

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

1 Thursday, 11 November 2021

2 [Open session]

3 [The accused attended via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Court Officer, can you please call the case.

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I will call appearances.

11 Mr. Prosecutor, could you tell us who is present for the  
12 Specialist Prosecutor's Office.

13 MR. MICHALCZUK: Good morning, Your Honours. Good morning,  
14 everyone. The Prosecution is represented today by Silvia D'Ascoli,  
15 the Associate Prosecutor; Filippo De Minicis, Associate Prosecutor  
16 for the SPO; Julie Mann, our Case Manager; and also Deborah Osborne,  
17 the intern for the SPO; and by myself, Cezary Michalczuk, SPO  
18 Prosecutor. Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

20 Victims' Counsel, you have the floor.

21 MS. PUES: Good morning, Your Honours. Good morning, everybody.  
22 Like yesterday, the Victims' Counsel team today is represented by  
23 Marie-Pier Barbeau, Senior Legal Associate; Liesbeth Zegveld as  
24 co-counsel; and myself, Anni PUES as counsel. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

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1 Defence counsel, please.

2 MR. VON BONE: Good morning, Your Honours. Defence is  
3 represented today by Mr. Betim Shala, my co-counsel; interpreter and  
4 investigator, Mr. Fatmir Pelaj; Mr. Mustafa is joining us via  
5 videolink; and myself, Julius von Bone, lead counsel.

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

7 Mr. Mustafa, does the connection work fine? Can you hear us?

8 THE ACCUSED: [Via videolink] [Interpretation] Yes, Your Honour.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 And for the Registry?

11 MR. ROCHE: Good morning, Your Honours. I'm Ralph Roche from  
12 Judicial Services in the Registry.

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

15 Let me see. Yes. Before we resume with the testimony of  
16 Witness W04669, there is a matter that the Panel wants to address  
17 which requires a private session.

18 Court Officer, can we please go into private session.

19 ~~[Private session]~~ [Open session]

20 THE COURT OFFICER: Your Honours, we're in private session.

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

22 It's an oral order for the Registry.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 This concludes my oral order.

7 Then we are still in private session. There is an additional  
8 request for the Registry.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] Thank you.

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

20 Madam Court Officer, can we please go back into open session.

21 [Open session]

22 THE COURT OFFICER: Your Honours, we're back in public session.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Now we will continue with the testimony of Witness W04669.

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

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1 courtroom.

2 [The witness takes the stand]

3 PRESIDING JUDGE VELDT-FOGLIA: Welcome, Mr. Witness. Please  
4 have a seat. Please have a seat. Mr. Witness, good morning, and  
5 welcome back to the Specialist Chambers. Can you hear me?

6 THE WITNESS: [Interpretation] Yes, good morning. Thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: Did you have time to rest?

8 THE WITNESS: [Interpretation] Yes, I did. Thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: Good. Mr. Witness, today we will  
10 continue with your testimony. And now is the turn of the  
11 Victims' Counsel to ask you some questions.

12 Victims' Counsel, based on the time effectively used by the SPO  
13 in its direct examination, you have an hour for your questioning.  
14 You have the floor.

15 MS. PUES: Thank you, Your Honours.

16 WITNESS: W04669 [Resumed]

17 [Witness answered through interpreter]

18 Questioned by Victims' Counsel:

19 Q. Good morning, Mr. Witness.

20 A. [In English] Good morning. [Interpretation] Good morning.  
21 Thank you.

22 Q. Thank you, first of all, for your detailed and informative  
23 testimony that you gave yesterday. This morning I will follow up  
24 with some additional questions to allow us to fully understand the  
25 crimes that we are examining in these proceedings and, in particular,

1 their impact.

2 You described to us - just to set the scene again and get us  
3 back into what we heard yesterday - you described to us how you had  
4 experienced Serbian war crimes. You told us about your determination  
5 to join the KLA and participate in the fight against the Serbian  
6 forces. You described the training you undertook. You said you gave  
7 your last money. And you repeatedly asked to join the KLA after  
8 completing the training. Indeed, we heard that it was one of those  
9 occasions that you were taken and detained in Zllash. You mentioned  
10 it felt illogical to you.

11 Can you describe in more detail your feelings about this, when  
12 you realised that you had been arrested by the KLA?

13 A. In general terms, I was arrested by some persons there. Every  
14 country and every place can have good persons and bad persons. In  
15 the moment in time when I was halted there, it seemed illogical to me  
16 because I did not feel myself guilty for anything. Also, in the  
17 moment in time when I saw the victim at that place, we were afraid  
18 because in reality we didn't know why what was happening was  
19 happening there. We were not armed, we didn't have weapons. They  
20 did have weapons. And I didn't think for one moment to oppose them,  
21 but we left our fate, we left our life in their hands.

22 On the one hand, I was hoping that there are other people that  
23 were different from them, and I'm speaking here with regards to how  
24 they behaved themselves while we were there, and I have also talked  
25 with many people who have opposed them but they have been armed,

1       whereas, in my case, that was not what happened.

2               So I have some other colleagues of mine who were not arrested,  
3       who were not arrested or detained, but nonetheless, there were  
4       efforts to go under their lines. But the fact is that they did not  
5       manage to do that with everyone. I'm speaking here with persons that  
6       were already armed, that had the weapons.

7               So when it comes to the logical or trying to find some logic out  
8       of it, to me, it seemed inhuman. To me, it seemed something unfair.  
9       It seemed something with no relevance. It was frightful as well, so  
10      that is what it was.

11      Q.     Thank you. You mentioned how it felt frightful and you already  
12      in your statement now also mentioned the one victim who had been very  
13      badly beaten and who, as you said yesterday, which is page 55 of the  
14      transcript, was almost dead when you saw him for the second time and  
15      the fear that this triggered in you. How long did that feeling last?  
16      Did that stay with you after your release from Zllash?

17      A.     So this feeling, I have it with me even today because it was  
18      some sort of crime, what happened there. Without taking into  
19      account -- I don't know. I don't know how to put it. So I think  
20      that a person cannot be treated in that way, no matter what he or she  
21      has done. So this should not happen. This should happen in no  
22      circumstances. And that is something that has stuck with my mind all  
23      the time. Up until the perpetrators of those crimes are put before  
24      justice and up until they are convinced of their illegal actions,  
25      because those actions have not been fair, they were anti-human, they

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1 were illegal, and they don't have to do at all with the human  
2 behaviour, human feelings of a normal person.

3 Q. Now, let me just move into one aspect of your testimony that we  
4 touched on yesterday, which links directly to the beating that you've  
5 described that you received yourself and which was carried out on the  
6 bare skin, because you were undressed, with a baton. On page 90 of  
7 the transcript, in particular, to lines 11 to 15 I'm referring to.  
8 You did describe it yesterday, but I just want to follow up with one  
9 clarification because the record there is a bit incomplete, the court  
10 record.

11 Just to be clear, did this bruising that you observed later and  
12 that you described that you saw in the mirror, did that extend from  
13 the shoulders all the way down to your lower back?

14 A. Yes. So up until the lower back. It was near the waist. From  
15 the shoulders to the waist almost. This is what I could see in the  
16 mirror after I went home, when I was cleaning myself.

17 Q. Thank you for that clarification.

18 We've already heard that the fear, the injustice that you felt  
19 from what you had experienced in Zllash stayed with you. So just to  
20 follow up on this, do you still --

21 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, it is -- you can  
22 have a moment if you want to discuss, but it's difficult for us to  
23 follow if you are talking while the Victims' Counsel is doing her  
24 interrogation.

25 MR. VON BONE: Sorry.

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1           PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2           MS. PUES: Thank you.

3           Q.    So do you still think about those experiences in Zllash now,  
4           sometimes in your life; and, if so, what does that do to you? What  
5           is -- how have these crimes impacted on you?

6           A.    This has caused stress to me. I become nervous, I feel tired,  
7           out of energy to deal with that matter. And so the fact that the  
8           persons responsible have not been held accountable before justice for  
9           22 years for different crimes of the same nature but even more  
10          serious crimes because my -- the crime that was committed against  
11          myself was less considerate as compared to other people in the case  
12          that I referred to above, but also in other cases and which are known  
13          to the public.

14          Q.    So stress, low energy, if I understood you right, also sometimes  
15          disturbed sleep, are things you experience that you link directly to  
16          what happened to you in Zllash?

17          A.    Yes. I relate them to other events as well, and I think that  
18          there is a wider relevance in the way in how I see things. So, for  
19          instance, in the legal point of view, in the organisational point of  
20          view, and other aspects as well.

21          Q.    Would you like to explain this in more detail what you mean by  
22          that?

23          A.    What I meant is that when one analyses these things, I think  
24          that the context is the same. These are things that have happened  
25          all over Kosovo. The reason is the same, the rationale is the same,

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1 and the actions of the people or the way in how they behaved is the  
2 same too.

3 Q. Mr. Witness, there's only one more question I would like to ask  
4 you, and that is if and how did those experiences maybe not just  
5 affect you but also your family.

6 A. They had an impact upon my family --

7 MS. PUES: Actually, I'm sorry to interrupt you for a minute.  
8 I'm sorry. My mistake.

9 I would suggest we go into private session first and then hear  
10 the answer, because this might reveal identifying information.

11 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could we go  
12 into private session, please.

13 ~~{Private session}~~ [Open session]

14 THE COURT OFFICER: Your Honours, we're now in private session.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.  
16 Victims' Counsel, please proceed.

17 MS. PUES:

18 Q. I'm sorry, Mr. Witness. We are now in private session and so  
19 this is a more appropriate setting for you to explain in detail, and  
20 now you can do so as freely as you feel able to.

21 PRESIDING JUDGE VELDT-FOGLIA: You are not hearing translation,  
22 Mr. Witness? Or you are?

23 THE WITNESS: [Interpretation] The voice is low.

24 PRESIDING JUDGE VELDT-FOGLIA: The voice of the Victims' Counsel  
25 when asking you a question? Oh, the translation.

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1 THE WITNESS: [Interpretation] No, the translation. [In English]

2 Yes, it's high, but here it's not.

3 PRESIDING JUDGE VELDT-FOGLIA: Can you now hear what I'm saying.

4 THE WITNESS: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: Yes? Is --

6 THE WITNESS: Something for this -- okay. It's okay. Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Yes. Can we proceed or shall I  
8 call somebody from the technical department?

9 THE WITNESS: [Interpretation] We can proceed. It is okay now.  
10 Probably there was a problem, a disruption, but it's fine now. We  
11 can proceed.

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

13 Victims' Counsel, you have the floor.

14 MS. PUES: Thank you, Your Honours.

15 Q. Mr. Witness, good that you pointed that out.

16 So let me just revisit the question. I would like to ask you  
17 in -- if and how the events in Zllash and the subsequent impact on  
18 you also had any effects on your family.

19 A. Yes, they did. They had an impact on my family because it --  
20 they caused fear on [REDACTED] and from the psychological point of  
view

21 it's not possible for [REDACTED] to deal with this matter because  
[REDACTED] thinks

22 that this is a situation that is fearful. So this is the reason why  
23 [REDACTED] And this has happened for some time now.

24 And there is some other thing that has happened to me. But now  
25 it is a problem, it is difficult to explain to people what has

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1 happened, how things have happened, because these are things that are  
2 of interest to everyone. But with the end of the proceedings and  
3 with the solution, with the legal solution of these case, I think  
4 that people will have a clear picture on how events happened in  
5 reality and also they will be able to understand as to why they  
6 happened and everything else related to them.

7 Q. Thank you. So just to be clear, the fear that you describe  
8 [REDACTED] --

9 A. [REDACTED] still has that fear. That fear is present with  
10 [REDACTED] as we  
11 speak.

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. Thank you. Those were my questions.

19 MS. PUES: I am finished with my examination. Thank you very  
20 much.

21 Q. Thank you, Mr. Witness.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.

23 THE WITNESS: [Interpretation] Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.

25 Madam Court Officer, can you bring us into public, please.

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1 [Open session]

2 THE COURT OFFICER: Your Honours, we're back in public session.

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

4 Mr. Witness, we completed the questioning of you by the  
5 Specialist Prosecution Office and the Victims' Counsel.

6 Now I address Defence counsel. In accordance with the time  
7 effectively used by the SPO during its questioning, you have two  
8 hours for your cross-examination.

9 Please proceed.

10 Cross-examination by Mr. von Bone:

11 Q. [Microphone not activated] Good morning, Mr. Witness.

12 A. [In English] Good morning.

13 PRESIDING JUDGE VELDT-FOGLIA: Mic, Defence counsel, please.

14 THE WITNESS: [Interpretation] Good morning.

15 MR. VON BONE: Like this? Okay. Okay, ready.

16 Q. Mr. Witness, I would like to cover a couple of topics with you,  
17 the beginning of which would be the training that you attended. And  
18 regarding that training, you first, when you eventually started the  
19 training session, shortly before, you had a meeting with a  
20 [REDACTED]; is that correct?

