

1 Thursday, 12 May 2022

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.45 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

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

7 THE COURT OFFICER: Good morning, Your Honours. This is 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 the appearances. For the SPO, I see
11 that you are in the same composition as yesterday.

12 MS. D'ASCOLI: Yes, Your Honours.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we note that.

14 And for the Victims' Counsel, it's the same.

15 MS. VOSENBERG: Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay, I see Madam Pues connected
17 with us on Zoom. Very well.

18 And for the Defence, also in the same composition. Very well.

19 And Mr. Mustafa is present in the courtroom.

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

21 Today we will continue with the testimony of Defence
22 Witness 1600, Mrs. Teuta Hadri, and before doing so, the Panel will
23 render a number of oral orders.

24 After that, Defence Counsel, I will come back to you with regard
25 to the translation issue that arose yesterday. I will give you the

1 floor for that.

2 And then we will start with the questioning by the
3 Victims' Counsel.

4 The first oral order is for the Defence.

5 The Panel notes that after the accused's unsworn statement,
6 scheduled to take place on 19 and 20 May, so next week, there will be
7 no more witnesses or any further oral evidence to be adduced by the
8 Defence. Moreover, by way of oral order on 21 April 2022, the Panel
9 has set Wednesday, 25 May, as the time-limit for the parties and the
10 Victims' Counsel to submit their requests tendering the exhibits used
11 during their respective examinations of the Defence witnesses who
12 testified in the months of April and May 2022.

13 In addition to such requests, if any, should the Defence seek
14 the admission of any other material than that used during the
15 examination of witnesses - namely, material under Article 37 of the
16 law, or other material - it shall submit a request to this effect
17 also by Wednesday, 25 May 2022.

18 Thereafter, the Panel considers it appropriate to set Thursday,
19 26 May 2022 as the target date for the closing the Defence's case,
20 pursuant to Rule 131 of the Rules. On 26 May, the Defence shall
21 therefore file a written notice under Rule 131 of the rules informing
22 the Panel, the SPO, and Victims' Counsel that there are no more
23 witnesses to be called or other evidentiary material to be presented
24 and close its case.

25 This concludes the Panel's first oral order.

1 The second oral order is for Victims' Counsel.

2 Pursuant to the oral order of 23 March 2022, the Panel ordered
3 Victims' Counsel to propose one or more experts to assist the Panel
4 in assessing the financial compensation for the material damage
5 allegedly suffered by the direct victims. The Panel has received the
6 submissions by Victims' Counsel suggesting the appointment of one
7 expert, which is filing 392, on 21 April of 2022, as well as her
8 submission transmitting the CV of this proposed expert, which is
9 filing 397, and that was on 25 April 2022.

10 The Panel would now like to receive further information from
11 Victims' Counsel on how much time she envisages that the proposed
12 expert will need in order to submit his report, should he be
13 appointed by the Panel. The Panel will take this into consideration,
14 among other things, of course, in order to decide whether to hold
15 reparation proceedings after the judgement, in case a conviction on
16 one or more counts is entered.

17 Given that the Panel has previously requested the
18 Victims' Counsel to submit further observations on how she intends to
19 proceed in order to assess the financial compensation for the damage
20 allegedly suffered by indirect victims by Monday, 23 May 2022, which
21 is filing 403, the Panel hereby requests Victims' Counsel to include
22 in this submission the above-mentioned information.

23 This concludes our second oral order.

24 The third and last oral order concerns the items that
25 Victims' Counsel intends to use during her questioning of Defence

1 Witness 1600. A short preview was given yesterday.

2 Victims' Counsel has requested leave from the Panel, via e-mail
3 dated 10 May at 3 minutes past 4.00 in the afternoon, to use newly
4 disclosed items in her questioning of the witness. The material
5 concerned has been previously disclosed by the SPO on the same day,
6 at 18 minutes past 9.00 in the morning, in disclosure batch 139, as
7 also mentioned by the Victims' Counsel in her request.

8 The Panel notes that the newly disclosed items are versions of
9 material previously disclosed, namely, English translations of
10 Albanian excerpts of the book written by the Defence Witness 1600.
11 The Panel finds that the material is not lengthy and that the Defence
12 was already in possession of the original version of the document.
13 Further, the Defence does not oppose the use of the material by
14 Victims' Counsel.

15 Accordingly, the Panel authorises Victims' Counsel to use said
16 material during her questioning of Defence Witness 1600, pursuant to
17 paragraph 31 of the conduct of proceeding decisions, which is filing
18 170.

19 And this concludes our third oral order.

20 So now we can proceed with the testimony of Defence Witness
21 1600. And before I have the witness ushered in, Defence Counsel,
22 yesterday at the end of the day you raised the issue of a translation
23 inaccuracy or problem. I want to give you the floor because I saw
24 that we didn't go into the content at all.

25 So please proceed.

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

2 I read it in Albanian. It is page 28, Albanian version.

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

4 MR. SHALA: Of statement of witness. It is lines 10 and 11.

5 And in English version is page 25 and lines 16 and 17.

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

7 You say the witness statement, Defence witness statement or SPO?

8 MR. SHALA: No. The witness statement given to the Prosecutor,
9 in front of SPO. And this --

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. And Part 1 or Part 2?

11 MR. SHALA: Part 2.

12 PRESIDING JUDGE VELDT-FOGLIA: Part 2, okay. Then we go to
13 Part 2, page -- so the last page?

14 MR. SHALA: 28, Albanian version.

15 PRESIDING JUDGE VELDT-FOGLIA: And the English version?

16 MR. SHALA: English version is 25.

17 PRESIDING JUDGE VELDT-FOGLIA: 25, very well. And then --

18 MR. SHALA: And the line is 16, 17 of English version.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes.

20 MR. SHALA: And line 10, 11 of Albanian version.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please.

22 MR. SHALA: So I'm going to read in Albanian, and I believe the
23 translator will translate, and check it is same with English version.
24 Yes?

25 PRESIDING JUDGE VELDT-FOGLIA: Very well.

1 MR. SHALA: Yes, thank you.

2 [Interpretation] "... unjust and I believe that this Court will
3 work justly."

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

5 Thank you, again.

6 "... unjust and I believe that this Court will work justly."

7 And can you indicate for us, Defence Counsel, which line
8 exactly, which part of the line has been translated right now.

9 MR. SHALA: Line 10 and 11.

10 PRESIDING JUDGE VELDT-FOGLIA: In the Albanian version. And in
11 English version is lines 16 and 17? And allow me to read out what I
12 then -- I see here in line 16, a dot, and then a new sentence starts
13 with "and."

14 "And that I believe the Specialist Chambers won't work fairly."

15 Is that --

16 MR. SHALA: Yes.

17 PRESIDING JUDGE VELDT-FOGLIA: -- the part of the sentence you
18 want to indicate? Okay.

19 Yes, in the translation, it says:

20 "And I believe that this Court will work justly."

21 Thank you.

22 MR. SHALA: Yes, you're welcome. This is all about this.

23 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, does this give
24 rise for you to re-ask the question or ask a different question.

25 MS. D'ASCOLI: No, no, Your Honours, because this is in line

1 with what the witness explained. I just stood up because as the
2 Defence Counsel was reading the sentence, my suggestion was that he
3 would read the whole sentence so that it was clearer for the record
4 and for Your Honours. But that was all.

5 Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you. I think that has been
7 clarified.

8 Very well. Then I will usher the witness -- have the witness
9 ushered in and we can continue with the questioning by the
10 Victims' Counsel.

11 Thank you, Madam Court Usher.

12 [The witness takes the stand]

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

14 Ms. Hadri, good morning and welcome back to the
15 Specialist Chambers. Can you hear me fine?

16 THE WITNESS: [Interpretation] Yes.

17 PRESIDING JUDGE VELDT-FOGLIA: How are you doing?

18 THE WITNESS: [Interpretation] I'm doing well. Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: I hope had you some time to rest
20 yesterday evening after the intensive day. Very well.

21 I remind you that you are still under oath to tell the truth.
22 Yes? I will give the floor now to the Victims' Counsel to ask you
23 some questions.

24 So, Victims' Counsel, you have the floor.

25 MS. VOSSENBERG: Thank you, Your Honours.

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1 WITNESS: TEUTA HADRI [Resumed]

2 [Witness answered through interpreter]

3 Questioned by Victims' Counsel:

4 Q. Good morning, Ms. Hadri.

5 A. Good morning.

6 Q. My name is Brechtje Vossenbergh, and I'm here today as co-counsel
7 for the participating victims in the case. And I would like to ask
8 you a few follow-up questions about your time in Zllash.

9 Now, my first question is about what you told us yesterday about
10 watching television while you were staying in Zllash and you told us
11 that you did that on 17th of April.

12 MS. VOSENBERG: And, for the record, this was discussed on page
13 4269 to 4271 of the transcript. We've received it in the meantime
14 over Legal Workflow.

15 Q. Do you remember telling us this?

16 A. Yes.

17 Q. So does that mean there was electricity available there?

18 A. Yes. In the morning, yes, but later on, I don't know if there
19 was any.

20 Q. Okay. Thank you. Now moving right along to my second topic.
21 It's about when you arrived in Zllash in April 1999. And what I'll
22 do is I'm going to recap some of the things that you said yesterday,
23 and then I'm going get to the questions that I have about this topic.
24 So please bear with me.

25 Yesterday in court you told us that you travelled to Zllash on

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1 16 April 1999. And moving on to the last bit of your journey, you
2 told us that two soldiers drove you in a car to the location that you
3 were sent to in Zllash and that was about a 15- to 20-minute drive.
4 And from your testimony, I understand that you had been taken to like
5 a compound with a few houses. And then you told us that when you got
6 to the yard, two women came out to welcome you and then they invited
7 you to the house which they called the headquarters.

8 And, for the record, this is on page 4188, lines 3 to 4, and
9 lines 15 to 16.

10 And as you explained yesterday, these headquarters were about 10
11 to 20 metres away from the building where you slept while you were
12 staying in Zllash during those days in April.

13 And that's on 4203, lines 4 to 5 of the record.

14 Is that correct? Just the recap? Did I recap that correctly?

15 A. I said 10 to 15 or 20 minutes by car.

16 Q. Okay. Okay, that's fine. Thank you for clearing that up, then.

17 Now, you told us something about what these headquarters looked
18 like inside. And, for the record, again, page 4189, lines 12 to 15
19 of the transcript. And what you said, and I'm going to quote you:

20 "There were three or four or five stairs. There was a narrow
21 corridor. And then there were two rooms, one on the right-hand side
22 and one on the left-hand side."

23 And you said that you entered the room on the left-hand side and
24 that it was, and I'm quoting again:

25 "Just a small room. The room had nothing. It only had some

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1 mattresses on the floor. There was kind of a cupboard and nothing
2 else."

3 And, for the record, that's page 4190, lines 1 to 2.

4 And something else that --

5 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, excuse me,
6 could you slow down your pace a little bit.

7 MS. VOSSENBERG: Absolutely. Sorry. My apologies also to the
8 interpreters.

9 Q. Something else that you also said about this room, about the
10 headquarters, was:

11 "At that moment, there was nobody in that headquarters or
12 staff."

13 And that's on page 4188, line 18.

14 That's what you told us yesterday about the headquarters and
15 that room on the left. Am I correct? Again, just a recap?

