would you like me to repeat the question, Mr. Parduži?

20 A. I already answered your question. If you have another question,
21 I am here.

22 Q. I will repeat the question --

23 PRESIDING JUDGE VELDT-FOGLIA: No, no, no, wait. It doesn't
24 work like that, Mr. Parduži. There's a question asked, and I ask you
25 to answer it, and you are not the one deciding which question to

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3474

1 answer or not. And if I think it is repetitive, then you don't have
2 to answer, of course. But for now, I ask you kindly to answer the
3 question.

4 And, Madam Prosecutor, please repeat the question.

5 MS. D'ASCOLI: Yes, Your Honours. I will.

6 Q. Mr. Parduži, my question was related to the location where you
7 saw Mr. Mustafa. I will re-read it again.

8 "So in relation to the location, I understand that you cannot
9 really tell us where exactly you met Mr. Mustafa during this trip.
10 Is my understanding correct?"

11 A. Yes, that's what I said and that's how it was.

12 Q. So location you cannot tell. However, you said today, page 31,
13 that you did not see Mr. Mustafa in Potok. Page 31, line 22. Is
14 that correct? Do you remember saying that?

15 A. I cannot answer this question that way, Your Honour. Are we
16 talking about Potok or about the north-eastern part? Because these
17 are two separate issues. So just make up your mind for which part
18 you want me to give you an answer, because I cannot give you an
19 answer when it's not specific.

20 Q. Okay. Do --

21 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we will have the
22 question re-asked to you, and we try to be more specific so you know
23 what to answer.

24 MS. D'ASCOLI:

25 Q. Do you know whether Mr. Mustafa came all the way to Potok?

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3475

1 A. No. I said I was not sure whether it was Rimanishte or
2 Bellopoje. Up to one of these two locations. So I'm repeating for
3 the fifth time that, no, he wasn't.

4 Q. And can you explain how you can tell that he came up to
5 Rimanishte or Bellopoje, or can you say up to which point he came?

6 PRESIDING JUDGE VELDT-FOGLIA: You are not hearing anything,
7 Mr. Witness?

8 THE WITNESS: [Interpretation] There is no interpretation.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay. We will see what is
10 happening.

11 THE WITNESS: [Interpretation] Can you please repeat your
12 question? I did not -- I didn't have interpretation.

13 MS. D'ASCOLI:

14 Q. Yes, of course. How can you tell that Mr. Mustafa came up to
15 Rimanishte or Bellopoje?

16 A. I could tell because I saw him with my own eyes.

17 Q. You had just told us that you could not say where you saw him.

18 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

19 MR. VON BONE: Sorry, Your Honour.

20 PRESIDING JUDGE VELDT-FOGLIA: -- please, no, no. I want to
21 have this question asked and explored.

22 MR. VON BONE: Yeah. But I really think --

23 PRESIDING JUDGE VELDT-FOGLIA: No, I am not going to give you
24 the floor now. I am not going to give you the floor.

25 MS. D'ASCOLI:

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3476

1 Q. Mr. Parduži, I'll repeat the question again. Because we had
2 just discussed how you could not refer to a location in which you
3 remember seeing Mr. Mustafa during the trip, so my question was how
4 can you tell that he came up to Rimanishte or Bellopoje? Can you
5 please explain.

6 A. I already explained. And, again, I will explain it even 100
7 more times if needed. There are two separate parts. Up to
8 Rimanishte or Bellopoje. I didn't know -- to this date, I don't know
9 which part. And then the second part starts, the north-eastern part
10 that goes to the hospital. Up to that point, we saw him on the way.
11 I don't know in which villages. But the last time was when we got
12 off the tractor and when the other part of the brigade came to get us
13 and transport us to the makeshift hospital.

14 Q. So are you saying that you didn't see him only once but you saw
15 him more than once during this trip? Is that what you're saying?

16 A. That's what I said. I did not count whether it was once, twice,
17 five times, ten times. I was wounded. He came. Whenever he could,
18 he came to ask, "How are you? Just bear with us. We will succeed."
19 So I did not count how many times. Two, three times. Yes, he came
20 several times. It's only humane to do that.

21 Q. Okay. So you're saying that you saw him several times.

22 PRESIDING JUDGE VELDT-FOGLIA: The witness said that.

23 MS. D'ASCOLI:

24 Q. Is that correct?

25 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, we heard him

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3477

1 say that.

2 MS. D'ASCOLI: Yes, okay. So --

3 PRESIDING JUDGE VELDT-FOGLIA: So let us not repeat it.

4 MS. D'ASCOLI: Yes, okay.

5 Q. Let me -- I want to put to you some questions that were asked
6 during the interview with the Specialist Prosecutor's Office in
7 January 2022.

8 MS. D'ASCOLI: Can we have on the screen the interview, the
9 transcript of that interview which is ERN 104544-TR-ET, Parts 2, 3.
10 And I would need page 16, please.

11 Q. I will read from the beginning of the page, line 1. The
12 question that the Prosecutor asked --

13 MS. D'ASCOLI: Your Honour, I see the witness is asking for the
14 floor.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please tell me.

16 THE WITNESS: [Interpretation] Your Honour, from the beginning I
17 wanted to express two of my concerns. One is linked concretely to
18 this. Are you going to give me this right or are you going to deny
19 it?

20 PRESIDING JUDGE VELDT-FOGLIA: You will be given the floor to
21 discuss and to raise your concerns at a later moment in time, but I
22 first want to do the examination. But you will be given the floor to
23 share with the Panel what you want to share.

24 Madam Prosecutor, please proceed.

25 MS. D'ASCOLI: Yes.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3478

1 Q. Before I'll start reading this part that I want to put to you,
2 Mr. Parduži, can you explain how you can remember that it was
3 Mr. Mustafa, the person you saw or with whom you spoke?

4 A. I don't understand the question. Which is the question? What
5 is your question?

6 Q. How could you recognise Mr. Mustafa? You said you were in dire
7 conditions.

8 A. It is true that I was in dire health condition, but
9 mentally, I was fine.

10 Q. And so can you tell us how you recognised him?

11 A. I don't understand you, how I recognised him. I explained this
12 already. I saw him in person. I recognised him. I don't know how
13 else I can describe this to you.

14 Q. Okay. That's fine. So I'll read from the transcript. The
15 question of the Prosecutor was:

16 "At which point of your trip from Turiqice to Potok? At which
17 point, at which location, did you first realise that Mr. Mustafa is
18 with you?"

19 This was the question. Your answer was:

20 "I don't know what you mean by 'meet' Mr. Mustafa, because I was
21 unable to move. Obviously I was wounded. But at some point I
22 remember him coming, approaching me and asking me if I was holding
23 up."