21 A. That's correct.

22 Q. I'm going to pump up the volume a little bit.

23 And if I understood you well, he took down your details of  
24 yourself, regular details, name, family, these kind of things. That  
25 was basically --

1 A. Yes. He asked me about them, but he didn't take any notes about  
2 it. I didn't see him taking any notes about it.

3 Q. And was it afterwards that you then went to the training, the  
4 training centre, so to speak, or was that in a different location  
5 than where [REDACTED], or was that one and the same location?

6 A. No, it was nearby.

7 Q. And that nearby place, was that an isolated house or what --  
8 what did it look like?

9 A. The training centre was at the school, so that was the place  
10 where we had the theoretical part of the training.

11 Q. I understand. My question is about the intake or interview that  
12 you had with Mr. [REDACTED]. That was not in the same place, not in  
13 the school, but that was somewhere else; right?

14 A. Yes, that's correct. Like I said, it was nearby. Either nearby  
15 or attached to that place, because all the buildings are very close  
16 to one another. Some of them are just 5 to 6 metres away, 30, 50  
17 metres or 100 metres away. So all the buildings were close to one  
18 another. Some of them were together -- attached to one another, and  
19 it was only four or five buildings all together.

20 Q. And the place where you had that meeting with [REDACTED], how far  
21 would that be from the training centre? That particular place where  
22 he took down your details, how far would that be from that training  
23 centre?

24 A. Probably 100 metres, 50 metres.

25 Q. Was that [REDACTED]?

1 A. Yes, [REDACTED]. And at least one of them,  
2 the way in how the desks and the chairs were organised, one of them  
3 might have been a school before.

4 Q. Yes, I want to keep speaking with you about the meeting with  
5 [REDACTED], that particular house. Was that -- was it your impression  
6 that it was his own --

7 A. It was a guest house, an oda, that I mentioned yesterday. I  
8 don't know whether you know the meaning of the word "oda," but just  
9 for you to know, it is a big guest-room where the men stay and where  
10 they talk about topical issues.

11 I met with him two or three times, but if you're talking about  
12 the first time I met him, this is when I met him. What I'm talking  
13 about is related to that event.

14 Q. The oda, was that nearby -- no, let me put it like that.

15 The oda, do you think it was his own house, from [REDACTED]?

16 A. I don't know where [REDACTED] house is. I didn't know then and  
17 I don't know now.

18 Q. And the couple of meetings you had with [REDACTED] were each time  
19 in that particular oda. Do I understand that?

20 A. No. We also came across each other during the training outside  
21 in the courtyard, just outside the houses.

22 Q. You speak about the courtyard. Is that the courtyard of the  
23 school or of the oda? Which courtyard are you speaking about?

24 A. There were no separate courtyards. It was a joint area where  
25 fruit trees were. There were plum trees. The mountain was nearby.

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1 There was a meadow, a green meadow nearby.

2 Q. Did [REDACTED] ask in any manner anything about your political  
3 affiliation?

4 A. No.

5 Q. And when you eventually went to the training centre, did you --  
6 you met there a trainer, a couple of trainers, you said. Did any of  
7 these ever speak about your political affiliation?

8 A. No. This discussion took place in the oda where topical issues  
9 were discussed by those present. It was during the time when  
10 Sejdi Veseli and others were present. And that's when that political  
11 issue was brought up, who was the leader of the Kosovo Liberation  
12 Army, and that's when I expressed my opinion.

13 Q. And to be clear, this was before you actually started your  
14 training; is that correct?

15 A. Yes, that's very clear. Before the training actually started.  
16 When the training started, I didn't have any discussion anymore with  
17 Fatmir Sopi. If we would see each other, we would just greet each  
18 other. We had our own duties and our instructors, and I had nothing  
19 to do with him anymore.

20 Q. Thank you very much. Then you eventually started your training.  
21 Would there be a specific morning routine in the training centre?

22 A. Of course we had the morning routine, the theory exercises,  
23 practice tactical exercises, running, self-defence exercises. We  
24 didn't have shooting exercises because we didn't have ammunition, but  
25 we would just practice target shooting with air guns.

1 Q. The early morning routine, when you would wake up, what would be  
2 usually the first thing that would be done?

3 A. The first thing we would do is clean ourselves, wash up our  
4 face, hands, and then get ready for the exercises.

5 Q. Would there be a lineup in the morning where there would be kind  
6 of an inspection or people or ...

7 A. We carried out our training in civilian clothes. Whoever had  
8 sports clothing, like tracksuits, clothing more suitable for  
9 training, would wear those. And, of course, there was a lineup in  
10 the morning before going out on the ground to do exercises, to run or  
11 to carry out practical work on the ground. Like, for example, how to  
12 hold the weapon, how to crawl, and these sorts of things.

13 So these lineups were -- happened always, the lineup of the  
14 group.

15 Q. That was a kind of standard routine, as I understand it?

16 A. Yes, exactly. This is what I think.

17 Q. Were there any women in the training of your generation?

18 A. I don't remember. I don't think there were women in my group.  
19 Maybe the other groups had females in their ranks, but I don't think  
20 my group had any.

21 Q. And were there multiple generations joining each other in the  
22 school, or would it be each time a new generation that would -- a new  
23 generation of participants who would be trained in or around the  
24 school?

25 A. They were of different ages, the groups. My group consisted of

1 persons of different ages, but none of them was older than 30 or 40  
2 years. I remember that the majority in my group were younger than me  
3 at the time.

4 Q. And the training that you received, if you would, for example,  
5 have explanations about weaponry or so, would there be a special  
6 place where you would go to in order to have that instruction there,  
7 or would it be just in the school, or -- could you explain that to  
8 us?

9 A. Parts of the weapon, mounting, dismounting a weapon, this would  
10 take place at the school. We would do it one by one or in groups of  
11 five or six so that we understood what the parts of the weapon were,  
12 how we could put them together, how we could dismantle them, and how  
13 we could clean the weapon. And, in addition, we would learn what the  
14 target of that particular weapon was, the minimum and maximum  
15 efficiency of each weapon, and things like this.

16 Q. Would there be, of your group or to yourself, assigned  
17 particular tasks that you would need to do during your training?

18 A. After some time passed in training, we secured the place where  
19 we were. We did guard duty. This was one of the tasks we would  
20 carry out after the training. And we would stand guard with real  
21 weapons. This was for three or four days, as far as I remember, and  
22 it took place especially in -- at night-time.

23 But those weapons were borrowed from the instructors of the  
24 training. Those were not weapons that had been issued to us.

25 Q. And if somebody else would arrive at the place that you were

1 guarding, then what would you need to do if such a situation would  
2 occur?

3 A. We would have to stop them, to ask them who they were looking  
4 for, and the guards were close by, not very far. There were also  
5 guards at observation points which were 10 kilometres away, and there  
6 also they would stop persons and ask them questions. Such points  
7 were in different places. So basically when someone would come  
8 there, that person would have to go through all those security  
9 aspects carried out by the members who were at that particular point.

10 Q. And if someone would approach, let's say, the training centre  
11 itself nearby and face a kind of guard there, then what would that  
12 guard need to do?

13 A. Just stop that person, ask him who he was looking for, and then  
14 call the person in question and inform him of the visit. But it did  
15 not happen during this guard duty, nobody came, so I don't remember  
16 anybody coming who we had to stop.

17 Q. Thank you very much. Now, at some point you have completed your  
18 training. As I understood, you needed to go back home or elsewhere.  
19 At least you could not stay in the training centre. Did I understand  
20 that well? So when you had completed your training.

21 A. No, I could stay in the training centre, but they told me to go  
22 home since there was lack of weapons. They told me that they would  
23 inform me once they -- there would be need for me and once they had  
24 enough weapons.

25 Q. Thank you very much.

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

3 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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

6 ~~[Private session]~~ [Open session]

7 THE COURT OFFICER: Your Honours, we're now in private session.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Defence counsel, please proceed.

10 MR. VON BONE:

11 Q. Mr. Witness, for approximately how long was it afterwards, after  
12 the completion of your training, that you have been arrested by  
13 [REDACTED]

14 A. Approximately -- now, I cannot tell you exactly, but  
15 approximately two weeks later. One and a half weeks to two weeks.  
16 I'm not quite sure about the length of time since it's been a long  
17 time ago. But there are books now written by soldiers themselves,  
18 describing in those books all the training that took place of this  
19 first, second, third generation. But I can only tell you that from  
20 what I remember, it was that distance. And the detention happened  
21 the third time I went there. Because I had gone before and I had no  
22 problems.

23 Q. Was it the first time that you actually encountered  
24 [REDACTED]

25 A. No, there were earlier meetings. He was always at that part as

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1 you go to Zllash. I'm talking about this area that is about 5 or  
2 10 kilometres away from the Zllash base. And that location, that  
3 point, is called [REDACTED] It was manned by soldiers who would do  
4 observation.

5 Q. Have you ever heard of [REDACTED]?

6 A. Yes, I heard after the arrest, many days following the arrest.  
7 When NATO entered.

8 Q. And, actually, what was [REDACTED]?

9 A. As I said, I heard later. I don't know what it was then. But  
10 now we know based on the literature what it was, based on the books  
11 written by the soldiers, their stories, their diaries, and based on  
12 magazines. But at the time, I don't know what it was. That is, at  
13 the time after NATO entered. I just know that it is a name of a  
14 military formation. This is what I knew about it. And that was  
15 after NATO entered, not during that time.

16 Q. And that military formation, did it have a particular base camp;  
17 if you know?

18 A. The base for what we talk about, for all the soldiers,  
19 departments or units, was Zllash. And we know who were the persons  
20 in charge. For some time, [REDACTED], and the  
21 last one, until NATO came, the person who carried out those duties  
22 was Adem Shehu.

23 Q. And the base that you are talking about, is that the base where  
24 you were eventually held, or is that a different base?

25 A. Yes, it is there. All the houses that you see served as a base

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1 for those who were leaders. They served as a logistical base,  
2 food-supply base, training base, sleeping quarters. But at no time  
3 did I have any knowledge that there was also a detention location  
4 there, until I myself was detained.

5 Q. And previously to your arrest, had you seen [REDACTED] also  
6 on that base?

7 A. In which base?

8 Q. The base that you were just speaking about where eventually you  
9 were also held.

10 A. I don't remember whether he was present in the oda when we  
11 discussed those topical matters. Maybe he was, but I can't remember  
12 that. However, from the point where he was staying -- and I don't  
13 know whether he was doing the driving, because he was the one who  
14 would usually take us there by car, if we had any questions.

15 The previous two times I went there with [REDACTED]  
16 [REDACTED] I don't know whether he was driving or somebody  
17 else, but as I said, it was on the third occasion that what I  
18 described earlier happened.

19 Q. The oda that you are speaking about, was that oda located on the  
20 same location on -- on the same location as where you were eventually  
21 held?

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please wait till the  
23 questions are posed and then you can answer.

24 THE WITNESS: [Interpretation] Yes, Your Honour. There was an  
25 interruption and I thought the counsel had finished his question.

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Cross-examination by Mr. Von Bone

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

1           PRESIDING JUDGE VELDT-FOGLIA: Very well.

2           MR. VON BONE:

3           Q. I will repeat my question.

4           A. I understood your question. My answer is: Yes, it was nearby.  
5           Very close.

6           Q. What do you call "very close"? Is that in metres?

7           A. I don't know exactly. From the configuration of the houses  
8           there, it could have been 30 or 40 metres away from the location  
9           where we were kept. Maybe 50 metres away.

10          Q. I understand. Now, not specifically the oda that I'm talking  
11          about but that entire location, had you seen [REDACTED] there on  
12          that location previously to your arrest?

13          A. I can't remember. He brought me there twice --

14          PRESIDING JUDGE VELDT-FOGLIA: Excuse me. Defence counsel, I  
15          see Mr. Prosecutor standing, so I would like to him the floor. But  
16          before we do that, can the witness stay within the courtroom?

17          MR. MICHALCZUK: Yes, he can. It's just -- my intervention is  
18          only about being more accurate. Because if the question is  
19          [REDACTED] present at the entire location, what are we talking  
20          about? Are we talking about the entire location defined as Zllash?  
21          Are we talking about the entire location as the cluster of houses  
22          that we discussed, the area of the school? Which entire location is  
23          the question referring to? Because if we want to have a clear  
24          record, not to confuse the witness, we have got to be more precise.

25          This is my intervention only about this point.

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Cross-examination by Mr. Von Bone

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

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

2           Defence counsel --

3           MR. VON BONE: I will rephrase my question.

4           PRESIDING JUDGE VELDT-FOGLIA: Okay. But can I ask -- can I say  
5 what I want to say and then you can answer.