16 A. Yes, that's correct.

17 Q. And so that's still your testimony today as well?

18 A. Yes.

19 Q. Okay.

20 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, she testified
21 on that. So I --

22 MS. VOSSENBERG: Yes, exactly.

23 PRESIDING JUDGE VELDT-FOGLIA: I don't think it's necessary
24 to --

25 MS. VOSSENBERG: I'm just double-checking.

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1 PRESIDING JUDGE VELDT-FOGLIA: -- ask her if she has changed her
2 mind. You can use it as a step-up question but not ask her the same
3 things.

4 MS. VOSENBERG: Okay. I will do that. And it is, in fact, a
5 step-up question.

6 Q. Because, in that case, there is something that I'd like to
7 clarify with you.

8 MS. VOSENBERG: And to do that, with the Panel's leave, I would
9 like to show the witness some passages from her book.

10 Q. That's the diary that we also talked about yesterday, that you
11 talked with Madam Prosecutor, your book, the war diary.

12 And that discussion is on page 4263 of the transcript.

13 And before I get to the question that I have, I would just like
14 to establish for the record which date the entry is that I would like
15 to discuss with the witness. Because you see, Ms. Hadri, we don't
16 have the whole book, and the first page that we have is page 251 and
17 there is no date for the entry.

18 MS. VOSENBERG: So if the Court Officer could please pull that
19 one up. It -- the English version is document number DSM00242 to
20 246, the English one. And page 251 is DSM00242. And the Albanian
21 version of the book you can find on DSM00236 to 299, and page 251 is
22 also on DSM00242. And the English translations are in that previous
23 disclosure package from the Prosecutor.

24 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, the reason that
25 you want to pull up now these extracts from the book is?

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1 MS. VOSSENBERG: The first page, I just want to establish the
2 date because I want to talk about what she writes in the entry. And
3 the bit that I want to discuss specifically is on the next page but
4 there is no date, and I thought would be good for the record just to
5 make sure that we know which date we are talking about.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. I will allow for it.

7 MS. VOSSENBERG: Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please
9 proceed.

10 MS. VOSSENBERG: Is this page 251? If we can -- yeah. Yes.

11 Q. So can you see this on your screen? On the left is --

12 A. Yes, in the Albanian language, yes.

13 Q. Okay. Perfect. And can you let us know what the date was of
14 that entry? Because this is the first page we have and the date is
15 missing, and I just want to get that on the record.

16 A. Well, I believe you have read the statements. Since the
17 defence counsel of the other party, you have read the statement I
18 gave to the Defence Counsel and to the SPO. That's where it is
19 stated clearly. And it is clear here, it's the 16th when I went to
20 Zllash. It's the 16th, the date. You have everything in the
21 statement as well.

22 Q. Absolutely. What I didn't have was just the link between that
23 date and this entry in your diary. And I have that now. So thank
24 you very much.

25 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, you should not

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1 comment on any of the questions asked to you. Just give an answer.
2 Because in the end, it's evidence that is presented to the Panel. So
3 no -- no comments on you have it, you don't have it.

4 And then, Victims' Counsel, allow me to make one remark for the
5 record. Page 10, line 6, we were overlapping, so the record is not
6 complete.

7 So just for the record, I said you should not ask her if she has
8 changed her mind. Because now it appeared incomplete.

9 Please proceed.

10 MS. VOSSENBERG: Okay. Thank you very much.

11 So if we can move now to the next page of this document.
12 Perhaps it's good to do both Albanian and the English.

13 Q. Yeah. At the top here there's -- you write about a 15- to
14 20-minute drive. Would that be the same drive, that last part of
15 your journey to Zllash, that you were taken by the soldiers?

16 A. Yes.

17 Q. Now, in the diary you write that you were taken to Zllash, the
18 driver let you out of the car, and then you describe a building that
19 you were brought to. And what I write, and I'm going to quote you:

20 "They brought me to a one-storey house, three four steps above
21 ground, similar to the Drenica houses. There was a narrow corridor
22 and two small rooms not more than 3 by 5 metres. In the room on the
23 left of entrance, there was somebody in a ponytail sitting at a table
24 in front of a computer."

25 Is the building that you're describing here in this diary entry

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1 the same building that you described to us yesterday that you called
2 the headquarters?

3 A. Yes.

4 Q. Now, the way that you described what was in the room in your
5 diary is quite different from what you told us was in that room
6 yesterday. Could you explain how that can be?

7 A. It's not different. It's as I described it yesterday. I don't
8 know how you understood it, but that's how it looked like.

9 Q. Okay. The reason I asked is because, and I quoted it to you
10 earlier today, when you were describing what was in that room on the
11 left, yesterday in court you said it was:

12 "Just a small room. The room had nothing. It only had some
13 mattresses on the floor. There was kind of a cupboard and nothing
14 else?"

15 And now, if we're looking at the entry in the diary, there was,
16 in any case, a man in a ponytail sitting at a table, at a computer,
17 in that room on the left. And that's what brought this question to
18 my mind.

19 A. This person was not in the room. It was on the other side.
20 This person has nothing to do with the room that I entered. The room
21 that I entered was just like I described it yesterday. It was a
22 small room. There was a window. I wrote this book not as somebody
23 who would come to the Court but just as I saw the things back then.
24 So it's just like it's described here and just like I described it
25 yesterday.

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1 Q. Yeah, no, I was just indicating that I was listening to the end
2 of the translation to get what you were explaining about this.

3 So what you're saying is that the room that you went into was a
4 room with mattresses, and on the other side was this room with the
5 person with the ponytail and the computer and the table?

6 A. The other room has nothing to do or was not connected to my
7 room. Only the door was opened. I did not enter the other room. So
8 it -- it is just like it is described here.

9 Q. Okay. So if we can move, then, to page 253 of your diary, you
10 actually go into a bit more detail about what was in the room or one
11 of the rooms in any case, in this building.

12 MS. VOSENBERG: And if we could pull up the next page, please,
13 Madam Court Officer.

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

15 MS. VOSENBERG: Yes. And page 253 of the diary.

16 PRESIDING JUDGE VELDT-FOGLIA: That would be, then, DSM00244.
17 For both Albanian and English version.

18 MS. VOSENBERG: Yes. Thank you, Your Honour.

19 THE COURT OFFICER: Apologies, Your Honours, there seems to be a
20 technical delay. Just one moment.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
22 We just wait a moment.

23 MS. VOSENBERG: Oh.

24 THE COURT OFFICER: The document is now on the screen.

25 MS. VOSENBERG: Thank you very much.

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

3 MS. VOSENBERG: Yes.

4 Q. So on page 253, what you're seeing up on the screen, you go into
5 a bit more detail about what was in the room that, the way I read
6 your diary, you were talking about. And what you write, and I'm
7 quoting you again:

8 "Opposite to the couch where I was sitting, there was a closet
9 with all kinds of weapons and magazines and ammunition. Three long
10 bullets about 15 centimetres long were placed as a display. A window
11 was on the right, a table, and a satellite phone, and a computer."

12 Now, which of the two rooms was that? Because it seems to me
13 that it's the same room that you were describing in your diary
14 before.

15 A. Here I've given a description as part of the book. That
16 cupboard only had the bullets and only the weapon of the commander
17 who was there -- with me was there. And here in the cupboard were
18 only the bullets. The computer was a portable one and could be taken
19 from one room to the other.

20 I've written the book 20 years ago, so I did not see it fit to
21 describe everything in detail, that that computer was portable, was
22 taken from one room to another. So I didn't go into those details.
23 I did not stay there. I don't know whether they carried it from one
24 room to another. But it was a portable computer.

25 Q. Okay. Thank you for that explanation as well. What I'm just

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1 interested in is what the layout of the headquarters was and what was
2 on the rooms on either side of the corridor when you went in.

3 So what you're saying now is that on one of the rooms on one
4 side of the corridor there were these mattresses and a cupboard, and
5 in the room on the other side of the corridor there was this table,
6 this portable computer, this man with the ponytail, the cupboard, the
7 couch, et cetera.

8 Is that correct?

9 A. The room where I was were these mattresses. We call in Albanian
10 "shilte." It is not a mattress to lie down but just so sit on it,
11 thinner ones.

12 In the other room in the small houses the corridor is narrow and
13 you can easily see the room on the other side. And that's where this
14 person with the ponytail was.

15 Q. Okay. So just to be completely clear, we're talking still about
16 the headquarters that you went into when you got to Zllash?

17 A. We are talking about the headquarters, yes. That was our
18 headquarters. We did not have a garrison. It was a house, a simple
19 village house, a house that belonged to the people. People were in
20 support of the KLA and they gave voluntarily their houses to the KLA
21 for their use.

22 Q. Okay. But that's answered my question already, the ones that I
23 had.

24 PRESIDING JUDGE VELDT-FOGLIA: But for me it has not become more
25 clear on the room with the mattresses.

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1 What was done in the room with the mattresses in the
2 headquarters? Can you explain that to the Panel?

3 THE WITNESS: [Interpretation] The room with the sitting
4 mattresses, we didn't have the luxury of having couches and chairs.
5 The Albanian people uses those thin mattresses to sit on. Those were
6 houses of poor people and that mattress serves as a chair for those
7 people.

8 If you -- someone of you has been to Kosovo would know the
9 difference. A "shilte" is a thinner mattress where you sit and a
10 mattress is where you sleep. They didn't have chairs. They used the
11 thin mattresses.

12 MS. VOSENBERG:

13 Q. Okay.

14 PRESIDING JUDGE VELDT-FOGLIA: And would somebody be sleeping in
15 that room with mattresses?

16 THE WITNESS: [Interpretation] That I don't know.

17 PRESIDING JUDGE VELDT-FOGLIA: Excuse me. Would that be used as
18 a sleeping room?

19 THE WITNESS: [Interpretation] That I don't know.

20 PRESIDING JUDGE VELDT-FOGLIA: That will do for now. Thank you.
21 Victims' Counsel, you have the floor.

22 MS. VOSENBERG: The same applies for me. That answers my
23 questions. Thank you.

24 Q. Thank you, Ms. Hadri.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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Re-examination by Mr. Shala

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1 Madam Witness, we are going to continue with your questioning.
2 I look at the Defence Counsel. Would you have questions for
3 Madam Witness?

4 MR. SHALA: Yes, Your Honours.

5 PRESIDING JUDGE VELDT-FOGLIA: And how much time do you think
6 that you will be needing?

7 MR. SHALA: I have three questions. So I don't know exactly the
8 time.

9 PRESIDING JUDGE VELDT-FOGLIA: Please proceed with your redirect
10 examination.

11 Madam Witness, it's now the Defence who is going to ask you
12 questions.

13 Re-examination by Mr. Shala:

14 Q. [Interpretation] Madam Witness, yesterday, on page 20 of the
15 transcript, line 9, you said that you went to visit the school. Is
16 this correct?

17 A. Yes.

18 Q. Apart of the fact that you went to visit the school and you
19 stayed in that compound that you describe, did you ever go to another
20 part of the village of Zllash?

21 A. No.

22 Q. Thank you, Madam Witness.

23 Yesterday, during the cross-examination by the Prosecutor, in
24 page 59, lines 22 to 24, you described the situation when you dealt
25 with the injured. In your statement, you mentioned two other names.