24 Is that okay so far? Do you remember saying these things to the
25 Prosecutor? Okay.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3479

1 A. Yes.

2 Q. I'll continue reading from line 8:

3 "Do you ... do you remember what was the location -- ... if you
4 can say that, where you first saw Mr. Mustafa who was asking you how
5 you were holding up?"

6 And your answer, I'm reading from line 11:

7 "I don't know. Because it was ... it was covered and it was
8 heavy rain, and I would have wished I would have known where there
9 was, but I don't know."

10 A. And what is the question?

11 Q. The question was do you confirm that you could not really tell
12 where exactly you saw Mr. Mustafa?

13 A. You yourself read the question and gave the answer. The answer
14 is within the question. And I confirm what I said.

15 Q. In relation to the time, the next question says:

16 "Was it perhaps -- I understand that perfectly. Do you perhaps
17 know whether it was on the 11th of April," or "on the 12th of April?
18 If you, of course, can say that."

19 And your answer, reading from line 17:

20 "I don't know. I'm not able to define it. It would have been
21 good if I was to know, but I don't know."

22 A. What is the question? Is there a question here?

23 Q. Just whether what I'm reading -- do you confirm this evidence
24 that you -- in terms of time, you could not tell when that was that
25 you met Mr. Mustafa?

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3480

1 A. Not when but where. There is a distinction between when and
2 where.

3 Q. Yes. And the first part of the question was in relation to
4 where, which you confirmed you could not tell. Now, the second part
5 of the question is in relation to when, whether it was shortly after
6 you left or the second day before you arrived in Potok. Can you tell
7 when it was that you remember Mr. Mustafa speaking to you during that
8 trip?

9 A. Honestly, I don't understand what the concrete question is.
10 Please, do not mix Potok with the travel from Turiqice. Separate the
11 two. Or we can join the two.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, in your statement to
13 the SPO - allow me, Madam Prosecutor - the question was:

14 "Do you perhaps know whether it was on the 11th of April, on the
15 12th of April?"

16 That's what they asked you, if you saw Mr. Mustafa. That's the
17 question. And then your answer is:

18 "I don't know. I'm not able to define it."

19 So to the SPO you said, some months ago, you said: I cannot say
20 whether it was the 11th or the 12th that I saw Mr. Mustafa. And now
21 Madam Prosecutor is asking you: Is that correct? You said it to us.
22 And can you say it again in front of the Panel? Because you said it
23 then and we want to confirm that, or not. But you said it then. And
24 we want to know if that is accurate, if you can say or cannot say,
25 that you saw on those dates Mr. Mustafa, because apparently back then

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3481

1 you said to the Prosecutor: I don't know exactly.

2 So that is a question. Mr. Parduži, that is a question. So can
3 you confirm that, that you cannot say when you saw him on those two
4 days?

5 THE WITNESS: [Interpretation] Your Honour, it's not two days.
6 But when you look at it with dates, it's two days. Days as such are
7 long. When they started to transport me, we went the whole day. And
8 in the midnight, we entered the 11th. And then the next day, we
9 travelled the whole day. And after midnight, we entered the 13th.

10 So I cannot tell you whether it was the 10th, 11th, 12th, or
11 13th. This is what I said then and this is what I am saying today.
12 I do not know what the date is. I didn't have time to think what the
13 time was or what day it was.

14 PRESIDING JUDGE VELDT-FOGLIA: I can understand that, I believe.
15 This will do as an answer. Thank you for that.

16 Madam Prosecutor, you have the floor.

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

18 PRESIDING JUDGE VELDT-FOGLIA: And may I remind you, and I am
19 sure you have seen it, that we are approaching quarter past 1.00.
20 And if you could finalise your line of questioning and indicate to
21 the Panel how long you think you will still need to do the
22 cross-examination.

23 MS. D'ASCOLI: Yes, Your Honour. I'll conclude on this area,
24 then we can have the break, and then I think I will have only ten
25 minutes left. No longer than that.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3482

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 MS. D'ASCOLI:

3 Q. Mr. Parduži, a final question in order to try to understand the
4 moment in time when you saw Mr. Mustafa, if you remember. Do you
5 remember whether you saw him or you spoke with him during the trip
6 between Zllash to Rimanishte or afterwards?

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

8 MS. D'ASCOLI: To Rimanishte.

9 PRESIDING JUDGE VELDT-FOGLIA: Not Zllash.

10 THE WITNESS: [Interpretation] I did not mention Zllash in any --

11 MS. D'ASCOLI: Sorry, to Turiqice. Sorry, Turiqice.

12 THE WITNESS: [Interpretation] -- case.

13 MS. D'ASCOLI: Sorry. Sorry, my mistake. Turiqice.

14 PRESIDING JUDGE VELDT-FOGLIA: That was your point, Defence
15 Counsel?

16 MR. VON BONE: Yes, Your Honour.

17 MS. D'ASCOLI: Yes, I misspoke. I meant Turiqice, from where
18 the witness was transported towards Potok.

19 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

20 MS. D'ASCOLI:

21 Q. Mr. Witness, do you remember whether it was between Turiqice and
22 Rimanishte or in Rimanishte that you remember speaking with
23 Mr. Mustafa? If you can tell.

24 MR. VON BONE: Your Honour [Overlapping speaker] ...

25 MS. D'ASCOLI:

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3483

1 Q. If you cannot, that's okay.

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

3 Mr. Witness, can you please take off your headphones? Yes.

4 Defence Counsel.

5 MR. VON BONE: Yes, Your Honour. I think this question is
6 repetitive. It's already determined that between that period of
7 Turiqice and Rimanishte or the other location that he mentioned, it
8 was on those occasions that he speak or meet or whatever you call it,
9 had contact with Mr. Mustafa.

10 So in order to have the same question again, I think it is
11 repetitive and the answer has been given by the witness.

12 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, you have the
13 floor.

14 MS. D'ASCOLI: Yes, I was trying to give some time limit. Maybe
15 I can rephrase, leaving out the locations.

16 PRESIDING JUDGE VELDT-FOGLIA: Because I see the point --

17 MS. D'ASCOLI: Yes, yes.

18 PRESIDING JUDGE VELDT-FOGLIA: -- of the Defence --

19 MS. D'ASCOLI: Yes. No, no, I understand. Yes, of course.

20 PRESIDING JUDGE VELDT-FOGLIA: -- that we have been there --

21 MS. D'ASCOLI: I understand.

22 Q. Mr. Witness, do you remember whether -- if can you tell again
23 whether you remember speaking with --

24 MS. D'ASCOLI: Oh, sorry. Mr. Parduži was putting back his
25 headphones.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3484

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

2 MS. D'ASCOLI:

3 Q. Thank you, Mr. Parduži. So the last question about trying to
4 locate this meeting in time. Do you remember whether it was shortly
5 after you left Turiqice or later on during the trip before getting to
6 Rimanishte that you remember speaking with Mr. Mustafa?