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

7           PRESIDING JUDGE VELDT-FOGLIA: No, no, because if not, we are,  
8 like we do other times, we talk through each other and we don't want  
9 that. So my question to you would be please -- not rephrase but try  
10 to be more accurate.

11          MR. VON BONE:

12          Q. So, Mr. Witness, you say that from the oda and the location  
13 where you were eventually held, that was really very close by. Now  
14 that area, I'm speaking about that particular area, did you ever see  
15 [REDACTED] there previously, before your arrest?

16          A. As I said, maybe he was present in the oda when we discussed  
17 those topics together with the others. I don't remember exactly  
18 whether he was there. There were many people in there at the time;  
19 more than 20. I don't know if he was one of them. I can't remember.  
20 But he sent me before the detention twice there, but we didn't have  
21 any problems with him.

22          Q. And when he sent you there twice, is this that he was  
23 transporting you in the car? Is that what you mean?

24          A. Yes, that's true. It wasn't his car. I don't know whether it  
25 was his or of the unit; but, yes, by car.

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1 I don't know if you understand me. The procedure was as  
2 follows. If I or whoever would go there, we would stop at that  
3 point. They would stop us and they would call that person, and he  
4 would come then and collect us and bring us to the location that they  
5 called staff or headquarters.

6 I don't know if I'm clear now.

7 Q. Yeah, the headquarters. What you call the headquarters is the  
8 location with the oda and the nearby structures?

9 A. Yes, they were all nearby. The school building was near and all  
10 the other buildings were near. They were very close to each other.

11 Q. Mr. Witness, at some point you were arrested by [REDACTED]  
12 as you explained. You mentioned a name. I'm just unable to  
13 determine this location. Could you maybe be a little bit more  
14 precise about that location?

15 PRESIDING JUDGE VELDT-FOGLIA: Excuse me. For me the question  
16 is not clear. What location --

17 MR. VON BONE: The location where he was arrested.

18 PRESIDING JUDGE VELDT-FOGLIA: What location?

19 MR. VON BONE: The location where he was arrested.

20 PRESIDING JUDGE VELDT-FOGLIA: Or maybe we can cite the  
21 transcript where he said he had to go into the car. Is that what you  
22 mean?

23 MR. VON BONE: Well.

24 PRESIDING JUDGE VELDT-FOGLIA: He was ordered to get into the  
25 car --

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1 MR. VON BONE: That is right. That is that particular --

2 PRESIDING JUDGE VELDT-FOGLIA: -- and then I think arrest would  
3 imply a legal qualification. We just -- he said he gave --

4 MR. VON BONE: Okay.

5 PRESIDING JUDGE VELDT-FOGLIA: -- the order, yesterday he said,  
6 to get into the car.

7 MR. VON BONE: Fine. No, that is for me not a problem.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes, but --

9 MR. VON BONE: It is that particular moment that we are speaking  
10 about.

11 PRESIDING JUDGE VELDT-FOGLIA: But, Defence counsel, please try  
12 to be accurate because that is important for all of us because it is  
13 on the record. I don't want to interrupt you, but please be  
14 accurate.

15 Is that -- maybe you want to make another point, I don't know.

16 MR. MICHALCZUK: [Microphone not activated] A very small point,  
17 because I believe this question has already been answered. The place  
18 was checkpoint at [REDACTED] [phoen] and the witness said that  
yesterday

19 but he also said that today. But Your Honours, of course, might seek  
20 another clarification but I think this point is clear.

21 MR. VON BONE: I didn't catch the rest. I didn't get the last  
22 part of what you said.

23 MR. MICHALCZUK: Right. My point was that simply both yesterday  
24 and today the witness has stated that that point was [REDACTED], and I  
25 think it's clear and no further clarification is required. This is

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1 in my view. Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: My question to you would be,  
3 Defence counsel, is this a step-up question as we discussed at other  
4 moments in time for another clarification?

5 MR. VON BONE: [Microphone not activated] That's right.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. If that is the case, then  
7 you might proceed.

8 MR. VON BONE:

9 Q. At some point, you were ordered to get into the car by  
10 [REDACTED]; correct?

11 A. Yes, correct.

12 Q. And you also -- could you say again on what location that was?  
13 It's a ...

14 A. It is a location called [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. What is the colour of that memorial?

19 A. Black.

20 [Specialist Counsel confer]

21 Q. Thank you very much. And you say they have the houses there.  
22 Who? Who are "they" that have the houses there?

23 A. I didn't say "they," but I was saying the person you are talking  
24 about and his family, his extended family.

25 Q. So we're speaking about [REDACTED]

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1 A. Exactly. [REDACTED]

2 Q. Thank you very much. I just wanted to have it clear.

3 A. [In English] Okay.

4 Q. The moment that you were ordered to get into the car, I want to  
5 speak about that moment and then onward. Okay?

6 Now, the moment that you were ordered into the car, about how  
7 long was it to the place where you were eventually delivered? In  
8 time.

9 A. [Interpretation] It was about one hour, half an hour. Because  
10 from that point is about 5 kilometres to 10 kilometres and the road  
11 was not paved, so it was like ...

12 Q. Thank you very much. And during the period that you were in the  
13 car with [REDACTED], could you tell us whether he asked you any  
14 particular question about your political affiliation?

15 A. I did not speak to him at all from the moment that I got in the  
16 car --

17 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, we lost connection  
18 with the accused.

19 MR. VON BONE: Okay.

20 PRESIDING JUDGE VELDT-FOGLIA: So --

21 MR. VON BONE: We have to wait a little bit.

22 PRESIDING JUDGE VELDT-FOGLIA: Yes, we have to wait.

23 [Trial Panel and Court Officer confer]

24 THE WITNESS: [Interpretation] Can I speak? Can I give the  
25 answer? Can I proceed, Your Honour?

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1           PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we lost the  
2           connection with Mr. Mustafa that's on the screen there, so we cannot  
3           continue till we have re-established the connection because he should  
4           be in the position to follow what is happening in this courtroom.

5           THE WITNESS: [Interpretation] Okay. I understood it now. Thank  
6           you. Excuse me.

7           PRESIDING JUDGE VELDT-FOGLIA: No, no, don't worry. Sorry that  
8           it was not clear.

9           Mr. Mustafa, can you hear us?

10          THE ACCUSED: Yes, I hear you, I hear you, but I have another  
11          technical problem. We need to wait.

12          PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]. Okay.  
13          You're now talking in English to me and not with the translator.

14          THE INTERPRETER: Microphone for the Judge.

15          PRESIDING JUDGE VELDT-FOGLIA: Can the interpreters hear  
16          Mr. Mustafa?

17          THE INTERPRETER: Yes, we can, Your Honour.

18          PRESIDING JUDGE VELDT-FOGLIA: Okay.

19          THE ACCUSED: [Via videolink] [Interpretation] Yes, can I hear.  
20          Your Honour, everything is fine. We can proceed now.

21          PRESIDING JUDGE VELDT-FOGLIA: Very well.

22          Defence counsel, you have the floor again, and I would suggest  
23          that you re-ask your question and then the witness can start over  
24          with his answer.

25          MR. VON BONE:

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1 Q. Mr. Witness, could you tell us whether during the entire time  
2 that you were in the car with [REDACTED] whether he asked you  
3 any question or whether you spoke about your political affiliation?

4 A. No, I didn't talk to him at all. Only in the moment in time  
5 when he ordered me to get in the car, and he told me that, "I will  
6 send you there and I will tell you."

7 Q. He eventually brought you to the place where you would be  
8 eventually kept; is that correct?

9 A. No. He handed me over to the person that sent me to the  
10 detention place.

11 Q. And how far was that from the place where you were kept? That  
12 handing over, how far was that?

13 A. It's the same place.

14 Q. I understand. But in distance, in metres, could you give an  
15 estimate. Was it in front of it? Was it nearby?

16 A. It was 2 metres away from the gate.

17 Q. From which gate? From the gate of the barn, you mean?

18 A. Yes. That's correct.

19 Q. And did [REDACTED] did he tell the person what to do with you?

20 A. Yes.

21 Q. And would you say he ordered him that to do or -- or did he just  
22 ask him that to do?

23 A. He told this person, "Take him and put him inside." Everything  
24 that I am telling you are things that I remember. They are stuck in  
25 my mind and I would never forget what I am telling you.

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1 Q. The situation of handing you over, was it for you possible to  
2 determine [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. And did -- was it [REDACTED] that ordered that person to search  
7 you?

8 A. Yes, I told that before.

9 Q. The person that you were handed over to and [REDACTED], did  
10 they seem to know each other?

11 A. I do not know. I can't tell.

12 Q. Were they wearing the same type of clothes?

13 A. They were not the same, they were not wearing the same clothes,  
14 because they couldn't be wearing the same clothes. But he was  
15 wearing black clothing. But this Mr. -- I can't remember his name  
16 now. The person we are talking about, he was wearing a military  
17 uniform every time. In particular, the upper part of the body. But  
18 most of the time or almost always he was wearing a military uniform  
19 throughout his body.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I need a  
21 clarification because --

22 MR. VON BONE: [Microphone not activated] Sure.

23 PRESIDING JUDGE VELDT-FOGLIA: Who was wearing black clothing?  
24 The person who received you or the person who brought you?

25 THE WITNESS: [Interpretation] The person who received me,

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1 Your Honour.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

3 Please proceed, Defence counsel.

4 MR. VON BONE:

5 Q. Did [REDACTED] tell you that he was [REDACTED]?

6 A. No, no. He didn't say a thing. Only the words that I already  
7 told you about. Nothing else.

8 Q. At the time of your -- of this incident, so to speak, were you  
9 considered to be a soldier or were you considered to be a civilian  
10 person?

11 A. I was wearing civilian clothes. And everyone that went through  
12 the training were considered to be soldiers. Whereas that occasion  
13 was not an incident, because I didn't have any kind of conflict with  
14 that person, neither a civil conflict or another kind of conflict.

15 Q. During the time that you were kept there in that barn, did you  
16 ever speak with anybody about your political affiliation?

17 A. No.

18 Q. And did this -- did anybody during your interrogation ever ask  
19 you about your political affiliation?

20 A. No.

21 Q. When you were kept in the barn - I want to speak about this  
22 particular part when you were kept in the barn - could you hear or  
23 notice outside in the day-time people being there around?

24 A. Yes.

25 Q. And was your impression that there were many people there or few

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1 people there? What was your impression?

2 A. If you're talking about the number, there were enough,  
3 sufficient people. There were tens of people outside.

4 Q. Were there at the moment that you were delivered, if I may say  
5 it in this context, that were handed over, were there any refugees at  
6 the moment that you were there that you could notice?

7 A. I didn't see any refugees there. I saw people who were  
8 detained. There were two people who were detained from what I  
9 recall.

10 Q. I understand. But this is not -- I mean, I do not mean in the  
11 barn but at the moment of the handing over of you, [REDACTED] to the  
12 other man, the man in black, at that moment, do you recall if you  
13 have seen or noticed any refugees there at that moment?

14 A. Where and what refugees are you talking about? I do not  
15 understand your question. When you say "where," what do you mean?  
16 The hand-over? I told you where the hand-over took place. So I was  
17 handed over to the person that was standing guard in front of the  
18 gate where I was put into. So if you're talking about other people  
19 that were around, of course, there were people that were around, but  
20 I was not interested in knowing who they were.

21 Q. And the people that were around there, could you give an  
22 estimate about how many people we are talking about?

23 A. If you are talking about the moment in time when I entered the  
24 place, I saw the person that checked me and somebody else that was  
25 standing by him. Your question before was a general question. If

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1 you are talking about the moment in time as I was kept in inside,  
2 there were persons in the surrounding area because I could see their  
3 movements through the cracks of the barn. I could see the  
4 silhouettes of these persons. And there were tens of people inside  
5 that I could see while I was being kept in the barn. They were  
6 dealing with different activities outside.

7 Whereas in the moment in time when I was detained and before I  
8 entered the barn, I told you that there was this person that checked  
9 me and there was another person but that other person, the second  
10 person, did nothing. He was just, you know, present there.

11 I don't know on whether this answers your question or not.

12 Q. I think it does. Thank you very much.

13 And while looking through the cracks of the wall, just to be  
14 clear, this wall -- the walls of this barn where you were kept were  
15 from wood? Do I understand that clear?

16 A. Yes, they were made of wood. They are painted with mud and hay.  
17 I don't know whether you know what hay is, but hay is mixed up with  
18 mud and then it goes through the wooden parts, the wooden panels.  
19 And I have never looked for cracks, but if you were in a certain  
20 distance, I mean, you could see the cracks because it was light  
21 outside and we could see the silhouettes of those persons. We could  
22 hear their voices as well. So this is where it was.

23 The distance from the wall was about 4 metres, 3 metres. It's  
24 not that I was looking for the cracks myself, because I didn't have  
25 that intention. I was not interested to look for the cracks in order

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1 for me to see people outside. But could you see that from the  
2 distance.