1 Do you remember today the names of those that you mentioned as
2 wounded or injured persons to whom you administered medical help?

3 A. Yes.

4 Q. Can you tell us those names.

5 A. It was Sokol Sopi and Afrim Vitia -- Zhitia. Did you mean the
6 school or somewhere else?

7 Q. [Overlapping speakers] ...

8 A. Because there was Osman Gashi.

9 PRESIDING JUDGE VELDT-FOGLIA: Please -- please remember the
10 golden rules of counting till five. It helps us all.

11 MR. SHALA: [Interpretation]

12 Q. You personally, did you offer medical assistance to Sokol Sopi
13 and Afrim Zhitia?

14 A. Yes.

15 Q. Do you remember what kind of injuries they had?

16 A. Maybe they're better written in the book because the book was
17 written seven or eight years ago. Sokol had multiple injuries, seven
18 or eight injuries, caused by shells. He had ruptures. He was in a
19 very severe condition. I had to give him IV and then to open the
20 wounds.

21 Q. This event with Sokol Sopi, do you remember when it happened,
22 taken from the day you arrived in Zllash?

23 A. As far as I remember, the event with Sokol was after the
24 offensive.

25 Q. Can you tell us approximately the day or the days?

1 A. The offensive was on the 18th. There, we had other wounded
2 persons, on the 18th. I can freely say that on the 18th were more
3 wounded persons, not only two, about ten; whereas on the 19th, these
4 were brought from another village where they had been wounded. I
5 think it was on the 19th. It was an offensive. We were going
6 through trauma and, of course, we could not remember precisely the
7 dates and the days.

8 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, for the next
9 question, please wait five seconds till after the Defence Counsel has
10 put the question to you. Yes?

11 MR. SHALA: [Interpretation]

12 Q. Do you remember, after you administered medical help to Sokol
13 Sopi, did he continue to stay in Zllash in that part where you
14 offered him medical help or was he taken to another location?

15 A. Sokol Sopi was taken away because the offensive started, and we
16 prepared ourselves to evacuate the injured so that they don't fall in
17 the hands of the Serbian forces. We had to carry the injuries to
18 freer zones. So when he went to a freer zone, unfortunately, he fell
19 into an ambush of the Serbian forces, together with Isa Kastrati.
20 Fortunately, I was also in that car but I went out to walk since the
21 radar was shelled directly. So that's how I overlived, survived;
22 whereas Sokol Sopi, Isa and one other soldier, three, were killed by
23 the Serb forces.

24 Q. Thank you, Madam Witness.

25 MR. SHALA: Your Honour, I don't have more questions. Thank you

1 very much.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I did not hear
3 the last thing you said because I was still listening to the
4 translation of what the witness was saying.

5 MR. SHALA: Nothing. I just don't have more questions. Thank
6 you very much.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 MR. SHALA: [Interpretation]

9 Q. Madam Witness, thank you very much, indeed.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well. I turn to the SPO.
11 Madam Prosecutor, do you wish to proceed with rejoinder
12 examination of the witness?

13 MS. D'ASCOLI: No, Your Honours. Nothing further. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much. So there
15 are no more questions, I see, from the Victims' Counsel.

16 Very well.

17 Ms. Hadri, you have been asked questions by the Defence, by the
18 SPO, and by the Victims' Counsel. It is now the turn for the Panel
19 to ask you some questions. Bear with us a little bit more. And I
20 hope in this way we can add some clarity to what you already stated
21 today, yesterday, and in your prior statements.

22 Let me see.

23 [Trial Panel confers]

24 PRESIDING JUDGE VELDT-FOGLIA: The Judge on my left-hand side
25 will proceed with posing questions to you.

Questioned by the Trial Panel

1 You have the floor.

2 JUDGE BITTI: Thank you, Madam Presiding Judge.

3 Questioned by the Trial Panel:

4 JUDGE BITTI: Ms. Hadri, I have a few questions for you.

5 Yesterday on page 95 of the real-time transcript, you were discussing
6 different rooms and the following was said, and I had difficulties to
7 follow and to understand, so I'm going to put you the question.

8 I'm just going to read now what was said:

9 "There was this room for the women that was the headquarters.
10 And there was this other room where the men would stay."

11 That was your answer.

12 Then there was another question saying:

13 "So when you say the place was very small, you're referring to
14 the fact that the two rooms visited, first the one of the men, the
15 headquarters, and the room of the women where you stayed, were very
16 small. Is that what you are saying?"

17 So, and then you replied:

18 "The rooms are small. They are close to one another. We were
19 all in the same place."

20 So here we have, like, three options. Either the women were in
21 the headquarters, or the men were in the headquarters, or actually
22 you were all in the same place.

23 So could you explain? Was there someone sleeping in the
24 headquarters and who was there, sleeping there?

25 A. I explained it very well yesterday. I don't know about the

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1 interpretation. But I explained it yesterday, when you asked me
2 about the sleeping room, that from the headquarters, there were about
3 10 metres to go to the sleeping room. Whereas in the room, there
4 were those very slim mattresses or cushions where we sit to stay.
5 And I don't know who stood there because -- I don't know who went
6 there because at the times of war, you would sleep everywhere, on the
7 wood, on the cushions, everywhere.

8 I said yesterday that I have walked for about 10 metres and it
9 might as well be 20 metres. And I went to sleep in this very small
10 room --

11 PRESIDING JUDGE VELDT-FOGLIA: Please -- please go slower.

12 THE WITNESS: [Interpretation] And the rooms were very similar to
13 one another.

14 In general, the rooms have been very small. We have not
15 measured them. But there was no possibility to stay there. The men
16 were staying separately from us, and the women were sleeping
17 separately from them. So we had those, like, four or five mattresses
18 we slept on, and we didn't see on how the men slept.

19 This is what I said yesterday. I don't know whether you got me
20 or not, but that's what I said.

21 JUDGE BITTI: In the statement you gave to the Defence,
22 DSM00138, it's page 5, you said:

23 "No one slept at the headquarters."

24 So that's why I'm a bit confused. Because in the Defence
25 statement you said, "No one slept at the headquarters," and yesterday

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1 I understood, although it was not so clear, that somebody was
2 sleeping in the headquarters, either the men or the women.

3 Could you clarify that only. Who was sleeping -- was there no
4 one sleeping in the headquarters as you said to the Defence, or were
5 there the men sleeping in the headquarters, or the women? That's my
6 question.

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, Madam Witness,
8 could you please talk at a slow pace because we have to follow it and
9 it should be possible for the interpreters to follow what you are
10 saying.

11 So please say what you need to say but at a slow pace.

12 THE WITNESS: [Interpretation] At the headquarters nobody slept.
13 So the headquarters was different, was the one that I was describing
14 with the cushions and mattresses. I didn't go there to see. So I
15 told you yesterday, probably you have missed the room, because I told
16 you that there was this yard and I slept in my own room. I slept in
17 the women's room. This is it.

18 JUDGE BITTI: Okay. You are constantly referring to the
19 headquarters, in your Defence statement, in your statement today,
20 yesterday, but you never qualify it. So I would like to ask you:
21 The headquarters of what? Were you told what were the headquarters?
22 The headquarters for what? For which unit? For which brigade? For
23 what?

24 Do you know that?

25 A. The headquarters was the headquarters for the soldiers. This is

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1 how we called it. We called it a headquarters. There was no other
2 word for it. Those two rooms were referred to by the name of the
3 headquarters.

4 JUDGE BITTI: Okay. They were never qualified as headquarters
5 of something in particular. Just the headquarters.

6 A. Correct. That's the name, the headquarters.

7 JUDGE BITTI: Okay. On -- thank you for that.

8 On page 13, line 16 of yesterday's transcript, you said that you
9 were brought to those headquarters and Sejdi Veseli came. Did he
10 come to you or were you brought to him? Because in the Defence
11 statement, on page 4, you said that "they brought me to him."

12 So did he come to you or were you brought to him? Do you
13 remember that?

14 A. He came there. It was the room where he was staying, obviously,
15 and there he came to see the doctor that had joined the war and he
16 came there to welcome me.

17 JUDGE BITTI: So he came to the room you were. You didn't go,
18 you were not brought to him; is that correct?

19 A. Yes, that's correct. He came to me.

20 JUDGE BITTI: What did you discuss with him; do you remember?

21 A. Yes. We discussed about the risk, so we discussed on how I went
22 through the check-points. And I was the most talkative person out of
23 the discussion because I was highly thrilled because of the fact that
24 I was not killed by the Serb forces in the check-points. I described
25 to him everything that I went through while I was going there. So he

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1 welcomed me, he wished the success to me, and he told me that, "You
2 can continue your work as a doctor here."

3 So we never had the occasion to recall those events with him any
4 further, and I never had the occasion to recall what happened, except
5 for today.

6 JUDGE BITTI: Did you ask him what was he doing there?

7 A. No, I did not ask. I was not interested. I had my own
8 profession.

9 JUDGE BITTI: You knew him as a technician in the lab in the
10 hospital in Prishtine. That's correct, no? You knew him from
11 before?

12 A. Yes. I knew him from before. I know his family. His wife is a
13 patient. And I knew him well before the war as well. And there was
14 nothing more to talk about. The only topic of discussion was that I
15 rescued from the enemy.

16 JUDGE BITTI: You were not surprised of seeing him as a military
17 commander in Zllash?

18 A. No, I was not surprised.

19 JUDGE BITTI: Could you explain to me why you were not
20 surprised? Is it natural for people working in a lab in a hospital
21 to then become military commander in the KLA?

22 A. No, I was not surprised. He has always, including his family,
23 himself, I mean, they have all fought for the rights of Albanians in
24 Kosovo. They were an honest family, and it was only fair for him to
25 be a commander of that area. He is a very honest man and he was a

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1 very good worker at the clinic as well.

2 JUDGE BITTI: So it was natural for you to see someone being a
3 technician in the lab at the hospital becoming a military commander?
4 You were not surprised at all?

5 A. No, I was not surprised at all. Because what was required there
6 was for someone with strength, somebody that was agile. So he had
7 taken that position. I might as well be in the position of a
8 commander.

9 JUDGE BITTI: Okay. Another question is, after the offensive -
10 apparently you left Zllash on 19 April - did you go back to Zllash?
11 After the offensive, after 19 April.

12 A. After the 19th of April; right?

13 JUDGE BITTI: Yes, did you --

14 A. Yes. We returned because the Serb forces were following us
15 every step of the way. And they would not allow us to place the
16 patients in Llap where we were sent, in Kecekolle. And these
17 soldiers, who were brave soldiers, they saved us, they made us
18 survive, and there was this group of soldiers that sent us to Zllash.
19 And Zllash was in flames. It was totally burned down. It was
20 destroyed. And we had no place to sleep. We slept in the burned-out
21 trees, wood. So we were about for three hours there, and the Serb
22 forces actually found out that we were in Zllash. They shelled us
23 again and we had to get back from where we were again. So this all
24 lasted for two hours. We didn't see a thing.

25 JUDGE BITTI: When did you go back to Zllash? Do you remember

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1 which day?

2 A. In Zllash, from what I remember, it was on the 19th, the 19th or
3 the 20th. Probably I'm not accurate with the date, but it might
4 either be on the 19th or on the 20th.