7 A. Please, I don't understand the essence of your question. What
8 is the concrete question? Did you meet him? I said that I met him.
9 Where did you meet him? I don't know where I met him. I was not on
10 a helicopter to know exactly where the location. I said I met him --
11 actually, he came to me because I was not in a condition to meet him.
12 So he came to me, approached me, whether when we would stop for a
13 short rest or to give me some -- a painkiller or an IV drip, and then
14 he continued.

15 So it was a covered trailer, and it was raining heavily, it was
16 cold. So he came, asked me, "How are you holding up? Don't worry,
17 we will manage. We will succeed." That was it.

18 So I don't know how many times do I have to explain this. If
19 you want, I can go on and explain it to you the whole day. It's not
20 a problem. We can talk about this for a week, but I'm trying to be
21 as short as possible.

22 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor --

23 MS. D'ASCOLI: That will suffice.

24 PRESIDING JUDGE VELDT-FOGLIA: -- we would leave --

25 MS. D'ASCOLI: Yes, absolutely. Yes.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3485

1 PRESIDING JUDGE VELDT-FOGLIA: I would like to leave --

2 MS. D'ASCOLI: Yeah, yeah.

3 PRESIDING JUDGE VELDT-FOGLIA: -- this topic now because we --

4 MS. D'ASCOLI: Yeah, I was about to say that.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay.

6 MS. D'ASCOLI: Yes. Okay, I have concluded this area of
7 questions, so we can take a break, Your Honours. And as I said,
8 after the break I will have maximum ten minutes left.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Prosecutor.

10 Madam Court Usher, could you usher the witness out.

11 Mr. Witness, we will now have a break of one hour and a quarter
12 till 2.30, and then we will have one other session of one and a half
13 hour. I wish you a good lunch break. Thank you.

14 [The witness stands down]

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

16 For planning purposes, Victims' Counsel, can you already share
17 with the Panel -- if you can already say now if there will be
18 questions or not?

19 MS. VOSENBERG: Thank you, Your Honours. Not with complete
20 certainty, but the way that it looks now, I don't think we'll have
21 any questions.

22 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you.

23 MS. VOSENBERG: Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. We will have a break of
25 one hour and 15 minutes. So we see each other again at 2.30.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3486

1 The hearing is adjourned.

2 --- Luncheon recess taken at 1.13 p.m.

3 --- On resuming at 2.30 p.m.

4 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. We are in the same
5 composition as we were before the break, so we can note that for the
6 record. And we continue with the cross-examination of Witness 900 by
7 the Specialist Prosecution Office.

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

9 [The witness takes the stand]

10 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Parduži.

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

12 PRESIDING JUDGE VELDT-FOGLIA: I hope you had a good break. We
13 will now continue.

14 THE WITNESS: [Interpretation] Yes, thank you. Good.

15 PRESIDING JUDGE VELDT-FOGLIA: We will now continue with the
16 examination by Madam Prosecutor.

17 You have the floor.

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

19 Q. Good afternoon, Mr. Parduži. You told us this morning that you
20 were a member of Brigade 151. This was at page 12, line 8. Did you
21 work with Nuredin Ibishi during the time while he was the commander
22 of Brigade 151?

23 A. Not only worked with him but we fought together. All the time
24 we were together, I said.

25 Q. Did you have a specific role or specific duties towards

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3487

1 Mr. Ibishi?

2 A. I had duties vis-à-vis the national liberation army of Kosovo.

3 Q. What about towards Mr. Ibishi? Did you have any specific role
4 towards him?

5 A. In what context do you mean? Can you be more specific, please?

6 Q. What were your duties towards him, towards Mr. Ibishi?

7 A. My duties were towards the KLA, and nobody had any specific duty
8 towards anyone. Our duty was to fight the enemy wherever we could.

9 Q. Were you responsible for his protection?

10 A. I don't know how to put it, responsible. Everyone was
11 responsible for themselves, but we were together all the time.

12 Q. Were you providing security for Mr. Ibishi?

13 A. Everyone had to be responsible for their own security. It's a
14 very broad term when you say "security." What do you mean?

15 Q. Mr. Ibishi, I think my question was pretty specific.

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please try to answer
17 the question.

18 THE WITNESS: [Interpretation] To my knowledge, Mrs. Prosecutor,
19 I'm trying to be as concise and as precise as possible. I am trying.
20 I gave my answer, and I think that would be sufficient.

21 MS. D'ASCOLI:

22 Q. Was one of your specific duties during your service in the KLA
23 the one who was providing security, escorting Mr. Ibishi?

24 A. I couldn't provide physical security to anyone, even less so to
25 myself. But we cooperated. We worked together.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3488

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you can say "yes" or
2 "no" to this question.

3 THE WITNESS: [Interpretation] Your Honour, I cannot say "yes" or
4 "no." I am simply saying that we were together 24 hours. If you
5 would call that providing security, let that be it. But I can't say
6 "yes" or "no."

7 PRESIDING JUDGE VELDT-FOGLIA: I don't want to call it anything
8 because you are the one, the witness for the Defence here. So that's
9 not up to me. Did you provide security in the sense of a bodyguard
10 for this person or not?

11 THE WITNESS: [Interpretation] No commander had any security the
12 way you are putting it to me. The notion of security is quite a
13 broad notion. We were together. We fought together. We defended
14 one another. But not any specific sense, I mean. We were not in
15 those conditions.

16 MS. D'ASCOLI:

17 Q. Mr. Witness, I was referring to that because that was your
18 testimony in the Latif Gashi et al. case. Do you remember testifying
19 in that case?

20 A. In what context? It was a process of 2002, the process of the
21 Llapi group. Yes, I remember I have testified.

22 Q. Sorry, Mr. Witness, I want to move quickly. My question was:
23 Do you remember testifying in that case? I didn't ask about any
24 context.

25 A. Yes, I remember. But I didn't sign the statement because it was

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3489

1 provided to me only in English, so I refused to sign it. And as
2 such, I am not denying or confirming it. I am simply saying I did
3 not sign it.

4 Q. In that context, Mr. Witness, you said that your duties and
5 obligations were the same as all duties and obligations in providing
6 security for an important person such as Commandant Leka.