3 Q. Did you ever hear any voices outside?

4 PRESIDING JUDGE VELDT-FOGLIA: He just said that, Defence  
5 counsel, and he also said it yesterday. I mean ...

6 MR. VON BONE: Yes, it's a step-up question.

7 PRESIDING JUDGE VELDT-FOGLIA: Then I would suggest that you  
8 refer to what he already said and then can you continue.

9 MR. VON BONE: Okay.

10 Q. You spoke about voices that you heard outside. Did you hear any  
11 voices of children during the entire time that you have been there?

12 A. No, I didn't.

13 Q. At some point, you have been detained there. It was clear what  
14 you said about that. Did you have an idea about the circumstances of  
15 the weather, whether it was cold or warm, or what it was like? The  
16 weather conditions.

17 A. Inside it was warm. There was no heating system, but it was  
18 warm. Those places, if they are built that way, usually the tendency  
19 is for those places to be warm. [REDACTED]

20 [REDACTED]

21 [REDACTED] So if there is a place that is built of  
22 wood, mud, hay or chaff, I mean, those places usually are warm. I'm  
23 talking about the inside area. So I'm talking about a normal  
24 temperature here.

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. von Bone, we are approaching

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1 11.00, so just for you to conclude your line of questioning versus  
2 11.00.

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

4 Q. And while you were handed over outside, could you give us an  
5 indication of what the outside temperature was or what the conditions  
6 of the weather was outside at the moment that you were handed over?

7 A. It was early spring. March, I think. March, April, something  
8 about that time.

9 Q. That gives an indication about the month. But I mean  
10 temperature-wise, whether it was colder or warmer, or raining or not  
11 raining, or clear sky. This is what I'm trying to figure out.

12 A. Temperature-wise, outside it was about 16 degrees.

13 MR. VON BONE: We'll stop here then, Your Honour. I will have  
14 some more questions after but this is then the best moment to stop.

15 PRESIDING JUDGE VELDT-FOGLIA: I realise that these last  
16 questions could also have gone into public. Maybe for the next  
17 session we try to look into that some more.

18 Good, yes.

19 [Microphone not activated] Madam Court Officer, could you bring  
20 us back into public.

21 THE INTERPRETER: Microphone for Your Honour.

22 PRESIDING JUDGE VELDT-FOGLIA: Okay.

23 Madam Court Officer, could you bring us back into public,  
24 please.

25 [Open session]

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1 THE COURT OFFICER: Your Honours, we're in public session.

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

3 Thank you, Defence counsel, for stopping exactly in time.

4 Madam Court Usher, could you usher the witness out?

5 Mr. Witness, we will have a break for half an hour and then we  
6 will resume. Okay?

7 THE WITNESS: [Interpretation] Okay. I got it. Thank you,  
8 Your Honour.

9 [The witness stands down]

10 PRESIDING JUDGE VELDT-FOGLIA: We will break now and we will  
11 resume in 30 minutes.

12 The hearing is adjourned.

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

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

15 PRESIDING JUDGE VELDT-FOGLIA: Let me call appearances. I see  
16 the same composition for the SPO.

17 And the same goes for the Victims' Counsel.

18 And the same for the Defence.

19 And I see that Mr. Mustafa is present.

20 And that the Registry is not there anymore.

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

23 [The witness takes the stand]

24 PRESIDING JUDGE VELDT-FOGLIA: Welcome, Mr. Witness. Please  
25 have a seat.

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Cross-examination by Mr. Von Bone

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

1           Very well. Defence counsel, you have the floor to continue with  
2 your questioning. Please proceed.

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

4           Q. Mr. Witness, can you hear me? Yes.

5           A. Yes.

6           Q. Mr. Witness, do you know whether in 1999 Prishtine was bombed by  
7 NATO?

8           A. This is a general question. Yes, everybody knows that.

9           Q. Do you know the month or the date that it happened?

10          A. I can't remember the exact dates. The month was April, I think.  
11 April or May. I'm not quite sure.

12          Q. And the training that you had --

13          A. Or March. I'm not quite sure when it exactly happened.

14          Q. And the training that you received, was that before Prishtine  
15 was bombed or after?

16          A. I think before. Before, because there was still snow there.

17          Q. I will not mention the name, but at some point you have been  
18 ordered to get into a car. We spoke earlier about that. That  
19 moment, was that before or after the bombing, the NATO bombing of  
20 Prishtine?

21          A. I don't know how it is related to Prishtine, but the bombing in  
22 Kosovo started earlier. But I cannot relate the moment I was brought  
23 there to Prishtine. I can't remember that.

24          Q. Can you relate it to any other moment in time, the moment that  
25 you were ordered to get into that car? Can you relate that to any

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Cross-examination by Mr. Von Bone

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1 other moment in time or any other event in time?

2 A. No. Only with a season. It was early spring when I ended up  
3 there, I mean, where they detained me.

4 Q. Early spring when you were eventually detained. That's what  
5 you're saying.

6 A. Yes.

7 Q. Thank you. Mr. Witness, at some point you were released from  
8 the place where you were detained, and if I recall it roughly it's --  
9 somebody opened the gate and said, "You can go," something in that  
10 line; is that correct?

11 A. That's how I remember it.

12 Q. Could you tell us the road that you went to your eventual final  
13 destination on that day, the day of your release?

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I see you  
15 standing.

16 MR. MICHALCZUK: I'm not objecting to the question as such. I'm  
17 objecting to posing that question in the open session. Because if  
18 the witness says which locations he was passing by going back home,  
19 it might reveal his identity.

20 So maybe we could go briefly into the private session to ask  
21 that question. Thank you.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your observation,  
23 Mr. Prosecutor.

24 MR. VON BONE: No problem. I just try to do something in open  
25 session, but I understand.

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

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

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

5           PRESIDING JUDGE VELDT-FOGLIA: It is appreciated, Defence  
6 counsel.

7           Please proceed.

8           MR. VON BONE:

9           Q. Mr. Witness, you were released. Where did you eventually go?

10          A. Home.

11          Q. Yes. And could you tell us, from the place where you had been  
12 kept, which road did you take home?

13          A. [REDACTED] Not the same road  
14 that I took when I went there.

15          Q. So maybe you could explain us a little bit which places you  
16 passed before you eventually ended up home?

17          A. [REDACTED]

18          Q. And when you went to [REDACTED] we spoke earlier about a  
19 [REDACTED] that is standing somewhere in black. Did you  
20 pass that point? Did you pass that particular point?

21          A. On the way back home? No. Not on my way home. I didn't take  
22 that road. And that was not in [REDACTED]

23          Q. No, I know that it is not in [REDACTED] but I mean on your way to  
24 [REDACTED] But the answer is clear.

25          A. No, I took another road. Not that one.

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1 Q. Just a second, Mr. Witness.

2 [Specialist Counsel confer]

3 MR. VON BONE:

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

5 MR. VON BONE: Thank you very much, Your Honour. We have no  
6 further questions.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 THE WITNESS: [Interpretation] Thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, we are in  
10 private session. Madam Court Officer, could you bring us back into  
11 public session.

12 [Open session]

13 THE COURT OFFICER: Your Honours, we're in public session.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 Yes. The Panel may allow for redirect examination if necessary,  
16 according to the rules and our Decision on the Conduct of  
17 Proceedings.

18 Mr. Prosecutor, would you like that -- would you like to do  
19 that?

20 MR. MICHALCZUK: Your Honour, no re-direct. Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: Any questions from your part?

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

23 PRESIDING JUDGE VELDT-FOGLIA: Very well. So that means that  
24 there will be no second round.

25 And, Mr. Witness, you have been asked several questions by the

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1 Prosecutor and the Victims' Counsel and the Defence counsel, and it's  
2 now the turn for the Trial Panel, so we will be asking you several  
3 questions, and this will allow us to gain some more clarity about the  
4 testimony you have given, and your answers will be valuable to better  
5 understand what we have to decide on. Yes?

6 Okay. I will now pull up the document we will be needing for  
7 the interrogation by the Trial Panel. So if you give me a moment.

8 [Trial Panel and Legal Officer confer]

9 PRESIDING JUDGE VELDT-FOGLIA: Very well, Mr. Witness. We will  
10 start with questions in public session and, at a certain moment, we  
11 will revert to private session to continue. But please, we are now  
12 in public session. Be careful with what you say, although I will try  
13 to ask questions to you which can be answered in open session.

14 THE WITNESS: [No interpretation].

15 PRESIDING JUDGE VELDT-FOGLIA: Okay, good.

16 Questioned by the Trial Panel:

17 PRESIDING JUDGE VELDT-FOGLIA: Yesterday, you gave testimony  
18 that you were detained several days. That was four to seven days.  
19 That's the transcript, page 69, lines 19 to 22. And before the  
20 Defence already asked -- tried to ask you -- or did ask you when you  
21 arrived in the place you were detained, and you told us early spring.  
22 That is correct, isn't it?

23 A. Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: I would like --

25 A. It was in the beginning or mid-spring. 22 years have passed. I

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1 can't remember exactly, but it was spring.

2 PRESIDING JUDGE VELDT-FOGLIA: I understand.

3 I want to pull up from the witness -- your witness statement  
4 before the SPO, which is ERN 082023-TR-ET, Part 1, RED1, and that is  
5 Part 1 of the statement, page 47, and then at the beginning of the  
6 page. And it's on when you were detained.

7 And then you say:

8 "I don't remember ... I don't remember exactly. I know that I  
9 went home and the next day or the day after the offensive -- the Serb  
10 offensive took place. These Serb soldiers came down from the  
11 mountains and expelled us from our home, shot at us ... and that's  
12 another story ... I went through a lot."

13 My question: Does this bring something back to you about when  
14 it was? Can you now relate it to the Serb offensive? Does it  
15 refresh your memory?

16 A. No. Because the Serbian offensive and NATO, there's a  
17 distinction between them. [REDACTED]  
18 [REDACTED] compared to that, NATO undertook  
19 actions or bombed later than that event.

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

21 THE INTERPRETER: Microphone for Your Honour.

22 PRESIDING JUDGE VELDT-FOGLIA: You were also asked in Part 3,  
23 page 14 and 15 of the witness statement you gave with the same ERN  
24 number.

25 And could you pull that up, Madam Court Officer.

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1           And it's just to say that you also there said that it could be  
2           March or April, but you don't know exactly when.

3           Okay. Let us go to another question. Yesterday in your -- you  
4           said, and that's page 63, line 2, that when you were on the place you  
5           were detained, you would go to the toilet and then you would have to  
6           walk outside a distance of 15 to 20 metres.

7           Is that correct?

8           A. Correct.

9           PRESIDING JUDGE VELDT-FOGLIA: You also said that in your SPO  
10          witness statement, Part 2, page 27, from line 7 till - you don't have  
11          to call it up, Madam Court Officer - especially in line 25. Just as  
12          a reference.

13          But my question to you is: When you would walk to the toilet,  
14          what could you see outside? What was there around you?

15          A. Nothing. Just a field, a green field, and the toilet. This is  
16          how I remember it.

17          PRESIDING JUDGE VELDT-FOGLIA: I understand that it is a long  
18          time ago. Did you see -- you say: I saw a green field. Did you see  
19          any buildings?

20          A. No. Only the one that I exited to go to the toilet. And there  
21          were buildings near that one, around it. And we were not allowed to  
22          look on our right or left but just to go straight to where we had to  
23          go and come back.

24          PRESIDING JUDGE VELDT-FOGLIA: And the buildings near the one  
25          you were exiting, how many buildings were that?

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1 A. About two or three very close to each other, almost attached to  
2 one another. And there were others a bit further, according to the  
3 configuration of the terrain.

4 PRESIDING JUDGE VELDT-FOGLIA: I might come back to this  
5 question but then I will be showing you a picture, but that will be  
6 on a later moment.

7 I would like to go now through the conditions of the detention  
8 you were in. Mr. Prosecutor has already asked you some questions  
9 about it. I would like to elaborate some more.

10 Did you receive food and water every day when you were detained?

11 A. Yes, I remember that we were given food in a --

12 PRESIDING JUDGE VELDT-FOGLIA: Please continue.

13 A. They gave us food in a sort of a bowl, just like this here, with  
14 water, a bit smaller than this one. It was of -- made of metal  
15 resembling tin. It was usually soup mixed with bread, like a  
16 porridge of soup and bread.

17 PRESIDING JUDGE VELDT-FOGLIA: You were pointing at the carafe  
18 with water. Did I see that well?

19 A. Yes, here.

20 PRESIDING JUDGE VELDT-FOGLIA: That's for the record because --

21 A. It was of this size. Like up to here of this jug. The bowl  
22 that they gave us and it contained a porridge made of soup and bread  
23 mixed together.