5 JUDGE BITTI: So the Serbs did not stay in Zllash. They just
6 shelled the houses.

7 A. No.

8 JUDGE BITTI: Okay. So they were destroyed. Zllash was
9 destroyed. You came back there was nowhere for you to stay in
10 Zllash. Am I correct?

11 A. Everything was burned down to the roots. So the woods, the
12 trunks were burned down as well. And we sat in the tree trunks that
13 were burned down. The aim of the forces of the Serbian forces was
14 attained. Zllash was burned down.

15 JUDGE BITTI: Did you try to go back to what you called the
16 headquarters?

17 A. There was no headquarters.

18 JUDGE BITTI: But did you see that? Did you see them destroyed?

19 A. There was nothing. Everything was destroyed.

20 JUDGE BITTI: Not completely, actually, because the picture
21 which were shown to you were from 2006, so it was partly still
22 standing.

23 So did you go back, did you see actually that -- those
24 headquarters on the 20th after the Serbs withdrew? Did you see it?

25 A. I saw that it wasn't there, but I'm not referring to the walls

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1 that were still standing. Because everything was destroyed. We ate
2 there, because we had not eaten for two, three days. We were in the
3 mountain, so we ate while standing. And that's something that I have
4 reflected in the diary as well, and probably you have read it,
5 because I said that we started to eat but we couldn't finish eating
6 because the shelling by the Serbian forces started.

7 So there were some walls standing, but I was not focused into
8 seeing the details. I didn't know that I would be giving this
9 statement.

10 JUDGE BITTI: Okay. Then around 19, 20, you left again Zllash
11 because the Serbs were shelling. And then you left for good. You
12 didn't come back to Zllash. Am I right?

13 A. We never got back. We were sent to Kecekolle together with the
14 wounded. Kecekolle was burned down as well. And there was a lot of
15 smoke, which was, like, terrible for us to -- to breathe with that
16 smoke.

17 The Serbian forces were there, but nonetheless, we remained to
18 penetrate there. So we remained in Kecekolle over the night and then
19 from there we went to Llap, and I never got back. As a matter of
20 fact, I have always wanted to get back to see that area where our men
21 fought.

22 JUDGE BITTI: So the last time you saw Zllash was more or less
23 on 20 April; is that correct?

24 A. Yes, more or less.

25 JUDGE BITTI: Thank you very much for all your answers.

1 I have finished with my questions, Madam Presiding Judge.

2 Thank you so much, Madam Hadri.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 Madam Hadri, we have reached the end of your testimony, and I
5 would like to thank you for your efforts put into giving your
6 testimony, which I will -- I believe that will be of help for us to
7 find the truth.

8 So, again, thank you very much.

9 I wish you a safe journey home, and I remind you that you should
10 not discuss your testimony you have given before this
11 Specialist Chambers with anyone.

12 Madam Court Usher, could you accompany Madam Witness out.

13 THE WITNESS: [Interpretation] Thank you very much, indeed.
14 Thank you for listening to me.

15 [The witness withdrew]

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

17 Very well. What we will do is have a break now of 30 minutes,
18 so a quarter of an hour earlier than scheduled normally, and then we
19 will proceed with the testimony of Defence Witness 1700, which is
20 Madam Ibadete Canolli-Kaciu.

21 The hearing is adjourned for 30 minutes.

22 --- Recess taken at 10.44 a.m.

23 --- On resuming at 11.15 a.m.

24 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. I will call the
25 appearances. I see that you are in the same composition but with a

1 change of seats.

2 MR. MICHALCZUK: Yes, Your Honours, indeed, same composition,
3 but we have changed the seats as the leading for the counsel for the
4 next witness will be different; namely, myself.

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

6 MR. MICHALCZUK: Thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, I see that both
8 you and Ms. Pues are present, and Ms. Pues via Zoom. Very well.

9 And the Defence is also in the same composition as it was
10 before.

11 And Mr. Mustafa is also present.

12 Very well. We proceed now with the testimony of Defence Witness
13 1700, this is Madam Ibadete Canolli-Kaciu.

14 Madam Court Usher, can you please usher the witness into the
15 courtroom, please.

16 [The witness entered court]

17 PRESIDING JUDGE VELDT-FOGLIA: Ms. Canolli-Kaciu, good morning,
18 and welcome to the Specialist Chambers.

19 THE WITNESS: [Interpretation] Good morning, Your Honour. Thank
20 you very much for the welcoming.

21 PRESIDING JUDGE VELDT-FOGLIA: I see that you can hear me fine.

22 THE WITNESS: [Interpretation] Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well. First of all, how are
24 you?

25 THE WITNESS: [Interpretation] I'm fine. Thank you.

1 PRESIDING JUDGE VELDT-FOGLIA: Very well. Ms. Canolli-Kaciu,
2 today we will start with your testimony. You are called to testify
3 before the Specialist Chambers in the case of The Specialist
4 Prosecutor against Mr. Salih Mustafa in order to assist the Panel to
5 reach a verdict.

6 After have you taken your solemn declaration to tell the truth,
7 you will be asked questions by the Defence Counsel and by the counsel
8 for the Specialist Prosecutor's Office, and the Victims' Counsel,
9 and, at the end, by the members of the Panel. Yes?

10 I would like to provide you, like I do with all the witnesses,
11 with some guidance for answering the questions you will be asked.

12 Ms. Canolli-Kaciu, please listen carefully to each question. If
13 you don't understand, feel free to ask for the question to be
14 repeated.

15 We want you to tell the truth. We want to tell us what you
16 heard, what you sensed, what you experienced, and yourself. So if
17 you found out in some other way, please inform the Panel and explain
18 us how.

19 You may not remember all the details of what happened, and this
20 is perfectly fine. Just testify on what you remember. So if you say
21 "I don't know," "I don't remember," please inform us.

22 Please answer the questions and don't deviate from the question.
23 If we need further clarification, we will ask you. So try to keep --
24 to stay focused.

25 And I remind you that if the questions you are asked, if

1 answering them may incriminate you, you can refrain from answering
2 them.

3 Do you understand all this?

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

5 PRESIDING JUDGE VELDT-FOGLIA: Very well. I would like to give
6 you also some practical advice for giving your testimony.

7 Everything that is said in this courtroom is translated and
8 recorded. And, therefore, it is important that you talk into the two
9 microphones in front of you. So maybe if you need to adjust them to
10 be able to talk into them, like you're doing now, that can certainly
11 help. Speak clearly and speak at a slow pace because that will allow
12 the interpreters to translate everything. And this slow pace, I will
13 repeat it, it is very important, because if you start talking very
14 quickly, then it's very complicated to translate and for us to
15 follow. And what we want is to hear your testimony and to understand
16 it.

17 You should only start speaking when the person asking you a
18 question has stopped with the question, and then add five seconds.
19 And that will feel very unnatural, but please try to keep this five
20 seconds in mind. And it could be that at the beginning I will be
21 interrupting you sometimes, because it has appeared that it's not
22 easy at the beginning to respect those five seconds, but they are
23 essential for us to follow the translation from the Defence Counsel
24 and afterwards hearing what you are saying. And if that overlaps,
25 then for us it is impossible, because the translator can only

1 translate one of the two. Very well.

2 If I raise my hand, please stop talking. And why do I raise my
3 hand? Because if I start talking, then we have another overlapping
4 speaker, yes.

5 Do you speak English?

6 THE WITNESS: [Interpretation] I understand.

7 PRESIDING JUDGE VELDT-FOGLIA: Now, in that case, if one of the
8 parties or the Victims' Counsel, if they want to discuss something
9 regarding the content of the question that is posed to you, I will
10 ask Madam Court Usher to usher you out of the courtroom, then we can
11 discuss freely the content of the question, and then you will be
12 asked to come back, in order to avoid influencing you by what is
13 discussed in the courtroom. Yeah?

14 If you have any questions, if you need a break, please raise
15 your hand and then I will give the floor and then you can explain
16 what is needed.

17 Have you understood all this?

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

19 PRESIDING JUDGE VELDT-FOGLIA: Very well. As I must do with
20 every witness, I will now ask you to read your solemn declaration to
21 tell the truth. And I remind you that it is an offence within the
22 jurisdiction of the Specialist Chambers to give a false testimony.

23 Do you understand that?

24 THE WITNESS: [Interpretation] Yes.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well.

1 Madam Court Usher, could you please assist the witness with the
2 solemn declaration to tell the truth.

3 Ms. Canolli-Kaciu, can you read the text provided to you,
4 please.

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

9 WITNESS: IBADETE CANOLLI-KACIU

10 [Witness answered through interpreter]

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much,
12 Madam Canolli-Kaciu. You are now under oath to tell the truth.

13 We can now begin with the testimony of the witness, starting
14 with the questioning by the Defence Counsel.

15 We recall that we have authorised the Defence to question in
16 Albanian by e-mail already from 19 April at 12.23. So that has been
17 put on record now.

18 You have estimated two hours, Defence Counsel, and, as usual,
19 please inform the Panel if there is a change in the duration you
20 think you will be needing.

21 You have the floor.

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

23 PRESIDING JUDGE VELDT-FOGLIA: And for reasons of planning,
24 Defence Counsel, we will be having now one and a half hour of
25 session, so till a quarter to 1.00, we will continue.

Examination by Mr. Shala

1 MR. SHALA: Yes, okay.

2 Examination by Mr. Shala:

3 Q. [Interpretation] Good morning, Madam Witness.

4 A. Good morning.

5 Q. Today I would like to talk to you about the events in Kosovo
6 from March and April 1999.

7 During this period of time, where was it that you lived?

8 A. At the beginning of March 1999, I lived in Prishtine. I worked
9 with Flora Brovina, that was a paediatrician, in her clinic, up until
10 24 March when NATO bombing started. From 24 March up until 31 March,
11 I stood in my house. On 31 March, the population of Kosovo started
12 being expelled from Prishtine, and the Serbian forces wanted to have
13 an ethnic cleansing in Prishtine and they expelled us from our
14 houses. From that date up until 16 April, I stood in the house of
15 Afrim Gashi with my wide family in Mramor. Whereas from 20 March, I
16 joined the guerilla of Prishtine in Zllash.

17 Q. So that it becomes clearer for myself, when was the time when
18 you joined the guerilla?

19 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, please count until
20 five in your head, and maybe what you can do is I look at the
21 Defence Counsel, Madam Witness, as long as I'm listening to him. And
22 then when I look to you and I nod, then you can start talking. It's
23 going to be kind of difficult at the beginning, but you will get the
24 hang of it.

25 MR. SHALA: [Interpretation]

1 Q. Once again, when was it that you went to Zllash?

2 A. On 16th of April.

3 Q. Why is it that you are so convinced that it was the 16th of
4 April?

5 A. Because it was two days before the offensive.

6 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, please wait.

7 Please look at me and -- until I nod. Because while you start
8 talking, I'm still listening to his question so I cannot hear what
9 you are saying. Do you understand the mechanism?

10 So it is really important. We have the time, maybe also
11 tomorrow, so we are not in a hurry. And I understand that this is a
12 different setting, so I -- I understand that it is not easy. But,
13 please, before talking, look in my direction and I will nod.