7 MS. D'ASCOLI: And I'm referring to SPOE00120232 to 00120243 at
8 page 2.

9 Q. So did your duties and obligations include providing security
10 for Commander Leka?

11 A. The fact that I did not sign the statement, I don't recognise
12 it. If you ask me specifically, I said, yes, we were together
13 24 hours. We worked and we fought together all the time.

14 Q. Sorry, Mr. Witness, can you just answer my question?

15 PRESIDING JUDGE VELDT-FOGLIA: I can only echo that.

16 MS. D'ASCOLI:

17 Q. And it's a question that can be answered with a "yes" or a "no,"
18 also in light of your previous testimony.

19 A. Since I didn't sign it, how can you take it as a statement or as
20 a testimony? It was not given to me to read it, so I didn't sign it.

21 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, just for my
22 understanding, I see on page 12 of the statement you are referring
23 to, it's a statement of 23 September 2002, isn't that?

24 MS. D'ASCOLI: [Microphone not activated].

25 PRESIDING JUDGE VELDT-FOGLIA: And then if we go to page 12, I

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3490

1 see a signature under the word "Witness Kapllan Parduži," and then I
2 see a signature.

3 MS. D'ASCOLI: Maybe we can call up the ERN, please. Shall I
4 repeat it? It's SPOE00120232 to 00120243. And, actually, if we can
5 go to page 7 of this transcript. First of all, if we can zoom in
6 towards the end of the page.

7 Q. Mr. Witness, is that your signature?

8 A. No, it's fake. I said earlier it's not true. I didn't sign the
9 statement because it was not provided to me in Albanian.

10 Q. Okay. You're saying it's not your signature.

11 MS. D'ASCOLI: Can we go to the last page, page 12, just for
12 recognition purposes of a different signature.

13 Q. Yes. Where it says "Witness: Kapllan Parduži," can you tell
14 us, Mr. Witness, whether that is your signature or not?

15 A. In the end, yes.

16 Q. Okay. So you did sign this statement; correct?

17 A. I didn't sign the statement. I say it also in criminal
18 responsibility it's not true. You can look at the records of the
19 hearing held in Prishtine. I didn't sign the statement because it
20 was not in Albanian.

21 Q. Mr. Witness, didn't you just say that you recognised this
22 signature on the last page as your own one?

23 A. I confirm it that the signature is mine. But in this document
24 and in English, in its English version, I refused to sign it.

25 Q. Okay. Well, this is the English version, Mr. Witness.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3491

1 MS. D'ASCOLI: If we can scroll up a bit and we can show the
2 language of the transcript to the witness.

3 Q. This is the English transcript, Mr. Witness. Do you see that?

4 A. Your Honour, the fact that Ahmed Gashi, the lawyer who was
5 present there, whose signature is not there, you can say -- I mean, I
6 can confirm that I didn't sign the statement that was offered to me
7 in English. I demanded that it be translated into Albanian so that I
8 could read and sign it. But it didn't happen, so I didn't sign it.

9 Q. Okay. I'll just move on.

10 PRESIDING JUDGE VELDT-FOGLIA: No, I just want to have one
11 confirmation.

12 MS. D'ASCOLI: Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: Do you see that the statement is
14 in English?

15 THE WITNESS: [Interpretation] Yes, yes, I see.

16 PRESIDING JUDGE VELDT-FOGLIA: And you see your signature under
17 the English text?

18 THE WITNESS: [Interpretation] Yes. Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

20 MS. D'ASCOLI: Thank you. Can we go to page 7, please, which is
21 SPOE00120238. I need the last part of the transcript. Thank you.

22 Q. So I'll read the question and answers put there to you.

23 Question:

24 "When did you stop being the bodyguard of Commander Leka?"

25 And your answer was:

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3492

1 "My job as his bodyguard stopped when we both got wounded in the
2 battle of Surdull I believe on 9 or 10 April."

3 Do you remember this now, Mr. Witness?

4 A. As a question, yes.

5 Q. You gave a specific answer, Mr. Witness. Do you remember now
6 that you testified you provided security, and specifically here you
7 say: "My job as his bodyguard ..." Do you remember now?

8 A. Don't mix them up. I'm saying again there was no such specific
9 task. We were together 24 hours. So that being the case, they might
10 draw this, infer this conclusion. But I'm saying to you again we
11 were together all the time, day and night, but not in the sense of
12 providing security or being a bodyguard, because we had to take care
13 of ourselves but also of one another.

14 Q. Okay. Mr. Witness, those were your words that I read. No
15 interpretation. Those were your words.

16 MS. D'ASCOLI: Can we have also page 2, which is the one that I
17 had initially quoted when going on to this topic. I will now read it
18 so that we have it clear on the record. I need again towards the end
19 of the page. Yes.

20 Q. So again the question -- and here you're just talking about you
21 being a soldier in the KLA since 1998. The question of the
22 investigating judge was:

23 "What were your duties?"

24 And your answer was:

25 "My duties and obligations were the same as all duties and

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3493

1 obligations in providing security for an important person such as
2 Commandant Leka."

3 Is that more clear now what I meant with my questions? And do
4 you remember giving this evidence?

5 A. I don't remember. More than 20 years have passed. I am
6 confirming it now. I don't know how you understand me. I'm being
7 very clear.

8 MS. D'ASCOLI: Can we go a little bit up on this page. A little
9 bit up. Okay.

10 Q. I'm reading from the second question that the investigating
11 judge asked you, and this was at the very beginning of the interview,
12 talking about you as a KLA soldier:

13 "So you didn't have any rank?"

14 And your answer was:

15 "No, I didn't have any rank and neither did any other members of
16 the UCK but I was involved in providing security for former
17 Commandant Leka.

18 "What was his full name?"

19 "Nuredin Ibishi.

20 "What time frame are we talking about?" is the question.

21 "The period 1998 and 1999."

22 So, Mr. Witness, I just read your words. Do you remember now
23 saying that one of your duties was providing security for
24 Nuredin Ibishi; yes or no?

25 A. No, I don't remember it. 20 years have passed. But since you

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3494

1 refer to my rank, it's true. The highest rank --

2 Q. Okay, Mr. Witness --

3 A. -- was a member --

4 Q. -- I'm sorry, I did not ask about any rank. I just needed a
5 yes-or-no answer. You had the opportunity to answer. Let's move on.

6 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I want to ask a
7 question to the witness.

8 What was now read to you, that you were involved in providing
9 security for former Commandant Leka, this is Nuredin Ibishi, is that
10 true or not true?