24 PRESIDING JUDGE VELDT-FOGLIA: So it was a bowl which -- of a  
25 height of, I would say, 30 centimetres. Would that be a good

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1 estimation of the height? 25?

2 A. Something like that. About 20-something centimetres.

3 PRESIDING JUDGE VELDT-FOGLIA: And that was filled with -- and  
4 how many times a day?

5 A. As far as I remember, twice. Only twice.

6 PRESIDING JUDGE VELDT-FOGLIA: And as far as you remember, did  
7 you have -- how many times a day would you get water or something to  
8 drink?

9 A. I don't remember if they gave us anything else, just water. But  
10 I don't remember how many times a day as far as water is concerned.

11 PRESIDING JUDGE VELDT-FOGLIA: In your recollection, would you  
12 receive enough water every day?

13 A. Yes, yes.

14 PRESIDING JUDGE VELDT-FOGLIA: And where did you sleep in the  
15 barn?

16 A. I don't remember sleeping at all. Maybe I did, but, really, I  
17 don't remember sleeping.

18 PRESIDING JUDGE VELDT-FOGLIA: If you laid down, was that  
19 directly on the ground?

20 A. There were -- this place where they put the feed for the  
21 animals, in that place.

22 PRESIDING JUDGE VELDT-FOGLIA: Was it in the hay? I don't  
23 understand what you mean.

24 A. In the trough, where you put the food for the animals. It is  
25 like where I'm putting my arms, where the computers are. It was like

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1 that.

2 PRESIDING JUDGE VELDT-FOGLIA: I understand what a trough is,  
3 yes.

4 Did you have any blankets or covers?

5 A. I think there were blankets. Not enough. Maybe two or three  
6 blankets. I remember that they covered the victim that they had  
7 mistreated. One of those who were detained there offered his blanket  
8 to the victim. And that's -- I remember that there was -- there were  
9 blankets but not enough for each and every one of us. I think there  
10 were only two or three, given that one of us offered his blanket to  
11 the person who was brought in our room. In other words, he had to  
12 cover himself with somebody else's blanket.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And as far as the  
14 hygienic conditions were concerned, was the place clean?

15 A. No, that place resembled a stable. It was earth and there was  
16 some hay here and there.

17 PRESIDING JUDGE VELDT-FOGLIA: I saw in your witness statement,  
18 Part 3, page 11, you refer to animal -- to cattle excrements there;  
19 is that correct?

20 A. Correct. Probably, yes. Correct. I remember because we could  
21 smell, we could smell it.

22 PRESIDING JUDGE VELDT-FOGLIA: And could you see it?

23 A. Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: In your SPO statement, the same  
25 where I was referring to right now, you said it was not suitable for

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1 people to stay in there; is that correct?

2 A. Correct. In normal circumstances, it was not.

3 PRESIDING JUDGE VELDT-FOGLIA: With regard to the next point,  
4 which we can ask you in open session, is: When you were released,  
5 what did you -- you went outside the barn. The door was opened. And  
6 what did you see?

7 A. I saw the same place, the green. There was a lawn around. The  
8 mountain was nearby. They returned my personal belongings with the

9 [REDACTED]

10 [REDACTED]

11 the rest of my personal belongings and told me that I was free to  
12 continue, and I went home on foot. I took another road.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, I understand that. But I  
14 want to concentrate a little bit more on the place where you were  
15 detained because now -- was there in that place, was there a fence  
16 around the place?

17 A. A fence? Maybe there was. Maybe there was a bit further, but  
18 not close to where we were. There was a small part of a fence. A  
19 fence is usually made of sticks, wooden sticks, to my understanding.

20 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] And  
21 your answer to that was? Was there a fence or not? I didn't  
22 understand it completely. Was there a fence or not?

23 A. Not the one that you think. There was just one small part, but  
24 very far from where I was, about 30 or 40 metres further away. This  
25 is how I remember it.

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

1           PRESIDING JUDGE VELDT-FOGLIA: We just want to know what you  
2 remember.

3           And before - and that is page 32, line 8 of the transcript - you  
4 referred to a gate. Did you have to go through that gate in order to  
5 leave the place where you were detained?

6 A. As far as I remember, I went out through the gate that I went  
7 in.

8           PRESIDING JUDGE VELDT-FOGLIA: And could you, as far as you can  
9 still recollect, describe the gate?

10 A. Yes. It was a wooden gate. It was made of wood and -- planks,  
11 like wooden planks, and it was locked from outside, like our  
12 traditional doors. They would lock it either with a lock or with  
13 something. I didn't see that.

14           PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 A. It was a short of greyish/black colour.

16           PRESIDING JUDGE VELDT-FOGLIA: And was there something attached  
17 to the gate? What was next to the gate? Maybe that's a better  
18 question. What was next to the gate on both sides? Do you still  
19 remember what there was?

20 A. As far as I remember, it was with a building where we were  
21 placed.

22           MR. VON BONE: Your Honour, I have a question.

23           PRESIDING JUDGE VELDT-FOGLIA: I also Mr. Prosecutor standing.  
24 But please proceed.

25           MR. MICHALCZUK: Your Honour, maybe I could assist a little bit.

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1           There might be an issue with the question and the issue of the  
2 gate because we might have here two things, and the witness might be  
3 talking about a different thing than we are trying to ask him the  
4 question about. So might be a gate to the wider compound or a gate  
5 to the house. It depends how the witness understands that.

6           So maybe it's good to clarify whether we want him to describe,  
7 for example, what is attached to the gate of the compound or to the  
8 gate of the house, depending on what kind of question Your Honours  
9 want to ask.

10           It's just a question of a clarifying thing, because we might be  
11 asking him about one thing and --

12           PRESIDING JUDGE VELDT-FOGLIA: Okay.

13           MR. MICHALCZUK: -- he might be replying about something  
14 different.

15           PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, you have the  
16 floor.

17           MR. VON BONE: Yes. It is the understanding of my team that the  
18 word that he is saying is to be translated as "door," as the door of  
19 the place where he was kept, rather than a gate. And as are you  
20 posing the question as a gate, maybe that will clarify the issue.

21           PRESIDING JUDGE VELDT-FOGLIA: The word I'm referring to the  
22 word used in the translation on -- in the transcript, page 32,  
23 line 8. So there was written "gate," and not "door," and that's the  
24 reason that I am using that.

25           MR. VON BONE: Yes. But maybe we can clarify this issue --

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1           PRESIDING JUDGE VELDT-FOGLIA: We will clarify.

2           Mr. Witness, when you left the place where you were detained, if  
3 you -- the door was -- I will repeat what I have understood from your  
4 testimony.

5           They opened the door and they told you that you could leave the  
6 barn; is that correct?

7           A. Yes. And I left, I exited, and they gave me the laces, the  
8 belt, with the exception of those things that they did not return to  
9 me, and I continued. This was it. I was given -- returned those  
10 things outside the area, outside the building where we were staying.

11          PRESIDING JUDGE VELDT-FOGLIA: So you were given the things that  
12 pertained to you outside; do I understand that well?

13          A. Yes, that's true.

14          PRESIDING JUDGE VELDT-FOGLIA: Then you were free to go. And  
15 how did you leave that place?

16          A. I left without looking back. I just took my personal belongings  
17 and continued.

18          PRESIDING JUDGE VELDT-FOGLIA: And when you were walking in the  
19 yard there, did you have to pass through -- did you have to pass  
20 through a gate to get outside the premises?

21          A. I don't remember that there were gate to the yard, to go  
22 outside. There was only the door of the building.

23          PRESIDING JUDGE VELDT-FOGLIA: So the wooden door you were  
24 referring to, with the classical lock, where was that situated?

25          A. At the place where we stayed.

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1           PRESIDING JUDGE VELDT-FOGLIA: If I put it in my words - but  
2     please correct me if I'm wrong - you are referring to the door of the  
3     barn?

4     A.    Yes.

5           PRESIDING JUDGE VELDT-FOGLIA: I will look at the parties now.  
6     Has this brought also the clarification we were looking for? I see  
7     the Defence nodding.

8           Mr. Prosecutor.

9           MR. MICHALCZUK: Yes, Your Honours. Yes.

10          PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11          There is another topic we have questions for you, Mr. Witness.  
12     We now go to the moment that you were brought with the -- by car to  
13     the place you were to be detained. And yesterday you said to us -  
14     that's page 37 of the transcript, line 17 - you said that you were  
15     received by a person with a beret.

16          Could you tell the Panel what - if you remember - what the  
17     colour of that beret was that the person was holding?

18     A.    I think it was black.

19          PRESIDING JUDGE VELDT-FOGLIA: Okay. Yesterday we have been  
20     talking about the two persons who were called Cali. And one of the  
21     remarks you made, one of the statements you gave was, page 105, lines  
22     9 and 10, that you think -- you thought that the first name of the  
23     Cali in charge of Zllash was Salih.

24          And my question to you is: How do you know that?

25     A.    The person [REDACTED] about himself. So this is

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1 how I recall. He introduced himself.

2 PRESIDING JUDGE VELDT-FOGLIA: I will come back to that. I will  
3 come to that later on.

4 We will show you some pictures and I will ask you if you  
5 recognise one or more persons. Okay?

6 Madam Court Officer, could you bring on the screen SPOE00222614.

7 Mr. Witness, do you see anyone on the picture that you  
8 recognise?

9 A. That I recognise now or that I recognised then? Or later?

10 PRESIDING JUDGE VELDT-FOGLIA: Back then.

11 A. No. None of them. I don't remember any of them. I don't  
12 remember any.

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you  
14 bring on the screen the picture SPOE00222582.

15 Do you recognise anybody, Mr. Witness?

16 A. I don't remember. I'm trying to recall on whether this woman  
17 was present while I was questioned, but I'm not sure.

18 PRESIDING JUDGE VELDT-FOGLIA: Is your answer that you don't  
19 recognise anyone from that period?

20 A. No. I said I was just thinking on whether this woman was  
21 present while I was questioned. I mean, on whether she was just  
22 present, not asking anything. But, like I said, I'm not sure.

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

24 Madam Court Officer, we can take the picture away.

25 Very well. I would like to go back, Mr. Witness -- no, I would

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1 like to go now in private. I think that's the best.

2 Madam Court Officer, could you bring us into private session.

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

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

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

6 Mr. Witness, yesterday - and then I refer to the transcript,  
7 page 32, line 9 and page 34, line 2 - you referred to a person called  
8 [REDACTED] and also today you have been talking about him.

9 Yesterday in the transcript, on page 33, line 21, even if there  
10 is a kind of misspell, but I read there that you said that you did  
11 not recalled his last name.

12 Do you know his last name?

13 A. I do. I don't exactly know what his correct last name is, but I

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE VELDT-FOGLIA: I'm asking this question for  
25 several reasons. One of them is that he has been referred to in

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1 court repeatedly with the name [REDACTED] and I did not see you saying  
2 that it was not correct. So, therefore, I am asking you this  
3 question about his last name. Can you clarify that?

4 A. I get you, Your Honour. I want to repeat that I don't know his  
5 exact last name. The most important thing is that I recognise this  
6 person based on his appearance, his name. I know where his house is  
7 and I know his neighbourhood as well.

8 Plus I know where he has worked after the war and so what was  
9 his first job, his second job, his third job.

10 PRESIDING JUDGE VELDT-FOGLIA: Could you tell us the several  
11 jobs he has had, starting with his job during the war? Or maybe  
12 several jobs.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 PRESIDING JUDGE VELDT-FOGLIA: And was he, according to your  
21 knowledge, during the war a soldier within the KLA?

22 A. Yes, he was.

23 PRESIDING JUDGE VELDT-FOGLIA: And do you know anything about  
24 the position he held back then?

25 A. He had [REDACTED]. What exactly, I don't know. What

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Did you know him --  
6 do you know him also by another last name, a name you mentioned in  
7 your SPO statement?

8 A. I do not remember. I don't remember any other last name.

9 PRESIDING JUDGE VELDT-FOGLIA: Then I will ask Madam Court  
10 Officer to pull up Part 2, page 3, lines 21 and 22.

11 And there, we are -- you are discussing with the SPO or you're  
12 giving your testimony before the SPO, to be more accurate, and there  
13 is said that -- the question is:

14 "Did he force you in any way into that car?"

15 And your answer: "Yes, with a military order. And he told them,  
16 Take him away."

17 And then the question is in line 22:

18 [REDACTED] told them?"

19 And your answer is: "[In English] Yes, yes."

20 So my question is does this refresh your memory that his last

21 [REDACTED]

22 A. I don't remember. I don't remember on whether that was like  
23 this or not. But I know the person. I know he is, I know where he  
24 lives, his neighbourhood. Whereas for the last name, I don't really  
25 remember what his last name was or what his last name is currently.