14 Please continue, Defence Counsel. Please could you repeat the
15 question and then we can start --

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

17 Q. [Interpretation] How do you know it was the 16th of April, the
18 day that you went to Zllash?

19 A. Because that was two days before the offensive started in the
20 area of Zllash, where we were located.

21 Q. Why did you take the decision to go to Zllash?

22 A. I have contributed to the army even before. I have been part of
23 the unit, but I was active in Prishtine. At that time, the military
24 and paramilitary forces got closer to the place that I was living and
25 because of security reasons of the people that were living there, I

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1 decided to go and join the army.

2 Q. You said that you were a member of the army and a member of the
3 unit. Can you please tell us which unit you are talking about?

4 A. From March of 1998 I have contributed for the Army of the KLA.
5 In particular, I've contributed in the area of Prishtine. And I have
6 worked with Flora Brovina, I have worked with wounded people.

7 Whereas when it comes to the contacts with the guerilla soldiers, the
8 contacts were again in that centre.

9 Q. The guerrilla, did it have a name, a specific one?

10 A. The guerrilla was called BIA. They were the initials of the
11 three heroes of the nation: Bahri, Agron, and Ilir.

12 Q. How did you go to Zllash? How did you travel to reach Zllash?

13 A. On foot.

14 Q. Were you all by yourself or were you accompanied by somebody
15 else?

16 A. At the beginning, two days ago [as interpreted], I asked the
17 owner of the house to get me in touch with the soldiers. And that
18 day, three soldiers came to pick me up.

19 Q. Do you remember how long did it take for you to go to Zllash?

20 A. Probably more than three hours.

21 Q. The three soldiers that were with you while you were going to
22 towards Zllash, were they, as well, members of the BIA guerilla?

23 A. I do not know. I don't remember.

24 Q. When you arrived in Zllash, do you remember where you went? In
25 what part of Zllash was it that you went to?

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1 A. I apologise for not knowing the territory because I was born in
2 Prishtine myself, but probably they were the last houses in the
3 village.

4 Q. When you arrived to these houses, can you please describe to us
5 about what the place looked like. So what was the place like, how
6 many houses were there? Was there just one house or more houses?
7 Can you please describe it?

8 A. I can't provide details in my description because a very long
9 period of time has passed, but there were some scattered houses. I
10 can say that.

11 Q. When you arrived in Zllash in those houses, did you have to
12 inform somebody of your presence?

13 A. No.

14 Q. Did someone has to be -- report about your presence there, that
15 you as a member of the unit were in that place?

16 A. Some of them knew me, but I reported to no one. The owner of
17 the house reported to them that I was there, in their house, but I
18 didn't have to report to anyone about my presence.

19 Q. Do you remember who you met with from the people that you
20 already knew from the past?

21 A. At the end of the yard, I remember that there was this well. In
22 vicinity of the well I met with Isa Kastrati.

23 Q. Who was Isa Kastrati?

24 A. Isa Kastrati was a leader of the guerilla and he was somebody
25 that I had met in Prishtine as well.

1 Q. Did you stay in that part, in those houses, afterwards?

2 A. Yes, for two days.

3 Q. Do you remember where you settled there?

4 A. In the building that was in vicinity of the well that I was
5 describing. It was a building that was built later than the other
6 buildings. There was this small room, and there was in this small
7 room where there was this infirmary and a small bed, and there was
8 where I was settled.

9 MR. SHALA: Your Honour, with your permission, I will kindly ask
10 the Court Officer to put on screen one document. It is photograph of
11 house.

12 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please
13 proceed.

14 MR. SHALA: Yes, thank you. DSM00159.

15 Q. [Interpretation] Madam Witness, can you see a picture in your
16 screen?

17 A. Yes.

18 Q. On the left-hand side of this photo, can you see your name and
19 your signature?

20 A. Yes.

21 Q. Do you know this area, these buildings that are depicted in this
22 photo?

23 A. I cannot tell.

24 Q. When you say "I cannot tell," does that mean that you don't know
25 this place or you don't remember?

1 A. I remained there only for two days. I was mostly inside and I
2 was preparing for the offensive that would start. Therefore, it's
3 not that I have moved a lot in the yard, and I don't remember.

4 Q. Thank you.

5 MR. SHALA: Can I put another photo?

6 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
7 Officer.

8 MR. SHALA: You can remove this photo, please, and put DSM00156.

9 Q. [Interpretation] Madam Witness, do you see a photo in your
10 screen?

11 A. Yes.

12 Q. From this photo, can you identify where this part is located?

13 A. I do not remember.

14 Q. During the time you were in Zllash, have you seen these
15 buildings at all?

16 A. I told you before that I have not moved a lot in the yard, and I
17 don't remember that I've seen these buildings. That's not fixed in
18 my mind.

19 Q. Thank you.

20 MR. SHALA: May I ask to put another photo, please.

21 PRESIDING JUDGE VELDT-FOGLIA: Please continue.

22 MR. SHALA: Yes, thank you. DSM00160.

23 Q. [Interpretation] Madam Witness, in this photo, one can see a red
24 line. Do you remember of having drawn that line yourself, in this
25 photo, at the time that the Defence Counsel approached you and you

1 gave the statement to him?

2 A. Yes.

3 Q. What is the building that is marked with this line, or arrow?

4 A. I think that the well was here as the tree was close to the
5 well, and I talked about this tree before.

6 Q. So this tree, this is the place where you met with Isa Kastrati
7 the day that you arrived in Zllash; is that correct?

8 A. Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: For my understanding, I remember
10 we discussed a well. Did we also discuss a tree? I ask you.

11 MR. SHALA: Only for the tree.

12 PRESIDING JUDGE VELDT-FOGLIA: No. I will put it differently.

13 In the statement of the witness, has there been a tree -- has a
14 tree been discussed before today. I only remember a well.

15 MR. SHALA: I'm going to find it in the transcript.

16 PRESIDING JUDGE VELDT-FOGLIA: So I'm not talking about the
17 prior statement of the witness.

18 MR. SHALA: No, this statement.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes, what she said today.

20 What we can do if we don't find it right away -- Madam Witness,
21 you were referring now to a tree. Could you say something more about
22 where this tree was positioned?

23 THE WITNESS: [Interpretation] The tree was within the yard, it
24 was in vicinity to the well. And it was on the -- there that
25 Isa Kastrati was leaning into and he was listening to the news.

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

2 MR. SHALA: Yes, thank you.

3 Q. [Interpretation] Madam Witness, can you please describe the
4 building that you recall that was located near the well and which can
5 also be identified here in this photo. I'm talking about the
6 building on the right-hand side of the well?

7 A. I believe that this was the newer building where I stood into,
8 into a part of, one part of it, that is; whereas on the other part,
9 there were the soldiers and two families with children. The family
10 of Fatmir Humolli and of somebody else.

11 Q. Do you remember how long did you stay in Zllash for?

12 A. In the evening of the 16th, I started immediately to clean the
13 venue. There were some blankets. We used these blankets to make
14 stretchers. On 17th, I also prepared additional material. On the
15 18th, the shelling started in the morning. On the 18th -- on the
16 20th, we spent the night in the woods, in an open sky, up until the
17 21st when we got the wounded persons and we went to Majac.
18 Therefore, I stood there from the 16th up until the 20th.

19 MR. SHALA: Please, Court Officer, you can remove this document
20 from the screen.

21 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would like to
22 go back to the page where we are now on, page 24, line 4, because I
23 don't understand the answer very well of the witness. So I prefer to
24 clarify it before we continue.

25 Madam Witness, you were asked to describe the building that you

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1 recalled that was located near the well, yeah, and then you say --
2 then you give us testimony:

3 "... this was the newer building where I stood into ..."

4 What do you mean that you stood into? You were staying there or
5 what -- what were you doing there? Or that you -- you were there
6 when you talked to Mr. Kastrati?

7 THE WITNESS: [Interpretation] That's where I stayed there
8 following my arrival, for the length of my duration -- for the length
9 of my stay there, I stayed in that building.

10 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] You
11 stayed in that building we have seen on the picture. And then you
12 say:

13 "... into a part of it and -- whereas on the other part, there
14 were the soldiers and two families with children."

15 Do I understand well that you mean to say that this house where
16 you stayed, you shared it with soldiers that were also staying there
17 and two families?

18 THE WITNESS: [Interpretation] Yes. Those were female soldiers.

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. Let me see if we have now
20 clarified this all. Okay. And that was "the family of
21 Fatmir Humolli and of somebody else."

22 Okay. Thank you, Madam Witness.

23 MR. PELAJ: Your Honour, she mentioned the name of the person,
24 the other person, but it was not in the transcript.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. I will ask the question.

1 MR. PELAJ: The families, please.

2 PRESIDING JUDGE VELDT-FOGLIA: I understand. Thank you.

3 Do you remember who -- the name of the families who were staying
4 there? You mentioned -- I see here in the record -- in the
5 transcript the family of Fatmir Humolli.

6 Do you also remember the name of the other family?

7 THE WITNESS: [Interpretation] Yes. We called him the Old Man,
8 Axha Medi, Uncle Medi.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 Defence Counsel, please proceed.

11 MR. SHALA: Thank you, Your Honour.

12 Q. [Interpretation] You mentioned the word "newer" or -- house for
13 this particular building. To your recollection, were there any --
14 were there other buildings around this particular building?

15 A. In its vicinity, there was a kitchen and above were, I believe,
16 the rooms where the soldiers stayed, but I did not go there.

17 Q. Were there any other buildings in this area for various
18 purposes?

19 A. I don't know.

20 Q. During the time you spent in Zllash, did you meet Salih Mustafa?

21 A. I met Salih Mustafa on the 21st, when we started with the
22 evacuation of the wounded to Majac.

23 Q. Did you meet him before that date?

24 A. Before going to Zllash, yes, in Prishtine; but during the days
25 that I spent in Zllash, no.

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1 Q. When you met him in Prishtine, do you remember what was the
2 reason you met with Salih Mustafa?

3 A. As far as I remember, Salih Mustafa was responsible for the
4 security of the civilians and the soldiers in the area where he was
5 operating, and he shared the responsibility with Dr. Flora Brovina
6 and I met him in the clinic of this doctor.

7 Q. During these days, did you offer medical help to a civilian or a
8 member of the army that -- who were in Zllash?

9 A. Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Wait.

11 Mr. Prosecutor, you have the floor. Do we need to usher the
12 witness out?

13 MR. MICHALCZUK: Not necessarily. And the question was simply
14 -- could be confusing because the question was and -- the question
15 started with the words "during these days," and in the prior lines we
16 were discussing the issue of meeting the witness with Salih Mustafa
17 in Prishtine. So during which days? Those in Prishtine? Those in
18 Zllash? Maybe my learned colleague could be a little bit clearer
19 about this. Not to confuse the witness.

20 PRESIDING JUDGE VELDT-FOGLIA: I see your point.

21 MR. MICHALCZUK: Thank you.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please proceed,
23 taking into account the suggestion of Mr. Prosecutor.

24 MR. SHALA: [Interpretation]

25 Q. Madam Witness, between 16th and 21st of April, while you were in

1 Zllash, did you administer medical help to a member of the
2 Kosovo Liberation Army or a civilian that was there in Zllash?