11 THE WITNESS: [Interpretation] Your Honour, it's not true because
12 nobody was responsible for security the way you perceive it. We were
13 together all the time. We moved together. If you call that
14 security, yes. But being together all the time, we provided security
15 to one another. We were together in the battlefield everywhere. If
16 it was a matter of providing security, I wouldn't be wounded.

17 PRESIDING JUDGE VELDT-FOGLIA: Were you his bodyguard; yes or
18 no?

19 THE WITNESS: [Interpretation] No, no.

20 PRESIDING JUDGE VELDT-FOGLIA: And then I would like to know
21 that if it's in this statement saying that it was your words, are you
22 saying that this document has misstated what you have said? That
23 they have taken -- it's false what they have written down? Is that
24 what you are saying?

25 Because here we have an official -- apparently an official

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3495

1 document stating that you have said certain things. And it's not
2 about how I interpret things. It's just about the exact wording.
3 And you say, "No, it's not true." But from this document follows
4 that you have said.

5 So are you saying that this is all false, what they have written
6 down? Or that they didn't understand you? I'm trying to understand.
7 I was not there in 2002, so I'm just trying to understand.

8 THE WITNESS: [Interpretation] Your Honour, I am repeating it.
9 That --

10 PRESIDING JUDGE VELDT-FOGLIA: No, no, I don't want you to
11 repeat anything. I have the question: Do you think that everything
12 they said here, what I cited and what Madam Prosecutor said, is that
13 false, or did they misrepresent what you said, or do you say that
14 there was a misunderstanding?

15 THE WITNESS: [Interpretation] I can't say anything, but there
16 are untruths in it. Whether they lied or not, I can't say it because
17 I didn't have this document in Albanian so that I could read and sign
18 it. And I raised this issue also in a public hearing.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

20 Madam Prosecutor, it's your turn again.

21 MS. D'ASCOLI: Yes. Sorry, Your Honours.

22 Q. Because, Mr. Witness, this is repeated over and over again in
23 this statement. So I'm going to read the beginning of the next page,
24 just for the record, because you're saying -- you're claiming things
25 could have been misinterpreted but we are reading your words.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3496

1 MS. D'ASCOLI: So can I have the next page, please, the top
2 part, this is page 3, SPOE00120234, and then I move on.

3 Q. So again I'm reading your words:

4 "I was taking care of physical security of the person in
5 question," and we are talking about Commander Leka.

6 Question of the investigating judge:

7 "What did you do?"

8 Your answer:

9 "If there were no training or other duties as soldiers, we would
10 go to fight battles.

11 "So were you fighting in battles or guarding Commandant Leka?"

12 "Both."

13 So these are your words, Mr. Witness. Are these true or not?

14 A. This is your observation. You were not there to know whether I
15 said it or not.

16 Q. Sorry, sorry, Mr. Witness. I didn't make any observation. I
17 just asked --

18 MS. D'ASCOLI: Sorry, Your Honours.

19 PRESIDING JUDGE VELDT-FOGLIA: No, please, please proceed. You
20 were talking.

21 MS. D'ASCOLI:

22 Q. I just asked whether the words that I read, which were the
23 answers you gave to the judge in that case, were true or not. And
24 can you please answer with a "yes" or "no."

25 A. Since you are saying that "these are your words," I already

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3497

1 denied it many times. How can I be more clear than that?

2 Q. Okay. So you're saying that these are not your words?

3 A. You claim to be present there.

4 Q. I didn't claim anything, Mr. Witness. So you're saying these
5 were not your words? Is that what you're saying? Yes or no, and we
6 move on.

7 A. I don't know. I already said since the document was not offered
8 to me in Albanian to read and sign, that this document to me is
9 without any value.

10 Q. Okay. I understand.

11 PRESIDING JUDGE VELDT-FOGLIA: That's not for you to say if
12 it's -- you can say that's not for any value, but for us, for now,
13 it's here in court, and it is said that your name is under it, and
14 that you were a witness, apparently, in that case. So it is of value
15 at this moment in this court, and we have you here, and we need to
16 discuss it.

17 So it's not up to you to decide not to answer or to answer. And
18 I ask it now to you, and not Madam Prosecutor: Are these words, are
19 they yours or not? Did you say something similar or not?

20 THE WITNESS: [Interpretation] Your Honour, since I didn't have
21 the statement in my mother tongue, I cannot confirm whether the words
22 are mine or not. The very fact that I refused to sign, and this I
23 raised before the judge in Prishtine, I do the same now. I don't
24 agree with it. How can I say it more simply than that?

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

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3498

1 THE INTERPRETER: Microphone.

2 PRESIDING JUDGE VELDT-FOGLIA: I would like you to answer the
3 question if you were his bodyguard, and you have said no, but you
4 said, "I was all the time with him and we were providing each other
5 security." That's what you're saying now. Yes?

6 THE WITNESS: [Interpretation] I said we were together 24 hours.
7 But not only myself. All the soldiers were there, and they were
8 protecting one another. It was our obligation to do that. You may
9 describe it by the term you like, but I only challenge the fact that
10 it was not me who signed it. It was not provided to me in Albanian.

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I'm not describing
12 it by my words. I'm using your words you uttered here in the
13 courtroom, but I will give the questioning now back to
14 Madam Prosecutor. Your point has been made.

15 MS. D'ASCOLI: Thank you, Your Honours. I'll move on.

16 Q. Mr. Witness, did you remain in contact with Mr. Nuredin Ibishi
17 after the war?

18 A. Yes, of course I did.

19 Q. Do you see him socially?

20 A. I meet him as my co-fighter, as a friend, as a former commander.

21 Q. How often do you meet generally?

22 A. I don't keep track of my meetings with him.

23 Q. Did you speak with him or did you meet him recently?

24 A. When specifically you're asking me about? Recently? Maybe one
25 month ago, two days ago, ten days ago, or one year ago. Can you be

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3499

1 more specific when?

2 PRESIDING JUDGE VELDT-FOGLIA: Please answer the question.

3 MS. D'ASCOLI:

4 Q. Can you tell me when was the last time you met

5 Mr. Nuredin Ibishi?

6 A. Maybe ten days ago or two weeks ago.

7 Q. And before then?

8 A. I didn't keep track. We meet also on the road occasionally or
9 during some occasions or during religious feasts or national
10 holidays.

11 Q. Do you consider Mr. Ibishi a friend?

12 A. Even more than friend. But not only Commander Leka.

13 Q. Did you know that Mr. Ibishi also gave a statement to the
14 Defence for Mr. Salih Mustafa?

15 A. No, I don't know that.

16 Q. And did you speak with Mr. Ibishi after you gave your statement
17 to the Defence of Mr. Salih Mustafa?

18 A. I spoke with him. But what are you interested to know, more
19 specifically? I've talked to him. I will talk to him again.