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 PRESIDING JUDGE VELDT-FOGLIA: We go back to this [REDACTED]

15 that you say that you don't remember. Throughout your SPO witness

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. I'm not telling you that have I forgotten. What I'm saying is  
22 that I don't know on whether this is accurate or not. So this is how  
23 I recalled it back then. Probably that has mistakenly come into my  
24 mind because I didn't know his last name then. I'm telling you that  
25 I didn't say this. What I'm saying is that I might have said this,

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1 but probably that was mistaken as a last name because I don't know  
2 for a fact what his last name is. Or probably I have been thinking  
3 of the last name of someone else or other people that are living in  
4 the same neighbourhood.

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

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you. In the transcript --

13 MR. VON BONE: Your Honour, on this point, may I ask something.

14 PRESIDING JUDGE VELDT-FOGLIA: You already are standing and I  
15 have not given permission yet, but, yes, you may.

16 MR. VON BONE: Because it is my understanding that even in the

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Regardless --

23 PRESIDING JUDGE VELDT-FOGLIA: Is anybody denying that?

24 MR. VON BONE: No. Regardless of the issue of the last name, I  
25 think that is the other issue, the other pillar on which this

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1 identification stands.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, this is not a  
3 question. This is the moment for the Panel to do the interrogation.

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: This point is not under  
6 discussion now, so I would leave it there.

7 MR. VON BONE: Okay. If it is not under discussion, then it's  
8 fine.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay. Mr. Witness, in the  
10 transcript, page 35, line 24, you stated that you were asked to get  
11 into the green Mercedes, type 240.

12 Is that correct?

13 A. This is my impression. It was probably 220 or 224, if I see a  
14 picture of that type of the car, I can recognise it. And the colour  
15 was green.

16 PRESIDING JUDGE VELDT-FOGLIA: Do you know whether that type of  
17 Mercedes is known with some other name?

18 A. No.

19 PRESIDING JUDGE VELDT-FOGLIA: Would it also be called a  
20 limousine?

21 A. I do not know that.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you. I would like to get  
23 back to a question that was asked to you by the Defence counsel  
24 because for me the answer was not completely clear.

25 If I understood well, you were -- when you were ordered to get

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1 into the car you were wearing civilian clothes. And then the  
2 question was if at that time you were considered to be a civilian or  
3 a soldier. And then you said that everybody who went through a  
4 training was considered a soldier.

5 So my question to you is: Were you considered a soldier then or  
6 a civilian?

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED] I

13 have expressed my own opinion, and I said that everyone that has been  
14 trained is ready to become a soldier and is considered a soldier, not  
15 in the aspect that you are an active soldier or that can you directly  
16 be engaged or become part of any particular unit.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you. That clarifies for  
18 me. Thank you.

19 Then another topic. At the place you were detained, you  
20 recognised some persons you shared in your SPO statement. Can you  
21 still remember who you recognised there?

22 A. I said I recognised two persons. [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE VELDT-FOGLIA: To clarify my question, because I  
25 might not have been clear to you, I mean among the soldiers that were

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1 present there. Did you recognise anybody there from them?

2 A. Are you talking about the place where we were detained?

3 PRESIDING JUDGE VELDT-FOGLIA: Yes, I am.

4 A. No. I didn't recognise anyone there. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 PRESIDING JUDGE VELDT-FOGLIA: And do you remember the name?

10 A. [REDACTED]

11 [REDACTED]

12 PRESIDING JUDGE VELDT-FOGLIA: Both.

13 A. I told you the one accompanying me, holding the revolver in his  
14 hand, [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] I'm not

19 sure.

20 However, I asked about him and I was told that he is dead now.

21 PRESIDING JUDGE VELDT-FOGLIA: [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE VELDT-FOGLIA: -- that was the person that was  
25 as a soldier in the -- at the place you were detained?

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1 A. Yes. Because he -- if he were not a soldier, he would have not  
2 accompanied me. At the moment in time when I saw his face, I knew  
3 who he was.

4 PRESIDING JUDGE VELDT-FOGLIA: And [Microphone not activated]  
5 that was another person.

6 [REDACTED]

7 [REDACTED]

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

9 THE INTERPRETER: Could Her Honour turn on the microphone,  
10 please.

11 PRESIDING JUDGE VELDT-FOGLIA: And that was [REDACTED]

12 A. [REDACTED]

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, for me it is not clear at  
14 the moment because in your statements I read, Part 2, page 17, line 1  
15 till 9, that:

16 [REDACTED] that  
17 would escort me to the toilet.

18 A. No, no, that is a mistake. If is that the way on how it is  
19 written, that is a mistake. So this name does not exist. The name  
20 that is here that I'm looking at the screen, this name does not  
21 exist. That's not an Albanian name. So there is no Albanian name  
22 going like this. [REDACTED] is not an Albanian name. That's a  
mistake.

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

24 A. So in order for me to clarify this issue, I think that it would  
25 be good just for me to translate this passage. And this is how I

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1 have said it all the time. If you see my recording, if you would  
2 hear that, you would see that it's not what I have said.

3 PRESIDING JUDGE VELDT-FOGLIA: But that's the reason that we are  
4 here in court, in order to clarify unclarities that might arise from  
5 a statement where we were not all present.

6 So -- and I read in your -- in the SPO statement that you were  
7 referring to a person [REDACTED] [phoen], Part 3, page 14, line 5. Do  
8 you have more information about this person [REDACTED] who he was?

9 A. No. I want to have more information about him, but I did not  
10 manage to uncover any information about him. I would have wanted to  
11 know more about him. Because he was the person who took part in  
12 torturing the victim.

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

14 THE INTERPRETER: Microphone, please.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, [REDACTED] do  
16 something for the family of the person who we have been discussing  
17 several times and we are -- yes, we are in private session. So about  
18 [REDACTED] Did he do something for them?

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 PRESIDING JUDGE VELDT-FOGLIA: You can say the names because we  
23 are in private session.

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 hearsay, this is what I know.

4 PRESIDING JUDGE VELDT-FOGLIA: And what is the hearsay?

5 [REDACTED]

6 [REDACTED]

7 PRESIDING JUDGE VELDT-FOGLIA: But that would not be a problem,  
8 in general, if you hire somebody.

9 A. I didn't say that that would be a problem. The problem should  
10 be found or should be treated by someone else.

11 PRESIDING JUDGE VELDT-FOGLIA: In the witness statement, Part 2,  
12 page 11, line 8 till 10, you say:

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 And my question is --

18 A. That's exactly what I'm saying.

19 PRESIDING JUDGE VELDT-FOGLIA: Shall I first ask my question?

20 Why, why do you think that they should not talk? About what did  
21 they -- should they not talk?

22 A. [REDACTED] This issue needs to be investigated.

23 I think that this is how it was. That's my opinion. It's not that I  
24 have any evidence or anything, but it's my right to hold my opinion.

25 Also, if you have investigated this issue before, there are as

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1 well witnesses, eye-witnesses, that have seen him being taken away.

2 [REDACTED] In the moment in time when he

3 was taken away, when he was put in the car, [REDACTED]

4 And there have been other people as well. Many other people.

5 PRESIDING JUDGE VELDT-FOGLIA: But let me put it my own words  
6 and please correct me if I have not understood you well.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Is that what you are saying?

12 A. That's what I think.

13 PRESIDING JUDGE VELDT-FOGLIA: And why do you think that  
14 [REDACTED] -- that it is like that?

15 A. Why do I think that this is like this? Because in no moment in  
16 time did they raise this issue before. This makes me think that it  
17 can be like that.

18 PRESIDING JUDGE VELDT-FOGLIA: Now, I'm asking this because I  
19 want to clarify. So because it could also be that it was, I don't  
20 know, just a work relation that has nothing to do with -- do you have

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE VELDT-FOGLIA: But I also read that you talked

25 [REDACTED]

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1 interested in talking about it. Did I understand that well?

2 A. Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: And, for the record, I refer to  
4 the witness statement -- your witness statement we have already been  
5 mentioning several times, and it's Part 4, page 2, and then line 1  
6 until 4, less or more. Yes. Or till 6.

7 You say they were not interested. Could you tell the Panel some

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. Yes. According to them, he allegedly collaborated with the  
22 Serbian police and was involved in different thefts. He stole the  
23 wallet from a pregnant woman.

24 What I'm saying here is what I heard from those who accused him  
25 and who were telling this to us, to the three of us who were detained

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1 there.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes, indeed. About specifically  
3 the point of the thefts and about the theft of the wallet of a  
4 pregnant woman at the market - that's Part 2, page 2, line 12 - did  
5 you have any information about that, if it was true that he was  
6 involved in that specific theft or other thefts?

7 A. Maybe he was. I don't know. However, that does not justify  
8 their actions, their anti-human actions based on thefts.

9 PRESIDING JUDGE VELDT-FOGLIA: I was trying to clarify,  
10 Mr. Witness, the reasons for which they allegedly have been doing  
11 that, and to see what you know about it, if it's true or not. I'm  
12 not giving any other comment on if it were --

13 A. I don't know. I can give you my opinion, but to what extent it  
14 would be relevant, I don't know.

15 [REDACTED]

16 [REDACTED]

17 A. Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Were you in Zllash during the  
19 Serb offensive in the end of April? Can you remember that?

20 A. Yes. I probably was.

21 PRESIDING JUDGE VELDT-FOGLIA: And what did you -- why did you  
22 go there in that period?

23 A. As I said, I was armed then. If you're referring to the period  
24 of time [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 THE INTERPRETER: Microphone, please.

9 PRESIDING JUDGE VELDT-FOGLIA: When was it when you relate it to  
10 the period of your detention?

11 A. This happened after the release. Can you please repeat your  
12 question, Your Honour? I'm sorry.

13 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] makes  
14 sense to me. But the question was: Can you relate the moment you  
15 went to Zllash to the time you were detained? Or I can put it more  
16 concrete. Was it before or after you were detained?

17 A. It was after. Much after. Approximately a month after. A  
18 month after I had been detained. That's when the -- my last going  
19 there occurred.

20 PRESIDING JUDGE VELDT-FOGLIA: In your witness statement,  
21 Part 1, page 44, line 7 and further, you also stated that it was  
22 after your imprisonment. It was later. And now you say: I think it  
23 was about a month after that.

24 A. Yes. Because it was the Serb offensive. Then we went to  
25 Prishtine. We stayed there for several of days, as I mentioned

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1 earlier, in a couple of locations. Then [REDACTED] And  
2 then again I was threatened by the Serbs. They shot at me. And then  
3 after they withdrew, [REDACTED] and only  
4 then I went there. This is correct.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 A. And we carried out certain activities in my village. We also  
7 [REDACTED]  
8 [REDACTED] so that the population did not get any  
9 infection, to stop any potential infections.

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

11 I'm looking at the clock. It's now a natural moment to take the  
12 break. We will continue after the lunch with some more questions,  
13 but that won't be taking the whole next session, I suppose.

14 So, Madam Court Usher, could you please usher the witness out.

15 And then we see each other in one and a half hours, so that  
16 means at 2.20. Thank you for now.

17 THE WITNESS: [Interpretation] Thank you, Your Honour.

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please, I was  
19 reminded of something.

20 Madam Court Officer, could you bring us into public session.

21 [Open session]

22 THE COURT OFFICER: Your Honours, we're back in public session.

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

24 Mr. Witness, we will now take a break for one and a half hours,  
25 and after that, we will continue with some questioning. So we see

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1 you back at 2.20. Thank you.

2 THE WITNESS: [Interpretation] Thank you, Your Honour.

3 [The witness stands down]

4 PRESIDING JUDGE VELDT-FOGLIA: We will now break and we will  
5 resume at 2.20.

6 The hearing is adjourned.

7 --- Luncheon recess taken at 12.54 p.m.

8 --- On resuming at 2.24 p.m.

9 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Let's call  
10 appearances.

11 I see that the SPO is in the same composition.

12 And I see that there has been a slight change in the composition  
13 of the Victims' Counsel.

14 MS. PUES: Yes. Yes, Your Honours. I lost my co-counsel but  
15 only temporarily for this afternoon's session.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. That is noted for the  
17 record.

18 And I look at the Defence team. I see that they are still the  
19 same.

20 And I see Mr. Mustafa, who is present via videolink. Very well.

21 Now we will continue with the questions of the Panel.

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

23 [The witness takes the stand]

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

25 Please have a seat.

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1 I will wait until some water has been poured for you. Thank  
2 you.

3 THE WITNESS: [Interpretation] Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: We will continue with some  
5 questions from the Panel.

6 Mr. Witness, we are now in public session. I will ask some  
7 questions in public session and some in private. Now we are in  
8 public session.

9 This morning I asked you how you knew that the first name of  
10 Cali who was in charge of Zllash was Salih. And you said to us that  
11 he introduced himself. And I refer to the transcript, page 51,  
12 lines 10 till 19.

13 Yesterday in your testimony you said the following, and that is  
14 page 95 and then lines 8 till 10:

15 "Did that Cali who told you, 'I am Cali,' introduce himself to  
16 you by his full name?"