3 A. Yes.

4 Q. This medical help for soldiers, was it provided to soldiers who
5 did simply not feel well or who were injured?

6 A. Both to those who were wounded and those who were not feeling
7 well. There were some who suffered from a cold or diarrhoea, and we
8 administered help to all of them.

9 Q. During your stay in Zllash - and that is between 16th and 21st
10 of April - did you leave the area where you were staying at any time;
11 that is, the house that we saw on the photograph?

12 A. Perhaps just once, when we had to withdraw an injured Osmani,
13 and I left for a short time for 300 to 400 metres, together with some
14 soldiers. But not on any other location.

15 Q. Do you remember during that time when you went to that location
16 in Zllash and during the days that you spent there, was this area
17 encircled?

18 PRESIDING JUDGE VELDT-FOGLIA: But wait. Encircled by whom?

19 MR. SHALA: [Interpretation]

20 Q. By a fence.

21 PRESIDING JUDGE VELDT-FOGLIA: Ah, okay. Okay. Thank you.

22 Please proceed, Madam Witness.

23 THE WITNESS: [Interpretation] No. There were some slats from
24 wood, like half-circled, as we call them in our jargon, but it was
25 not entirely circled.

1 MR. SHALA: [Interpretation]

2 Q. During the time you spent in Zllash, these buildings, were they
3 guarded by guards? Were there guards?

4 A. No, I did not see something like that.

5 Q. During your time in Zllash, did you see any detained persons;
6 namely, persons isolated or kept in isolation in a specific area?

7 A. No.

8 Q. During your time in Zllash, did you see or did you hear of
9 anybody being ill-treated in that particular location?

10 A. No.

11 Q. During your time in Zllash, in that particular location, were
12 there any other soldiers apart from those who you knew from before?

13 A. There were soldiers with uniforms and soldiers without uniforms.
14 Not all of us had uniforms. I knew some of them because they used to
15 live in my neighbourhood. I did know some soldiers, but I could not
16 know each and every one of them. I was responsible for the medical
17 part. And it was impossible for me to know all the soldiers.

18 Q. During the time you spent in Zllash, in that location, were
19 there also civilians?

20 A. Yes.

21 Q. During the time you were in Zllash, in that location, were you
22 free to leave that location?

23 A. Nobody prevented me to leave, but I had no opportunity to leave.

24 Q. During your time in Zllash, in that location, and had you had
25 the opportunity to leave that location, was it necessary for you to

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1 get a permission from someone to be able to leave?

2 A. I don't know. No.

3 Q. During your time in Zllash, in that location, do you remember if
4 there was electricity in there?

5 A. No. We would use a small light with petroleum and we also used
6 the car batteries to make light.

7 Q. You personally, do you remember yourself watching TV at any
8 point in time in that locality?

9 A. No.

10 Q. The day you met with Isa Kastrati, the day you arrived in Zllash
11 on 16 April 1999, after that day or date, did you ever meet
12 Isa Kastrati again?

13 A. I met him every day up until the 21st, when he was killed.

14 Q. Do you know how he was killed?

15 A. We were evacuating the wounded. He was in a vehicle together
16 with Afrim Viti and Sokol Sopi at a junction. We had a plan to
17 continue towards Majac. He continued towards another direction. We
18 heard the shooting and that's where -- when he was killed, in that
19 exchange of fire with the enemy.

20 Q. During the time you spent in Zllash, 16th to 21st of April, do
21 you remember meeting or seeing a doctor there?

22 A. I'm not quite sure about the date. Between the 19th and 20th,
23 soldiers who were on the front line came and told me that a wounded
24 was at a distance at 400 metres away from the location and was being
25 stitched by somebody. During that time, there was heavy shelling.

1 There was also frontal warfare. So I asked the soldier to go and see
2 who that was. I went there, near her. I greeted her, asked her who
3 she was. And she said, "I'm Dr. Teuta Hadri, a gynaecologist by
4 profession," and I said, "Doctor, I apologise, but in these
5 circumstances you cannot continue to stitch the wounded. It's a
6 medical rule that the wounded first has to be secured, a safe
7 environment for the wounded and for yourself. It is okay if you
8 administer first aid but not much more than that."

9 So we transferred the wounded in these stretchers, makeshift
10 stretchers. I gave him an IV, I bandaged the wound, and in the
11 evening he was treated further by the doctor.

12 Q. During your time in Zllash, 16th to 21st of April, 1999, did you
13 ever hear of somebody being addressed with the name Tabuti?

14 A. No.

15 Q. During your time in Zllash - that is, between 16th and 21st of
16 April, 1999 - did you ever hear anybody addressed by the name of
17 Dardan?

18 A. No.

19 Q. During your time in Zllash - 16th to 21st of April, 1999 - did
20 you ever hear someone address somebody else with the name Ilmi Vela?

21 A. No.

22 Q. During this time-frame - 16 to 21st of April, 1999 - there in
23 Zllash, did you ever hear somebody being called by the name of
24 Vdekja?

25 A. No.

1 MR. SHALA: Your Honour, may I have a short consultation with my
2 team.

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

4 MR. SHALA: Yes, thank you.

5 [Specialist Counsel confer]

6 MR. SHALA: Your Honour, I do not have more questions for this
7 witness.

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

9 MR. SHALA: [Interpretation]

10 Q. Madam Witness, thank you. The Defence has no further questions
11 for you.

12 A. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well. Yes, Mr. Prosecutor,
14 would you have a preference to -- that we go for a break now and you
15 prepare for cross-examination or you say we can start right away?

16 MR. MICHALCZUK: Your Honours, I would kindly ask for a break
17 because I would like to have my references ready for the
18 cross-examination.

19 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then we will proceed
20 as follows. We will -- it's now 12.00. So -- or five minutes past
21 12.00. We will take our usual one-and-a-half-hour lunch break till
22 half past 1.00, and then we will continue with the testimony of
23 Madam Witness.

24 So Madam Court Usher, could you usher the witness out?

25 We will -- you will come back. You will be brought back into

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1 the courtroom at half past 1.00, and then we will continue with the
2 cross-examination by the counsel for the Specialist Prosecutor's
3 Office.

4 THE WITNESS: [Interpretation] Thank you.

5 [The witness stands down]

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 We will break and we will resume at half past 1.00.

8 --- Luncheon recess taken at 12.07 p.m.

9 --- On resuming at 1.30 p.m.

10 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

11 Yes. Now, I note that we are in the same composition as before
12 the break. Very well.

13 Madam Court Usher, could you usher the witness in.

14 As soon as the witness is in, I will give an oral order.

15 [The witness takes the stand]

16 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Madam Witness.

17 THE WITNESS: [Interpretation] Thank you.

18 PRESIDING JUDGE VELDT-FOGLIA: Before we start with the
19 cross-examination by the Specialist Prosecutor's Office, I will give
20 an oral order.

21 The SPO has requested leave from the Panel, via e-mail dated
22 11 May 2022 at ten minutes to 9.00 in the morning, to use a number of
23 newly disclosed items in cross-examination of Defence Witness 1700.
24 The material concerned was disclosed shortly thereafter, at eight
25 minutes to 9.00 in the morning.

1 The Panel notes that the newly disclosed items are open-source
2 material, are limited in length and scope, and have been collected in
3 recent days in preparation for the witness's cross-examination.

4 Further, the Defence does not oppose the use of these items by
5 the SPO.

6 Accordingly, the Panel finds that the SPO has shown good cause
7 for not disclosing the material previously and authorises the SPO to
8 use it during its cross-examination of Defence Witness 1700, pursuant
9 to paragraph 31 on the Decision on the Conduct of Proceedings, which
10 is filing 170.

11 And this concludes the Panel's oral order.

12 Mr. Prosecutor, you may proceed with your cross-examination.

13 MR. MICHALCZUK: Thank you very much, Your Honours.

14 Cross-examination by Mr. Michalczuk:

15 Q. Good afternoon, Ms. Kaciu. I hope I pronounce your surname
16 correctly. I'm the counsel for Prosecution who will be asking you
17 questions today. And I would very kindly ask you to focus on my
18 questions and, if you give answers, to focus on your answer and don't
19 expand in your answers, don't add any elements. If that does not
20 happen, I will have to kindly ask you to focus on my question. If
21 I'm interested to know some more information, I would kindly ask you
22 to expand, and this is for the benefit of the proceedings and for the
23 understanding of the Panel about what are you saying in your
24 testimony.

25 Do you understand that, Ms. Kaciu?

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1 A. I would rather you call me Canolli because you are not
2 pronouncing my last name very well.

3 Q. I will try my best, Ms. Canolli.

4 I would like to start with clarifying a few matters of your
5 testimony that you gave earlier on today. Today you told us that you
6 were a member of the unit called Prishtine guerilla. You also said
7 the name of this unit was BIA. And you mentioned that on pages -- on
8 page 35, lines 12 to 13; and on page 37, lines 4-8.

9 So is that correct you were indeed a member of Prishtine
10 guerilla also known as BIA?

11 A. Yes.

12 Q. Could you tell the Court since when you were a member of that
13 unit?

14 A. In the army list, I am included from the 13th of March, 1998,
15 when I started my contribution working together with
16 Dr. Flora Brovina.

17 Q. What list are you referring to?

18 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, because we now
19 have interrogation -- examination by the Specialist Prosecutor's
20 Office in English, the problem of translation for the
21 English-speaking persons is -- is not there, so you don't have to
22 wait for my nod to start talking. Because now it's important for
23 you, that you hear everything that is translated from English in
24 Albanian. So you can answer next time when you have heard everything
25 translated to you.

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1 Please answer the question of Mr. Prosecutor.

2 THE WITNESS: [Interpretation] During 1998 and beginning of 1999,
3 I gave my contribution in Prishtine. The guerilla was part of
4 Prishtine.

5 MR. MICHALCZUK:

6 Q. Yes. My question was about a list. You mentioned that a
7 certain list that you were in. What list are you referring to?

8 A. The list of -- general list of the Kosovo Liberation Army.

9 Q. Are you referring to the list of the Kosovo
10 Veterans Association? Is that the list you are talking about?

11 A. Yes.

12 Q. So I understand that you are -- you have a status of a veteran
13 of the Kosovo Liberation Army; is that correct?

14 A. Yes.

15 Q. You said that you feature in that list as a person who was in
16 the KLA from the 13th of March, 1998. My question initially,
17 however, was about your membership of BIA. And let me repeat my
18 question again. Since when were you a member of the BIA unit?

19 A. From January 1999, when we started to give our contribution and
20 the organisation with Mr. Salih Mustafa, although we do not have a
21 definitive list.

22 Q. So just to clarify this issue, you became a member of the BIA
23 unit from January 1999; is that correct?

24 A. Yes.

25 Q. Ms. Canolli, what was your position within the BIA unit?

1 A. I did not have a definitive or specific position. I was
2 responsible for health issues, for the health and well-being of the
3 soldiers, of the civilian population, for everything that was related
4 to health.

5 Q. When did you stop being a member of the BIA?

6 A. When the war ended, I was no longer engaged and simply continued
7 with my private life.

8 Q. So was it June, August, September of 1999? At least you could
9 tell the Court the month.

10 A. In September. September.

11 Q. Today you testified that you worked with Dr. Flora Brovina in
12 her clinic in Prishtine. And we have it on pages 35 of the
13 transcript, line 5 to 6, and on page 37, line 3. Is that correct?