20 PRESIDING JUDGE VELDT-FOGLIA: Please give an answer -- no,
21 please give an answer to the question: Did you speak with Mr. Ibishi
22 after you gave your statement to the Defence of Mr. Salih Mustafa?
23 You can answer that.

24 THE WITNESS: [Interpretation] I said yes, Your Honour. But
25 what -- it depends what kind of talks we had, because it's a broad

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3500

1 question.

2 MS. D'ASCOLI:

3 Q. Okay. Let me go into that, then. Yes. So you said you spoke
4 to him after giving the statement. Was this immediately after giving
5 the statement to the Defence of Mr. Salih Mustafa or not? I mean,
6 when was it, if you remember?

7 A. I don't know when. I don't know.

8 Q. Was it shortly after you gave that statement or not?

9 A. I did not take notes, because that was irrelevant to me. When
10 we met, we had a coffee, we spoke about it, we spent some time
11 together.

12 Q. So did you discuss with him the fact that you gave a statement
13 to the Defence of Mr. Mustafa or not?

14 A. No, he did not ask and I didn't tell him.

15 Q. And did you speak with anyone in general about the fact of
16 having given a statement to the Defence of Mr. Salih Mustafa?

17 A. I don't remember. I don't know. It's possible, but I don't
18 remember.

19 Q. Why do you say "it's possible"? Do you remember doing that or
20 not at all?

21 A. I don't remember. I won't exclude it, but I'm always
22 transparent. I have no reason to hide such things, but I don't know.
23 I don't remember. Specifically, I don't remember. If any of my
24 co-fighters had asked me, I would have probably told them.

25 Q. You would have probably told them what?

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3501

1 A. That I gave a statement.

2 Q. And did you discuss with anyone the content of the statement?
3 Meaning, the topics, the issues you talked about during that
4 statement to the Defence.

5 A. No, because I was not asked. If I had been asked, I would have
6 probably discussed it.

7 Q. When you say "I was not asked," by whom? Did you mean by
8 anyone? You were not asked by whom?

9 A. All the co-fighters that I met.

10 Q. Sorry, who were these co-fighters that you met?

11 A. There are many.

12 Q. Can you give us the names you remember?

13 A. There are many, 110th, 100th, in celebrations. I was not
14 keeping notes. Whoever was there, most of them I don't remember the
15 names.

16 Q. You don't remember the names of any of them?

17 A. I don't know what names specifically I can give you. I may give
18 you a name of a person who was not even present, because there were
19 not only one or two persons present. There were many co-fighters
20 present.

21 Q. Who are the co-fighters with whom you would meet more regularly?

22 MR. VON BONE: Your Honour, I would like to inter -- I would
23 like to say something.

24 THE WITNESS: [Interpretation] The KLA soldiers, be they from the
25 Llap operational zone or from other zones.

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3502

1 MS. D'ASCOLI:

2 Q. Okay. For example?

3 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

4 MS. D'ASCOLI:

5 Q. If you have some names?

6 MR. VON BONE: Your Honour, I wanted to ask something.

7 PRESIDING JUDGE VELDT-FOGLIA: I would like to have an answer to
8 this question. I don't see why there should be any [indiscernible]
9 now. You can go into this in your redirect but not now. I just want
10 an answer if he can remember some co-fighters with whom he discussed
11 it.

12 MR. VON BONE: [Microphone not activated]. But the question was
13 simply whether he remembered whether he had spoken about the content
14 of his statement that he gave to the Defence, and he answered that
15 already. And then there is a hypothetical question coming, "What do
16 you mean with the co-fighters?" So those co-fighters, whoever they
17 are, I don't see the relevance of it regarding the fact of giving a
18 statement to the Defence or SPO or whoever.

19 PRESIDING JUDGE VELDT-FOGLIA: I see the relevance, so we
20 continue.

21 MS. D'ASCOLI:

22 Q. Mr. Witness, could you just give us some names of the
23 co-fighters you remember meeting that we were discussing?

24 A. I was not taking notes of the people I was meeting.

25 Q. Those you remember. You don't have to be exhaustive. Those you

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3503

1 remember.

2 A. There were many of them, from Shala zone, from Drenica zone. We
3 went to offer condolences, for example. When we went to offer
4 condolences to -- when Kadri Veseli's mother died. I cannot give you
5 any specific names. We went there, we organised from different
6 associations, and we went to offer our condolences.

7 Q. I think earlier, at page 99, lines 5, you mentioned the KLA
8 soldiers from the Llap operational zone or other zones. So let me
9 focus on the KLA soldiers of the Llap operational zone that you
10 mentioned. Can you give us some names of those with whom you met?

11 A. I can't remember all of them now because that was not in my
12 interest. I can't remember what happened yesterday or the day before
13 yesterday, let alone at other periods.

14 Q. So you're saying you don't remember any names at all? Is that
15 what you're saying?

16 A. I can give you names, 10 names, 50 names, and it might happen
17 that they were not there, because we are not speaking of three or
18 four persons. There were 30, 50, 70, over 100, over 300, I don't
19 know which name. I was not keeping tabs of the people that I met.

20 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, shall we leave
21 it here?

22 MS. D'ASCOLI: Yes, yes.

23 Q. With regard to Mr. Mustafa, have you maintained contacts with
24 him after the war?

25 A. No, very rarely. You mean Salih Mustafa?

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3504

1 Q. Yes, I mean Mr. Salih Mustafa.

2 A. No, very rarely. On occasions, on celebrations, or if I'm not
3 mistaken, it's been a while since then, 1999, there was a dinner
4 organised by KFOR. We were all there together. Otherwise, not.

5 Q. And have you been in touch with him after his arrest?

6 A. Please, can you repeat the question? I didn't understand it.

7 Q. Yes, of course. Have you been in touch with him after his
8 arrest?

9 A. I didn't have the opportunity. If I had the opportunity, I
10 would contact him every day.

11 Q. And have you been in touch with any members of Salih Mustafa's
12 family after his arrest?

13 A. Yes.

14 Q. With whom?

15 A. With the brother of Salih Mustafa.

16 Q. Can you give us his name?

17 A. We call him Ben for short. I don't know his full name.

18 Q. Is it Mr. Arben Mustafa?

19 A. I don't know. His full name might be Arben. I don't know. I
20 contact him. His father was ill. I regret to say that in front of
21 Salih now, because he's here. He asked for some help because there
22 were shortages in medications at the hospital, and I contacted him so
23 that he could help us. That's all.