17 And then you said:

18 "No, I did not ask about their names."

19 Could you clarify that for the Panel?

20 A. Yes. He introduced himself like that, by that name.

21 PRESIDING JUDGE VELDT-FOGLIA: What I understood - and please  
22 correct me if I'm wrong - I'm just here to understand if there -- if  
23 you're saying the same. I understood that the person introduced  
24 himself by Cali and not by his names. So not by Salih.

25 A. Yes, he introduced himself as Cali, that what's I remember.

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1           PRESIDING JUDGE VELDT-FOGLIA: Yes. But did he also say what  
2 his first name was then?

3 A. From what I remember, and also according to the others that were  
4 present there, this was his name. His name was Salih.

5           PRESIDING JUDGE VELDT-FOGLIA: But what you said yesterday is  
6 that he did not introduce himself by his full name. Yesterday you  
7 said that he did not do that. And today, from my understanding, you  
8 are saying that he did do that. And I'm trying to understand where  
9 it is that we might not understand each other.

10 A. I do not exactly remember, but I know for a fact that he  
11 mentioned the nickname Cali for himself. Whereas from others that  
12 were present there, I remember that I heard from other persons that  
13 were there that his name was Salih. So this was not from himself  
14 that he said that "I am Salih," but from others.

15           He did not introduce himself with his real name but he  
16 introduced himself as Cali, whereas the other persons that came in my  
17 yard and they told me that they were going towards Prishtine, those  
18 that rested in my yard, those other persons, those accompanying him  
19 said that his name was Salih.

20           I didn't know any of them. I only heard about this nickname  
21 Cali, and that was the name that he was called even during the time  
22 that I was having the training there.

23           PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. We leave  
24 it there.

25           Furthermore, there's something else I would like to understand.

1 [REDACTED]

2 [REDACTED]

3 A. No. I said that he said that he was Cali and that he was in  
4 charge of the group that was in my yard. If we are talking about the  
5 same person.

6 PRESIDING JUDGE VELDT-FOGLIA: I'm just quoting what I -- what  
7 we wrote down this morning. [Microphone not activated]. You say you  
8 were only referring to him as being in charge of this group.

9 A. Yes. This is how he introduced himself. For that group that  
10 was present with him, right there and then, in my yard. I'm telling  
11 you what I remember him being -- telling me.

12 PRESIDING JUDGE VELDT-FOGLIA: So --

13 THE INTERPRETER: Microphone for Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: What you said is those persons,  
15 those group, from which -- which military group was that? What was  
16 the name of that military group?

17 A. They mentioned BIA, B-I-A.

18 PRESIDING JUDGE VELDT-FOGLIA: Yes, B-I-A.

19 And to get it clear, that person who was present who went -- who  
20 came to your yard with the name Cali, being the head of this group of  
21 BIA, he -- was he -- I will ask the question. Was he in charge of  
22 BIA?

23 A. I do not know. He said, "I'm in charge of this group." I don't  
24 even know what BIA was back then. Therefore, I don't know more than  
25 this. I don't know anything else about this group, but I was just

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1 telling you what I remembered him telling me. I didn't ask him what  
2 group that was, what his job, because I was not interested in that.

3 PRESIDING JUDGE VELDT-FOGLIA: I will read out to you what you  
4 said yesterday on page 95, and that's a summary of what  
5 Mr. Prosecutor said of -- a summary of what you have said and it's  
6 the summary made by the Prosecutor.

7 And he says, and that's page 95, line 3:

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 And you said that that is correct.

13 A. Yes, but I understood this later on. Namely that he was in  
14 charge of this group. It was very later on that I got to know this.  
15 I didn't know it back then.

16 PRESIDING JUDGE VELDT-FOGLIA: I will put it in my own words  
17 because there is something I don't understand here, or maybe it is a  
18 just a coincidence. What you are saying is that [REDACTED]

19 [REDACTED]

20 is that correct?

21 A. This is how he introduced himself.

22 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. And that same  
23 person said that there is another person called also Cali who is also  
24 the head of BIA?

25 A. No, he didn't say that. We were discussing with the Prosecutor

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1 here that later on I got to know that this person, the person that is  
2 accused here, was in charge of BIA. Because I didn't know who that  
3 person was. I didn't know who was in charge of the BIA.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 This is the answer to your question.

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

9 I think that the best would be now to go into private session.

10 Madam Court Officer, could we go into private.

11 [~~Private session~~] [Open session]

12 THE COURT OFFICER: Your Honours, we're in private session.

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

14 I want to go back to the transcript of today, page 63, lines 10  
15 till 13 for further reference for the record. And there, you said

16 [REDACTED] That

17 is correct, isn't it?

18 A. This is what he told me. It was not only him but there were too

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. This happened after [REDACTED] He

24 told me that there was a sort of a vehicle with some persons that

25 took him away. And he told me that, "Myself was present there," as

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1 well as some other people from the same neighbourhood.

2 PRESIDING JUDGE VELDT-FOGLIA: And did he tell you who else by  
3 name was present when this happened?

4 A. I do not remember, but we can ask him.

5 [REDACTED]

6 [REDACTED]

7 A. No, he didn't say anything about that.

8 PRESIDING JUDGE VELDT-FOGLIA: [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 PRESIDING JUDGE VELDT-FOGLIA: And can you also indicate where  
12 he lives? The town. The town.

13 [REDACTED]

14 PRESIDING JUDGE VELDT-FOGLIA: And what for work does he do?

15 A. [REDACTED]

16 PRESIDING JUDGE VELDT-FOGLIA: Good. That is, for now, what I  
17 would like to ask you about this issue.

18 I've still a question for private, but I would like to do that  
19 at the end.

20 Madam Court Officer, we can go back into public because this is  
21 a question we can do in public.

22 [Open session]

23 THE COURT OFFICER: Your Honours, we're in public session.

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

25 Mr. Witness, when you got out of the barn, when you were

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1 released and free to go, could you see from there when you were  
2 outside the barn, could you see the school and the oda?

3 A. I did not see any of them, but I think that one could see those  
4 two objects from there, because the buildings are visible.

5 PRESIDING JUDGE VELDT-FOGLIA: But why could you not see them?

6 A. I didn't want to see them. It's not that I turned my head back  
7 to see anything. I just continued straight ahead. But from that  
8 place, from that position, you can see every object or every building  
9 that is around.

10 PRESIDING JUDGE VELDT-FOGLIA: And at what distance,  
11 approximately, the school would be and the oda? I don't know if they  
12 are the same distance or less or more.

13 A. They can be very close to one another. So about 20, 30 metres  
14 or 50 metres, maximum. I don't exactly remember, but they were  
15 close.

16 In general, all the buildings there were very close, so that is  
17 something that can you identify by the satellite photos. I mean,  
18 everything was within 100 square metres, approximately. There were  
19 not many buildings there. There were not too many buildings.

20 PRESIDING JUDGE VELDT-FOGLIA: In the SPO statement, Part 2,  
21 page 7, line 17, we can pull that up. And then line 17.

22 What I understood that you said there, that between the place  
23 you were held, the barn, and the place you had the training, and from  
24 my understanding that was the school, you say -- you said it was no  
25 further than 200 metres.

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1 A. Approximately that was the distance. I can't tell you exactly,  
2 but it was that, the distance. Because about the training and the  
3 exercises, we hold those trainings outside in the mountains. I don't  
4 know whether you're talking about the training inside or indoors or  
5 outside. Because, like I said, we had theoretical parts at the  
6 school, whereas outside, outdoors, we had the physical training.

7 However, in general, every building is in that distance.  
8 Because I can't really exactly tell you what the perimeter of the  
9 place was, but approximately that's correct.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your clarification,  
11 Mr. Witness.

12 Madam Court Officer, could you -- you can please pull the  
13 evidence away, and could you please bring us back into private  
14 session.

15 ~~[Private session]~~ [Open session]

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

17 [Trial Panel confers]

18 MR. SHALA: I understand from Albanian that he is using word  
19 "forest," not "mountain" as is in translation. And it is different.  
20 It is line 13, page 76.

21 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, you said that there  
22 were trainings outside and inside. And the trainings outside, where  
23 were they held?

24 A. Around there in the mountain.

25 THE INTERPRETER: Interpreter's note: "Mal" in Albanian is a

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1 mountain.

2 A. For -- about the gentleman, the mountain and the forest are the  
3 same thing in grammar. They are not two different things.

4 PRESIDING JUDGE VELDT-FOGLIA: So what did you intend to say?  
5 In the mountains or in the forest?

6 A. Mountain. So the mountain and the forest is the same thing.  
7 And the gentleman can tell you.

8 PRESIDING JUDGE VELDT-FOGLIA: So then --

9 MR. MICHALCZUK: Your Honours --

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

11 MR. MICHALCZUK: As this witness is also competent to a certain  
12 in English, maybe he could tell us in English what he wanted to say  
13 really. Maybe that would fix the problem.

14 PRESIDING JUDGE VELDT-FOGLIA: I think it is -- for this is a  
15 good suggestion.

16 Do you intend to say mountain or forest? Or do you know what  
17 mountain means and what forest means in English?

18 THE WITNESS: Forest. Forest. "Forest" in Albanian, it have  
19 two names, "mal" and "pyll."

20 [Interpretation] In the Albanian language, if we speak in the  
21 grammatical point of view, the mountain -- I mean, "mal" is a  
22 mountain. Whereas the way in how we use them in daily language, it  
23 is a forest. So that's the only difference between the two.

24 PRESIDING JUDGE VELDT-FOGLIA: And which of the two you want to  
25 use as being a translation of what you have been saying in Albanian?

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1 You were training in the mountains or in the forest?

2 A. In the forest. It's the same. I don't know how you get it, but  
3 it's the same. For me, the forest and the mountain is the same thing  
4 in the Albanian language. Probably in the English language, that's  
5 two different terms, but in Albanian it's one and the same term.

6 PRESIDING JUDGE VELDT-FOGLIA: You can have a mountain without a  
7 forest. Therefore, I think we can have a kind of confusion. And you  
8 can be in the forest without being in the mountains if are you in a  
9 flat country.

10 A. Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: So what I understand that it was  
12 a mountain with a forest on it; is that correct?

13 A. Yes, a mountain with a forest. We have a different name for the  
14 mountain without the trees.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. I think that that has --

16 THE INTERPRETER: It's called "bjeshke" [phoen] in Albanian.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you. That has been a  
18 little clarification about language and culture. Thank you for this.  
19 And we all cooperated in this. Thank you.

20 We are in private session. Is that correct? Yes.

21 So we are going to our next question, Mr. Witness.

22 Yesterday - and I see that I don't have the reference to it, but  
23 it was also in the SPO witness statement, Part 3, page 12, and the  
24 reference will follow - you were asked a question about something  
25 that happened [REDACTED] that something was said to you

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1 and you understood that as [REDACTED] Do you remember  
2 that episode?

3 A. Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: Yes, it's in the witness  
5 statement, it is Part 3, page 13, line 1 till 15.

6 And my question is: Do you remember who made that threat? You  
7 understood this as a threat you said in line 8: "I understood it as  
8 [REDACTED] ..."

9 Do you remember who made that threat?

10 A. A colleague during conversation. I don't know who precisely  
11 that was, because after I got home, I realised that it had to do with  
12 a sort of a threat. [REDACTED]

13 [REDACTED] I didn't think right then that that's  
14 what he meant, but when I went back home, I analysed what he said and  
15 I realised that there are many persons who were connected to the  
16 system then and who represented a problem for many issues.

17 PRESIDING JUDGE VELDT-FOGLIA: My question is: Why -- how is it  
18 that you cannot remember somebody who makes such kind of a threat?  
19 And then my underlying question is: Are you afraid to say it?

20 A. I will repeat what I said. We were talking about the topical  
21 issues at that time, conversation about persons who had committed  
22 various crimes, who were suspected of committing various crimes, and  
23 this person [REDACTED] I do not know because I did not  
24 pay attention to it, who that person was. I didn't pay attention at  
25 that time. But, again, I'm saying once I returned home, I realised

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1 that something was wrong. But I do not remember who that person was,  
2 and I think I mentioned this in my earlier statements. If I had that  
3 information, if I knew it, I'm not scared of him or anybody else. I  
4 would say it.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Yesterday you  
6 [REDACTED]

7 [REDACTED] That's transcript page 90, lines 8 till 10. You  
8 said -- wait, wait, wait.

9 A. That's correct.

10 PRESIDING JUDGE VELDT-FOGLIA: You said, you looked at yourself  
11 in the mirror and you saw the injuries you had. And then you said:

12 "And that's something that I didn't tell to anyone, [REDACTED]  
13 [REDACTED]

14 And my question is: Why did you not tell your family?

15 A. I didn't want to upset them. I did not discuss things linked to  
16 me, personal things in relation to what happened. Because [REDACTED]  
17 [REDACTED] So I didn't want to get them  
18 upset about this issue.