14 A. Yes.

15 Q. Did you have any medical training?

16 A. During secondary school, I had finished the practical part in
17 that clinic because our public institutions were occupied. And when
18 I finished secondary school, I continued to work there as well. It
19 was a paediatric clinic in the beginning, but later on, it was also
20 used for medical checkups of the civilians that were displaced in
21 Prishtine.

22 Q. Was Flora Brovina a KLA doctor?

23 A. I think she was.

24 Q. Was she a doctor of BIA?

25 A. She was a doctor that made no distinction between soldiers or

1 units.

2 Q. Today in your testimony - and I'll find the quote quite quickly,
3 I believe - you mentioned something to the effect that Flora Brovina
4 and Salih Mustafa, they were working together, sharing
5 responsibilities. Do you remember saying that?

6 A. Yes.

7 Q. What do you mean by that, by them sharing responsibilities?
8 Responsibilities for what or for whom?

9 A. In case of danger in the municipality of Prishtine, in its
10 neighbourhoods, the civilian population was to be withdrawn to the
11 Gollak mountainous area, and Mr. Mustafa had his responsibility there
12 to oversee that area.

13 Q. So Flora Brovina was assisting in these processes from the
14 medical angle and Mr. Mustafa was assisting that from the logistical
15 angle, like evacuating people? Is that what you are saying?

16 A. I believe so.

17 Q. Was Flora Brovina arrested at some point during the war?

18 A. After the April offensive - I do not know the exact date -
19 Dr. Flora Brovina was arrested in her apartment at Bregu i Diellit
20 neighbourhood, the Sunny Hill neighbourhood.

21 Q. Who is the person in charge of the health issues for BIA
22 guerilla after she had been arrested?

23 A. I think I took up that responsibility as an obligation.

24 Q. Are you saying that after Flora Brovina's arrest, you became the
25 main person for health issues for the BIA unit? Is that what you are

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1 saying?

2 A. From the day when I joined the guerilla, I took up many
3 responsibilities. However, after Flora's arrest, I knew that I had
4 to do many of the things there.

5 Q. My question was slightly different. My question was: After her
6 arrest, did you become the main health person for the BIA unit?

7 A. No, I did not have such responsibility. I just did my best to
8 help them.

9 MR. MICHALCZUK: Your Honours, I would like to show the witness
10 and also Your Honours a certain document that is pertaining to this
11 matter. With your permission, of course, Your Honours.

12 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

13 MR. MICHALCZUK: Madam Court Officer, I would like to pull up a
14 document which bears the following ERN number, SPOE00325986 to
15 SPOE00325998. And it's page 3.

16 Your Honours, just for your information, this is the article
17 published online on the web site www.nistori.com on 20 May 2021, and
18 its entitled "*KLA Women - The Untold Stories.*"

19 So if we could put it up on the screen. Right. And there
20 is this -- this is an Albanian version but maybe we can also pull up
21 an English version so it is, in a nutshell, the same with -ET at the
22 end.

23 Q. Ms. Canolli, were you interviewed for this online article?

24 A. Yes. But this is an article that was processed in the way those
25 who published it wanted to write it. So I would not take, like, a

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1 full responsibility on how it was written.

2 Q. I understand. But I would like to make a very specific
3 reference to the part of this article which is displayed here on the
4 screen.

5 MR. MICHALCZUK: And, for the record, I would like to read it.
6 It is very short.

7 Q. So there is a certain photograph and I believe this might be
8 you. Is that correct, Ms. Canolli?

9 A. Yes.

10 Q. The caption goes like this:

11 "Ibadete Canolli-Kaciu was also a member of this unit and had
12 started her activity as an apprentice nurse at Flora Brovina's,
13 helping at the war-affected areas. Following Flora Brovina's arrest,
14 Ibadete became the person in charge for health at BIA guerrilla
15 unit."

16 So my question to you would be again: Were you -- after
17 Flora Brovina's arrest, were you the main person responsible for
18 health in the BIA unit?

19 A. I think yes. But there were not so many offensives after
20 Flora's arrest. There were not so many offensives. There was just
21 simple trainings.

22 Q. You said that Flora Brovina was arrested in April? Do I
23 remember it correctly?

24 A. I do not remember the exact date, but it was after the
25 April offensive. I found out later once the offensive ended. I

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1 found out later that Flora Brovina was arrested. We did not have any
2 information media to inform us.

3 Q. Did you give a statement to the Defence on 27 March 2021 in this
4 case?

5 A. Yes, I was not asked about this, about this responsibility.

6 Q. Did you tell the truth in that statement that you gave to the
7 Defence?

8 A. Yes.

9 MR. MICHALCZUK: Your Honours, I would like to pull down a
10 document from the screen and show another document. And this would
11 be the Defence statement of Ibadete Canolli-Kaciu, 27 March 2021.
12 The number would be DSM00148 to DSM00160, page 5.

13 PRESIDING JUDGE VELDT-FOGLIA: And the reason that you would
14 like to discuss this specific part?

15 MR. MICHALCZUK: I would like to simply remind the witness of
16 something that she said about the time Flora Brovina was arrested
17 which coincides with, apparently, her taking up responsibilities for
18 medical matters within BIA.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Please proceed.

20 MR. MICHALCZUK: This is English. We could also pull up
21 Albanian, but maybe -- it is a very short line. Maybe we could
22 simply interpret it.

23 Q. I will read it to you, Ms. Canolli.

24 So you said to the Defence the following things. Question by
25 the Defence:

1 "Did you ever see Flora Brovina in Zllash?"

2 And your answer was:

3 "No, but after the bombings she was arrested in her own
4 apartment."

5 When did the bombings in Kosovo start, the bombings you are
6 referring to here in this statement?

7 A. From 24 March 1999, I did not meet Dr. Flora anymore. When we
8 closed down the clinic, I did not see her anymore. And I found out
9 about her arrest after the April offensive. It was sometime in early
10 May. I do not remember the exact date. But after the day that I
11 mentioned, I did not see Dr. Flora Brovina anymore.

12 Q. I understand that. But in this statement you clearly said that
13 she was arrested after the bombings, which took place on 24 March and
14 not in April 1999.

15 So do you confirm that she was arrested already in March and not
16 later, or you want to tell us something different?

17 A. I do not know the date when she was arrested. The last day I
18 met her was on 24 March. I found out about her arrest later on. The
19 first day of the bombings was 24 March, and they continued for a
20 longer time. So the last day I saw her was on 24 March.

21 Q. Ms. Canolli, were you, in addition to your medical assignments
22 within the KLA, were you also a soldier of the KLA?

23 A. I was trained for my personal protection and for the protection
24 of the wounded. I did not take part in combat. I only gave medical
25 or health contribution.

1 Q. During the war, especially let's maybe narrow it down to March,
2 April 1999, were you wearing a uniform?

3 A. Not in March and also not during the offensive. By the end of
4 April, I was given a uniform as a present during the withdrawal of
5 the civilians. It was a military uniform that actually was too big
6 for me. It was not my size. But I used it during those days.

7 Q. Right.

8 MR. MICHALCZUK: Could we simply go back to the previous article
9 that we have already seen and the photograph that we've seen. So
10 this is again the document SPOE00325986 to SPOE00325998, page 3
11 again.

12 Q. So this is you, Ms. Canolli, correct, on this photograph?

13 A. Yes.

14 Q. Is that the Kosovo Liberation Army uniform?

15 A. Yes. This is a new uniform that was given to me as a present
16 after the war. It was a uniform that I wore during the first parade
17 of the KLA made after the liberation of Kosovo. It was the first
18 time that I wore that new uniform.

19 Q. What clothing were you wearing in April 1999 when you were in
20 Zllash?

21 A. Usually I wore black jeans and a black top, and I had a white
22 coat just to be distinct so that I could be recognised as a nurse.

23 Q. In April 1999, were you also carrying weapons?

24 A. During the days of the offensive, I did not have a weapon;
25 whereas when we started the transportation of the wounded, I was

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1 given a weapon for self-defence and for the defence of the wounded in
2 case of danger, but I never used it.

3 MR. MICHALCZUK: With the permission of Your Honours, I would
4 like to scroll down the same article that we have on the screen, a
5 little bit down, just a notch down.

6 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

7 MR. MICHALCZUK: Just a page down. So maybe let's take a look
8 at the next page. The next one. When there is a next photograph.
9 It is black and white in colour. Yes, that's the one. That's the
10 one. Yes. And this is page 5, as far as I can see. Correct? Thank
11 you.

12 Q. Ms. Canolli, do you recognise this photograph?

13 A. Yes.

14 Q. Are you on this photograph?

15 A. Yes, I'm the second.

16 Q. This photograph depicts a few persons. On the right-hand side,
17 there are four men marching in line with weapons, assault rifles.
18 And then these four men are followed by two women. One of them is
19 also carrying an assault rifle.

20 Is that you, Ms. Kaciu, the person who is second from the left
21 on this photograph?

22 A. Yes. It's a short-barrelled weapon.

23 Q. What was it? What weapon was it?

24 A. I don't remember the name. I think it was a German Heckler. As
25 I said, I used it for self-defence. I never fired it. And this

1 photograph was taken just before the war ended in the village of
2 Sharban. When we actually had the possibility to make a photo.

3 Q. Who is the other woman in this photograph?

4 A. In fact, there are two other women in this photograph. There
5 are not four men. The second in the beginning is Rrusta, he helped
6 me very much with the health issues.

7 THE INTERPRETER: The interpreter did not hear the name of the
8 following soldier.

9 MR. MICHALCZUK:

10 Q. Excuse me --

11 A. And then it is Emine [phoen], Ismajli's wife.

12 MR. MICHALCZUK:

13 Q. Could you just very, very slowly go from right to left and if
14 you could give us the identities of those soldiers, that would be
15 brilliant.

16 So let's start from the first person on the right. What's his
17 name?

18 A. The first cannot be seen on the photograph.

19 Q. The second then?

20 A. The second is Rrusta.

21 Q. And what's his name and surname?

22 A. His name is just Rrusta. I cannot remember his last name. But
23 he helped me greatly with the transportation of the wounded.

24 Q. Was he a member of the BIA unit?

25 A. Yes.

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1 Q. The second -- the third person, I'm sorry.

2 A. The third person is Linda. She is from the family of the old
3 man, Medi, she is the wife of his son.

4 Q. What's her surname?

5 A. Lindita Asllani.

6 Q. Was she also a BIA member?

7 A. I don't know. I met her later.

8 Q. The fourth person, what's his name?

9 A. I cannot remember the fourth person. I cannot identify him.

10 Q. But remembering this photograph, this moment, was he also a
11 member of the BIA unit?

12 A. This photograph was taken at the end of the war in Sharban. The
13 soldiers were from all sides. They were not identified as a brigade
14 soldier or a BIA soldier. We all acted together.

15 Q. The next person is yourself. And that last person on it's
16 photograph, that woman, what is her name?

17 A. Emine Vitija Brahimic [phoen].

18 Q. Was she a member of the BIA?

19 A. Yes, she was, together with her husband.

20 Q. And what was the name of her husband?

21 A. Ismajl Brahimic.

22 MR. MICHALCZUK: Your Honours, just under this photo there is
23 also very short caption I would like to read for the record about
24 Ms. Canolli. It says:

25 "Ibadete, for her part, says she knew about the revolvers but

1 was trained by comrades in arms about the automatic weapons and hand
2 grenades."