24 Q. Okay. How did you react to the news of Mr. Salih Mustafa's
25 arrest?

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3505

1 A. Very bad.

2 Q. Can you elaborate? What do you mean, "very bad"?

3 A. What specifically would you like to know? The very fact that I
4 said the news was bad? We consider that this was an unjust arrest.

5 Q. Have you been following the proceedings in this case?

6 A. Is it forbidden?

7 PRESIDING JUDGE VELDT-FOGLIA: Just a question, Mr. Witness.

8 MS. D'ASCOLI:

9 Q. I just asked the question.

10 PRESIDING JUDGE VELDT-FOGLIA: Just a question, Mr. Witness.

11 It's nothing about forbidden. It's a question, did you follow it.

12 THE WITNESS: [Interpretation] My wife followed it, and she told
13 me what happened in the evening when I went home. She had more time
14 to follow it, but I also followed it when I had time. But my wife
15 had followed it more than I did.

16 MS. D'ASCOLI:

17 Q. And on the occasions in which you followed the proceedings, do
18 you remember which witness or what specific part of the proceedings
19 did you follow?

20 A. No, I followed it partially. I work eight hours a day from 8.00
21 to 4.00, so I don't have the opportunity to follow it full-time. You
22 say that this Court is transparent. Most of the sessions are in
23 private, so it's a matter of also the trial being broadcast. But my
24 wife interpreted to me what happened during the sessions.

25 Q. What about the sessions of other Defence witnesses who testified

Witness: Kapllan Parduži (Open Session)
Cross-examination by Ms. D'Ascoli

Page 3506

1 before you? Did you follow those or not?

2 A. No, not specifically. I might have followed it for 15 minutes
3 or the end of it. But I repeat, my wife followed it 90 per cent of
4 the time. And in the evening, we would discuss it. We'd have
5 coffee. And that's it. But also whenever it was possible for me to
6 follow it, I did. If it's forbidden, please let me know.

7 Q. When you said that you considered the arrest of Mr. Mustafa was
8 an unjust arrest, why do you say that and what do you mean?

9 A. I think I was clear. We think it's unjust because there is no
10 basis and there are no facts, and we think this is all lies of fake
11 witnesses and of the Serbian prosecutor's office, because you have
12 also gave them commendations. To the people who have killed us, you
13 have cooperated with them, and you have given them high praise.

14 MS. D'ASCOLI: Your Honours, I'll just consult with my colleague
15 for a second, but I think I'm done.

16 [Specialist Prosecutors confer]

17 MS. D'ASCOLI: Your Honours, I don't have further questions for
18 the witness.

19 Q. Mr. Parduži, thank you for answering my questions.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Prosecutor.

21 Yes, we will now go to the -- turn to the Victims' Counsel.

22 Madam Victims' Counsel, are there any questions from your side?

23 MS. VOSENBERG: Yes, thank you, Your Honours. No, we don't
24 have any questions for this witness. Thank you.

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

Witness: Kapllan Parduzi (Open Session)
Procedural Matters

Page 3507

1 Defence Counsel, do you wish to proceed with the redirect
2 examination of this witness?

3 MR. SHALA: No, thank you, Your Honour.

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

5 Before I turn to the Panel for possible questions, I want to
6 discuss -- or I want to give you the possibility to raise a concern
7 you had, Mr. Parduzi.

8 THE WITNESS: [Interpretation] Can I?

9 PRESIDING JUDGE VELDT-FOGLIA: Yes. And depending on what you
10 will say, we will do it in public session or in private session. But
11 I will first listen to you. Please.

12 THE WITNESS: [Interpretation] Thank you.

13 I have two concerns. One regards the fact that the Prosecutor
14 approached me, even though they knew that I am a Defence witness. In
15 December of 2021, they invited me, and I was interviewed on January
16 10 or 11th, 2022. I considered that I was pressured to do that and
17 that it is completely unjust.

18 If we defer to Kosovo legislation, in such cases, based on the
19 code of criminal procedure, the prosecutor's office doesn't have the
20 right to question the defence witnesses.

21 The second concern, Your Honour, is that such invitations that
22 are extended to us to handover passports to get visas to come here --

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

24 About this topic, we're not going to talk in public.

25 So, Mr. Court Officer, can you bring us into private session.

Witness: Kapllan Parduži (Private Session)

Page 3508

Procedural Matters

1 [Private session]

2 [Private session text removed]

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: Kapllan Parduži (Private Session)
Procedural Matters

Page 3509

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14 [Open session]

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

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

17 I read your statement to the Prosecutor, Mr. Parduži, and you --
18 what you said to the Prosecutor, did you say that -- was that correct
19 what you said to them?

20 THE WITNESS: [Interpretation] Can you please repeat the
21 question?

22 PRESIDING JUDGE VELDT-FOGLIA: I will put it differently. Maybe
23 this is too large a question. You say you were pressured. That were
24 the words you just used, that you were pressured to give a statement
25 to the Specialist Prosecutor's Office; is that correct?

Witness: Kapllan Parduži (Open Session)
Procedural Matters

Page 3510

1 THE WITNESS: [Interpretation] The way I see it, and I consider
2 it as such, because, in fact, their conduct was correct. Within the
3 premises, I was treated well. But the very fact of me being invited
4 to give a statement to the Prosecution for me is a kind of pressure,
5 a fear. That's how I see it.

6 PRESIDING JUDGE VELDT-FOGLIA: What you said to them, did you
7 say that voluntarily?

8 THE WITNESS: [Interpretation] Yes, because I thought I was
9 summoned and thought that they have discovered my uncle's grave, who
10 is still disappeared. In any mass grave in Serbia, there are still
11 1600 Albanians not yet discovered. That's how I took it. I thought
12 there was some news about these mass graves and finding of my uncle's
13 body.

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

15 THE INTERPRETER: Microphone, please.

16 PRESIDING JUDGE VELDT-FOGLIA: Did they force you to speak?

17 THE WITNESS: [Interpretation] No. Other than here that I am
18 under oath to speak, nobody can force me to say something. I said
19 this also to them at that time.

20 PRESIDING JUDGE VELDT-FOGLIA: What would you like -- and what
21 is the point you want to make?

22 THE WITNESS: [Interpretation] For it not to continue in the
23 future. If it happens with me, it will happen with other witnesses.
24 Such a practice should come to an end. That's how I said what I
25 said. Because if I were the Prosecutor's witness, then I wouldn't

Witness: Kapllan Parduži (Open Session)
Questioned by the Trial Panel

Page 3511

1 answer the Defence's question. You can't be at the same time a
2 witness for the Defence and for the Prosecution, unless the Court
3 decides otherwise. Without the Court's authorisation, I consider it
4 a breach of the law, especially if we refer to the law of Kosovo.