19 PRESIDING JUDGE VELDT-FOGLIA: And that was the reason?

20 A. Yes. And they didn't know. The only way they could have known  
21 is if [REDACTED] found out in the meantime from somebody in the  
22 neighbourhood. Because words are transmitted from one person to  
23 another back there, so if somebody from the soldiers who were at  
24 Zllash and knew about this said something about this, it could be  
25 that [REDACTED] found out about it. But [REDACTED] never found out

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1 about it. And nobody from my family learned it from me. And nobody  
2 was informed about this from my family.

3 PRESIDING JUDGE VELDT-FOGLIA: And do they know it now?

4 A. [REDACTED]

5 [REDACTED] they knew -- they know that I was detained but they  
6 don't know the other things, like how the detention happened, what we  
7 went through and things like that.

8 And what I mentioned earlier, [REDACTED] knows, he was present

9 [REDACTED]

10 [REDACTED]

11 what happened. And he told me about this once -- after I had  
12 returned from there.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. I owed  
14 the parties and Victims' Counsel a reference, and that's transcript  
15 10 November, page 108, lines 1 till 21. That's for the record.

16 And now this question, Madam Court Officer, could you pull up  
17 Part 4, page 8, of the witness statement. It's the witness statement  
18 we have been referring to all the time with the same ERN number. And  
19 then it's line 5 till 9.

20 Here you say -- you were informed that you could be called to  
21 testify as a witness at the Specialist Chambers. And then you said:

22 "I only ask for names I have mentioned here to be kept in a way  
23 confidential because I don't want them to know. And I don't want to  
24 have problems which would then put in danger myself, my life, or my  
25 family, because I don't fear them, but then [REDACTED]

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1 [REDACTED]

2 And my question is: Who do you refer to when you say "I don't  
3 want them to know"?

4 A. Not to know. It's not that I am scared of them, and I'm  
5 referring to the persons who placed me there, in that location. For  
6 the persons responsible about the issue at question. The suspects  
7 related to my circumstances.

8 PRESIDING JUDGE VELDT-FOGLIA: In this portion of the statement,  
9 you say: "I ... ask for names I have mentioned to be kept in a way  
10 confidential ..."

11 I understand, but please correct me if I'm wrong -- because  
12 that's what we're doing here, trying to clarify what you have said at  
13 an earlier moment or to discuss what you have said here. Which names  
14 are the names that have been mentioned in your witness statement that  
15 you want to keep confidential? You have mentioned several names in  
16 your witness statement.

17 A. It's not clear to me. Can you please expand it a bit?

18 PRESIDING JUDGE VELDT-FOGLIA: I can try to expand it.

19 What were you trying to say here in this portion that is was  
20 translated to you? You have now the English version. Is that true?  
21 In front of you, Mr. Witness?

22 A. Yes, yes.

23 PRESIDING JUDGE VELDT-FOGLIA: I can read out it again so it  
24 will be translated again to you in Albanian and then I will ask my  
25 question again, because I don't know if I can ask it any clearer than

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1 I did.

2 But:

3 "I only ask for names," you said "I have mentioned here to be  
4 kept in a way confidential ... I don't want them to know ..."

5 And my question to you is: Who are "them"?

6 A. Yes, very simple. For the suspects. It is very clear. It's  
7 about not having problems with those persons. These are the names  
8 that we mentioned during interviews in general. So it's very clear,  
9 so that they are not mentioned, and who these persons are, and these  
10 are the many persons who are there and for whom we've talked about  
11 until now.

12 PRESIDING JUDGE VELDT-FOGLIA: So you mean the persons we have  
13 discussed today and yesterday, or the persons we have discussed in  
14 your witness statement before the SPO?

15 A. In general, for all of them.

16 PRESIDING JUDGE VELDT-FOGLIA: Could you give an example who you  
17 mean? Because, for me, it's still in the air.

18 A. For example, the persons related to this issue, the person we  
19 mentioned earlier, [REDACTED] and [REDACTED] and the other and the  
20 other, and

20 many others.

21 PRESIDING JUDGE VELDT-FOGLIA: You don't want to name them  
22 explicitly? I'm not going to put words in your mouth, Mr. Witness,  
23 so I'm asking you to mention them, and if you cannot mention them  
24 because you don't know, you can. But, if not, I would ask you to  
25 mention them.

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1 A. What I said here is that the security measures taken by you are  
2 taken so that I don't have problems with them. This is how I  
3 understand this, problems with them.

4 Who are they? You know who they are. I have mentioned names,  
5 some names that are related to that issue now and we've repeatedly  
6 mentioned them.

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

8 A. When I said this, I was extremely concerned. I'm trying to hold  
9 myself here. So what I meant was that I don't want them to have  
10 problems with me or with my family because in that case, [REDACTED]  
11 [REDACTED] I don't know if I'm clear enough.

12 So that these persons do not have any impact on the development of  
13 events. And when I say "impact," I mean in a negative way.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness, for your  
15 clarification.

16 Mr. Witness, we reached -- let me see. We are in private  
17 session.

18 Madam Court Officer, could you bring us into public.

19 [Open session]

20 THE COURT OFFICER: Your Honours, we're in public session.

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

22 Mr. Witness, we reached the end of your testimony. I can  
23 imagine that it has been demanding to be here yesterday and today,  
24 and I would like to thank you for your efforts put into giving your  
25 testimony. I believe that your testimony will help in our effort to

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1 find the truth.

2 For now, we wish you a safe journey home. I remind you not to  
3 talk with anybody about your testimony before the  
4 Specialist Chambers, and this is the end your position here as a  
5 witness.

6 Thank you for now.

7 THE WITNESS: [Interpretation] Thank you, Your Honours. And for  
8 the other part, you know very well that I haven't told my family even  
9 for this issue, and the time has come. Instead of resolving these  
10 issues in your own country within a short period of time, that was  
11 impossible in Kosovo and this is still impossible in Kosovo, and this  
12 is very concerning about me, about my family, and all the honourable  
13 people. Whereas I will be cooperative at all times, including in the  
14 future. And in case you need anything, I will be there. 22 years  
15 have passed, and I apologise if I was unable to explain things in  
16 details. I only spoke about things that I remembered myself, things  
17 that I saw myself, and things that have remained in my mind from that  
18 time.

19 Thank you very much.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. As I  
21 said to you, we thank you very much for your efforts you have put in  
22 giving your testimony here. We have duly noted what you said to us.  
23 Thank you.

24 THE WITNESS: [Interpretation] Thank you, Your Honours. Thank  
25 you, all. I wish you good health and good work, and I hope

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1 everything will reach a result, all the cases, and that everybody  
2 will get their deserved punishment based on the acts they committed.

3 [The witness withdrew]

4 PRESIDING JUDGE VELDT-FOGLIA: It's now 10 past 3.00. We will  
5 first see if there is anything we would like to raise any further.

6 MR. MICHALCZUK: Just one last point as a formal point.  
7 Yesterday we discussed the issue of certain documents in Albanian  
8 language with this witness, and yesterday they were not translated  
9 into English. Right now they are translated and they have been  
10 released in Legal Workflow. They are disclosed for Your Honours'  
11 inspection.

12 Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Good. Very well. So they are --  
14 so for our information, they are disclosed now. I see nodding from  
15 the team.

16 MR. MICHALCZUK: [Microphone not activated].

17 PRESIDING JUDGE VELDT-FOGLIA: This morning.

18 MR. MICHALCZUK: It's disclosure batch 96.

19 PRESIDING JUDGE VELDT-FOGLIA: I saw that. Thank you. But I  
20 didn't know that was the translation. Thank you very much.

21 The Victim's team, Victims' Counsel team, is there something you  
22 would like to raise?

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

24 PRESIDING JUDGE VELDT-FOGLIA: Very well.

25 Defence counsel, is there something you would like to ...

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

2 PRESIDING JUDGE VELDT-FOGLIA: Please go ahead.

3 [Specialist Counsel confer]

4 MR. SHALA: Your Honour, may I?

5 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

6 MR. SHALA: Yeah, I want just to know something. I'm not really  
7 sure about this. Does the interpreter have a right to give any  
8 comment in the transcript? Not to translate, to give a comment?  
9 Like, example, in page 77, line 10.

10 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] But  
11 would you like to -- because before I will answer --

12 THE INTERPRETER: Microphone for Your Honour, please.

13 PRESIDING JUDGE VELDT-FOGLIA: You have made that request. I  
14 will give the floor also to the SPO to see what they think of that.  
15 But what is the point you want to make? Because you ask if they have  
16 a right and I would like to know what the problem for you was, what  
17 the underlying problem is that we should address.

18 MR. SHALA: Yeah. The problem is the interpreter part and does  
19 they have a right to put something, any comment, not to translate,  
20 but to put the comments on transcript? Does they have a right to do  
21 that?

22 PRESIDING JUDGE VELDT-FOGLIA: There is a procedure for the  
23 verification if there are any issues. So if you don't agree with  
24 how -- not you, but in general, if the parties, the Victims' Counsel,  
25 the Panel, is of the opinion that a translation is not as it should

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1 be, yeah, we can go through that procedure. And what we also do is  
2 try to resolve it in court because this procedure can be a little bit  
3 burdensome and -- because it takes a little bit more time and if we  
4 do it in court, it is resolved quicker.

5 So I would not speak in terms of rights, but I would speak in  
6 terms of clarification, what is said in court by the witness and how  
7 it is translated, to be sure that what eventually ends up in the  
8 record is what the witness said. And sometimes they need to make a  
9 comment in order to explain how they come to a certain translation.  
10 But if you have a -- if you think that the translation as it is now  
11 in the transcript is not correct, we can resolve it and go into the  
12 procedure which is for that.

13 MR. SHALA: Thank you. My question is not that. For that, I  
14 know the procedure what we have to do with -- if we think something  
15 is wrong translated.

16 My question is: Does the translator have a right to put  
17 something in a transcript? Without -- it is not translated. It is  
18 not translation, this, what is this here.

19 PRESIDING JUDGE VELDT-FOGLIA: My first idea would be, Defence  
20 counsel, that if the remark is made in the context of making clear  
21 what was meant by the witness, I would not see a problem. But it  
22 should be done in that context.

23 MR. SHALA: Okay.

24 PRESIDING JUDGE VELDT-FOGLIA: And I agree with you, in general,  
25 that we all have our own roles, of course. But if it's in the

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1 context of trying to clarify - and you are referring, of course, to  
2 the forest - then in order to help us, they could make a comment to  
3 make it clearer.

4 That would be my answer to you.

5 MR. SHALA: Okay. Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: I look at the  
7 Specialist Prosecutor. Would you like to make a comment on this?

8 MR. MICHALCZUK: Your Honour, I mean, the position of the SPO is  
9 that whatever serves the process best should be the approach adopted  
10 by ourselves. So if there is a linguistic issue that the whole  
11 discussion resolves around and it is necessary for us to better  
12 understand, perhaps the comment of the interpreter is nothing -- is  
13 nothing that we cannot live with.

14 However, if on a certain point the counsel, who is competent  
15 also in Albanian, has got an issue, particular issue, he can always  
16 object as he has done right now. But I think Your Honour has  
17 clarified the issue sufficiently.

18 PRESIDING JUDGE VELDT-FOGLIA: Good.

19 MR. MICHALCZUK: Thank you.

20 PRESIDING JUDGE VELDT-FOGLIA: And Victims' Counsel.

21 MS. PUES: Yeah, perhaps just very briefly a couple of points  
22 here.

23 The one point is that, as far as I'm aware, other international  
24 tribunals -- or I should say at international tribunals where you  
25 regularly have to have translation, it is a practice that

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1 interpreters's notes are added to the record and understanding the  
2 record as a record of what we have heard in court, and this also, of  
3 course, means because we did hear what those -- what the interpreter  
4 added, it is important to have this context when later going through  
5 it. It certainly is also important to note, as has been done here,  
6 that it was an interpreter's note and labelled as such.

7 But what I would like to point out that is that the learned  
8 counsel certainly was right in raising the issue in the first place,  
9 in particular, about language issues which, well, show where  
10 sometimes the discrepancies are and the culture gaps that I mentioned  
11 at the start of this trial.

12 So the record is certainly a little bit more than only what the  
13 witness has been saying.

14 Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: Good. If the parties and the  
16 Victims' Counsel don't have -- have not anything to raise anymore, we  
17 will resume the hearing till next week, Wednesday, that is  
18 17 November, at 9.30, for the hearing -- for the testimony of the  
19 next witness, which is W04676.

20 I thank the parties and the Victims' Counsel for their  
21 attendance. I wish to thank the interpreters and our stenographer  
22 and the people in the audio-visual booth and the security for their  
23 assistance.

24 The hearing is adjourned.

25 --- Whereupon the hearing adjourned at 3.20 p.m.