5 PRESIDING JUDGE VELDT-FOGLIA: And the last question I have for
6 you for now: Did you try to tell the Prosecutor, as best as you
7 could, and what you remembered, as truthful as you could?

8 THE WITNESS: [Interpretation] I answered to the Prosecutors,
9 because there were two, and whatever I said to them I said to them in
10 full sincerity, even though I was not under oath.

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

12 THE INTERPRETER: Microphone, please.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, of course. Thank you.

14 We heard your concerns, Mr. Witness. Is there something you
15 want to add by -- and not repeating yourself? No, okay. Very well.

16 Then I will look at my colleagues. First on my right-hand side,
17 are there questions from this side? No.

18 Yes, you have the floor.

19 Questioned by the Trial Panel:

20 JUDGE BITTI: Mr. Parduži, in the statement you gave to the
21 Defence, at DSM00043, you said the following:

22 "From the hospital, I was transferred to Zllash and transported
23 to Zllash where Cali was situated."

24 Is that correct? Did you say that?

25 A. I said even before going to Zllash, in Popove, yes. I stayed in

Witness: Kapllan Parduži (Open Session)
Questioned by the Trial Panel

Page 3512

1 Zllash.

2 JUDGE BITTI: Yes, more precisely, the end of the sentence is:
3 "... where Cali was situated." So was your statement that Cali was
4 situated in Zllash at that moment?

5 A. I don't know where he was situated, but I do know that I met him
6 and he helped us, he secured our passage towards Macedonia for my
7 treatment. We could base ourselves everywhere we could. Every house
8 to us served as a barracks. We didn't have a fixed place, so ...

9 JUDGE BITTI: Okay. So why did you say that Cali was situated
10 in Zllash?

11 A. I said I met him in Zllash, not that he was situated in Zllash.
12 I don't know whether he was staying there or situated there.

13 JUDGE BITTI: Okay. But again I read your words, your words
14 that "where Salih was situated," but I will go to another topic.

15 Were you able to walk after being wounded in April 1999?

16 A. No.

17 JUDGE BITTI: Today, on page 23, lines 23, 24, you were speaking
18 about the recruits after they completed their training, and you said
19 some of them maybe went to Mustafa's unit. Which unit were you
20 referring to?

21 A. I didn't say they went. I said someone may have gone to, but I
22 don't know how many and who went. A large part of them were
23 systemised in brigades. I don't know who. Maybe someone or a few
24 went.

25 JUDGE BITTI: My question was not how many went, and I said -- I

Witness: Kapllan Parduži (Open Session)
Questioned by the Trial Panel

Page 3513

1 quoted you, "some of them maybe went," that's indeed what you said,
2 but you said that they maybe went to "Mustafa's unit." Which unit
3 were you referring to?

4 A. The unit that was formed in Zllash, in Gollak area.

5 JUDGE BITTI: What was the name of that unit?

6 A. At that time, it was called BIA.

7 JUDGE BITTI: Okay. And that was the unit of Mr. Salih Mustafa?

8 A. It was -- it was in the context of the brigade. I don't know.
9 It was -- it did not belong personally to Mr. Mustafa, because units
10 were not private.

11 JUDGE BITTI: No, that I understand. But I guess what you want
12 to express, and correct me if I'm wrong, is that Mr. Salih Mustafa
13 was the commander of that unit. Is that what you wanted to express
14 by saying "Mustafa's unit"?

15 A. Whether he was a commander, I don't know. I knew that there
16 were brigades and that Fatmir Sopi was a deputy commander of that
17 Brigade 151. Later came Adem Shehu. I don't know how the units were
18 organised within the brigade. I only know that BIA had the name
19 because of its illegal activity in Prishtine, and then its duty was
20 to supply us with food stuffs, medicaments, bring doctors when we
21 needed; that is, logistical duties.

22 JUDGE BITTI: Okay. When you went to the staff headquarters of
23 Brigade 153 in Zllash, you speak that at this staff headquarters, and
24 that's page 24 of the transcript, lines 9 to 12, you said the
25 following: "Certain individuals were there," and you refer to

Witness: Kapllan Parduži (Open Session)
Questioned by the Trial Panel

Page 3514

1 Fatmir Sopi. And then you said: "In the meantime ... Mustafa came
2 there."

3 What do you want to express by that? That Salih Mustafa was not
4 situated in the staff headquarters of 153, unlike Fatmir Sopi?

5 A. Your Honour, I don't know whether Fatmir stayed there. I
6 believe that all of them moved about. Maybe for the moment neither
7 Fatmir nor Salih or many others were in there, but they might have
8 come afterwards for some duties, some obligation.

9 THE INTERPRETER: Your Honour, I want to make a correction. It
10 was Brigade 153, not 151, on line 18.

11 JUDGE BITTI: Thank you. When you left Potok at the end of
12 April, you said that you went first to Rimanishte and then to Zllash.
13 That's page 31, lines 11 and 12. And you say: "... they carried us
14 to Rimanishte and Zllash." Who is "they"? Who carried you?

15 A. Initially, I want to make a correction. I said in Popove. And
16 from Popove we passed on to the other part. They were the soldiers
17 of the KLA. No one else helped. By the territorial civilian
18 defence.

19 JUDGE BITTI: Okay. Thank you very much, Mr. Parduži.

20 Madam Presiding Judge, I don't have any further questions.
21 Thank you.

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

23 Mr. Parduži, we've reached the end of your testimony. And I
24 would like to thank you for your efforts you put into giving your
25 testimony, which I believe will help us in our effort to find the

1 truth. Thank you very much. We wish you a safe journey home.

2 And I remind you that you should not discuss the testimony you
3 have given before the Specialist Chambers with anyone. Thank you
4 again.

5 THE WITNESS: [Interpretation] Thank you to you.

6 [The witness withdrew]

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

8 Yes, it's half past 3.00. Before we adjourn till tomorrow, do
9 the parties and Victims' Counsel have anything to raise with the
10 Panel?

11 I start with the Specialist Prosecution Office.

12 MS. D'ASCOLI: Thank you, Your Honours. Nothing further.

13 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel.

14 MS. VOSENBERG: Thank you, Your Honours. Nothing here either.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 Defence Counsel, you have the floor.

17 MR. VON BONE: No, nothing, Your Honour. Thank you very much.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Okay. We will resume tomorrow, Tuesday, 12 April 2022, at 9.30,
20 with the testimony of Witness 1000.

21 The hearing is adjourned.

22 --- Whereupon the hearing adjourned at 3.36 p.m.

23

24

25