3 Is that correct, Ms. Canolli?

4 A. Yes. They explained me how -- they explained to me how these
5 weapons were used, because I had no knowledge.

6 Q. Ms. Canolli, we have discussed the issue of BIA. Could you tell
7 us who the commander of the BIA was?

8 A. At that time I didn't know. But later on I learned that it was
9 Mr. Salih Mustafa.

10 Q. When did you find out that it was Salih Mustafa who was the
11 commander of the BIA unit?

12 A. I knew that he had a leading position, but during the
13 transportation of the wounded on 21 April, Mr. Mustafa was wearing a
14 military uniform, and during the whole time, we knew that the
15 villagers would be transported to the village -- sorry, the wounded
16 would be transported to the village of Majac under the leadership of
17 Salih Mustafa.

18 Q. So you knew that he was the -- BIA's commander on 21 April 1999;
19 correct?

20 A. Yes, that is when I knew that he had a leading position.

21 Q. And from what you said - correct me if I'm wrong - you said
22 something to the effect that people were saying that Salih Mustafa
23 was the commander of this unit. Is that what you said?

24 A. No. The laypersons, the soldiers, when I was told how we are
25 going to be evacuated, I've told them that under leadership of

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1 Mr. Mustafa, we would send the wounded to Majac. So Salih Mustafa
2 was securing the path through which we would go to Majac.

3 Q. I understand. We will come back to this evacuation a bit later.

4 MR. MICHALCZUK: In the meantime, Your Honours, I would like to
5 show the witness a photograph that depicts simply Mr. Salih Mustafa
6 in a certain setting, and I would like to ask some questions to the
7 witness.

8 PRESIDING JUDGE VELDT-FOGLIA: Please --

9 MR. MICHALCZUK: Thank you very much.

10 So this is the same online article. Again 20 May 2021. ERN is
11 SPOE00325986 to SPOE00325998, and this is page 1. We don't have to
12 really show the English version. Maybe -- maybe the Albanian version
13 of the article will suffice.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay. Let's proceed like that.

15 MR. MICHALCZUK: If you could make this picture a bit bigger.
16 Yes.

17 Q. Do you recognise this photograph, Ms. Canolli?

18 A. Yes, I do. This picture was taken the same day that we had the
19 parade in the streets of Prishtine after liberation.

20 Q. What date was it?

21 A. I do not exactly know. That is a picture that I received from
22 the photographer later than the day when the picture was taken, and
23 that is a picture taken in the stadium of the city.

24 Q. Yes, but this parade you're referring to, could you at least
25 tell the Court the month and the year when this parade and this

1 photograph took place -- this photograph was taken?

2 A. I think it was June 1999. About the date, I don't remember. I
3 can't say.

4 Q. Is Salih Mustafa on this photograph?

5 A. Yes, he is. He is close to me. He is wearing the red hat.

6 Q. Yes. So the middle of the photograph there is a person in the
7 red hat --

8 A. Yes.

9 Q. -- and you are saying this is Salih Mustafa. And the person
10 sitting next to him is yourself. Could you tell the Court on which
11 side of Salih Mustafa or where in relation Salih Mustafa you are
12 sitting? There are several women there?

13 A. I'm on the left-hand side. I am looking towards the sky.

14 Q. Do I see correctly that you hold your hand on the shoulder of
15 Salih Mustafa?

16 A. No, that's not my hand. It's the hand of the other people,
17 above, in the picture.

18 Q. Who are these other people in this photograph?

19 A. I know some of them, but I don't know some others. Shureta
20 Gosanci [phoen], Salih Mustafa, then it's myself. The person here at
21 the corner is Bashkim. I don't know the others.

22 Q. Bashkim and his surname is?

23 A. I don't know his surname.

24 Q. These people on these photographs, are they the members of the
25 BIA unit?

1 A. No, not all of them are a member of the BIA unit. They are
2 members of other units as well. It was the entire Llap operational
3 zone, and there are civilians as well that joined us in the picture.
4 There is a child that I can see in the picture as well.

5 Q. Speaking of Salih Mustafa and you knowing him, could you tell
6 the Court, if you remember, since when you knew Salih Mustafa?

7 A. Probably since the beginning of 1999. I told you that I worked
8 for Flora Brovina back in 1999 and I met with Mr. Isa Kastrati and
9 Salih Mustafa back then. They were talking to the doctor, to Flora,
10 but sometimes it happened that I was present at the venues of the
11 clinic as well.

12 Q. So the meetings, as I understand, were happening or the meeting
13 happened at the clinic of Flora Brovina in Prishtine. Is that what
14 you are saying?

15 A. Yes, yes.

16 Q. And the first time you met Salih Mustafa was in January 1999 in
17 that clinic; is that correct?

18 A. I think it was January. It was a cold month. I can't exactly
19 tell you the month, but I have met with him several times. I have
20 not met him just once. I have met him some times.

21 Q. What is your current relationship with Salih Mustafa? How would
22 you describe it?

23 A. He was a formerly politically prosecuted and imprisoned person.
24 He has contributed a great deal to his nation, to the civil
25 population. He has given everything from himself to the liberation

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1 of the country. After the war, I have not kept a lot of contacts
2 with either Mr. Mustafa or other persons either. I had my own career
3 I established. I built my own family. Therefore, I have not
4 maintained any relations after the war.

5 Q. After the war, were you meeting with him on any occasions; and,
6 if so, what were those occasions?

7 A. No. I did not meet him after the war. Just the day that we had
8 the parade. And from that day onwards, I just withdrew. I did not
9 have any contacts with anyone. I looked into my own personal life
10 from that day onwards.

11 Q. So, Ms. Canolli, you were a member of the BIA and you were --
12 your function there was primarily the medical function but you were
13 also a soldier carrying weapons. And Salih Mustafa was the commander
14 of your unit, so I understand he was your commander; correct?

15 PRESIDING JUDGE VELDT-FOGLIA: I see that Madam Witness is
16 nodding. Do I interpret that correctly? Were you saying yes?

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. That is for the record.

19 MR. MICHALCZUK: Thank you, Your Honours. Thank you very much.

20 Q. Then was he able to issue orders to you?

21 A. I've never received an order from him.

22 Q. I'm not asking about whether you received orders from him. What
23 I'm trying to get from you is that, as you have admitted yourself,
24 you are a member of the BIA unit and he was the BIA unit's commander.

25 My question was: Was he able, in his capacity as the commander,

1 order any orders to you? Was he able to do that?

2 A. He could have given me orders and I would have implemented them.
3 That is the task of every soldier in the world.

4 Q. Was he able to give orders to other members of the BIA unit?

5 A. I can't give an answer to this question, because I haven't seen
6 him order someone do something. At the time that I was in Zllash, I
7 have seen blood, I have heard shots. I have not had any contacts.
8 But during the evacuation with Mr. Mustafa, I have seen him several
9 times because he was accompanying us to the other place with the
10 wounded persons.

11 Q. I would like to ask you a few questions exactly about this
12 matter. And you spoke about this evacuation already today earlier.
13 And we have it on page 44, lines from 18 to 22. When you said that
14 you met Salih Mustafa for the first time in Zllash on 21 April, when
15 the evacuation of the wounded was taking place. Correct?

16 A. Yes.

17 Q. What was the role of Salih Mustafa in the evacuation of the
18 wounded?

19 A. To secure the road, in order for us to be able to transport the
20 wounded up until the village of Majac. He was responsible for that
21 aspect; namely, to secure the path that we would travel into in order
22 to send the wounded in Majac.

23 Q. Was he himself carrying out the evacuation or was he supervising
24 this evacuation? How would you describe his role? Like a
25 coordinator or the person who was himself doing that, or maybe both?

1 A. He was the supervisor. He supervised. So he checked the road.
2 He was leading us and he was waiting for us. He went earlier. So he
3 walked before us and he made sure that the road was clean.

4 Q. When he was, as you said, coordinating this evacuation, did you
5 hear him or see him giving any orders, guide-lines, directions to
6 anybody?

7 A. During the transportation process, I was in a vehicle with one
8 of the wounded that was in the most serious health condition, so he
9 was injured in his backbone, in his column. I couldn't hear the
10 discussions that he held, but that is something that I saw from a
11 distance.

12 Q. So you saw from a distance what exactly? Let's clarify it for
13 the Court. What did you see? And, again, we are -- I'm trying to --
14 what I'm trying to establish -- just you not confuse you, I'm trying
15 to establish whether you saw, even from a distance, or heard
16 Salih Mustafa giving orders, giving directions, could be verbal, an
17 order, a verbal direction, could be the way he was, you know, moving
18 his body, showing somebody something. What you did see?

19 A. There were gestures and he would say something as well. So, for
20 instance, I remember a place where we were cleaning the wounds of one
21 of the wounded persons, and I wanted to give antibiotics to this
22 person because the wound had started to be infected, and he told me
23 not to give him the pill that was against the allergy. It was there
24 that Mr. Mustafa came and asked whether there was any problem. And I
25 explained that Avni was allergic to one of the medications and he

1 explaining to me that that medication should not be given to him.

2 Nothing else. He tried to be as close to us as possible.

3 Q. Right. But you also told us that when you were during the
4 evacuation with one of the wounded people, you saw something from a
5 distance. What did you see from the distance? What did you want to
6 say?

7 A. In one of the junctures we stopped. I saw Mr. Mustafa just
8 waving his hand, showing that we should continue straightforward. It
9 was not that he was communicating to me, but that sign was addressed
10 to the drivers.

11 Q. Okay, I understand. I understand. Thank you very much.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, allow me just to
13 put one question without too much interrupting your
14 cross-examination.

15 You spoke about Mr. Salih Mustafa being supervisor during the
16 evacuation. Did I get that right?

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. And what do you mean with
19 "supervising"? Because if you say -- I will tell you how I
20 understood it and then can you correct me if I'm wrong. The
21 supervisor is the person who is leading, controlling, organising an
22 evacuation. So I don't understand why you are now telling us: I
23 didn't see anything, I don't know anything about it, but you could
24 say that he was a supervisor. For me -- you have to tell the truth
25 here, so please be a little bit more clear on what you meant on that.

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1 And then -- I've seen that the picture has been taken away, but
2 I would like to ask one more question about the picture.

3 But, anyway, please, you have the floor.

4 THE WITNESS: [Interpretation] Yes. I said that he was
5 responsible for securing the road. I didn't negate that. He was
6 responsible for overseeing the road. He was the person in charge for
7 making sure that the road was cleared.

8 PRESIDING JUDGE VELDT-FOGLIA: You used the word "supervisor."
9 What you did mean with that? Okay.

10 "He was the supervisor. He supervised. So he checked the road.
11 He was leading us and he was waiting for us. He went earlier. He
12 walked before us and made sure the road was clean."

13 He was coordinating this evacuation.

14 What do you mean with "he was coordinating the evacuation"? How
15 do you coordinate, would be my question to you, without telling
16 people how to do things?

17 THE WITNESS: [Interpretation] There were other soldiers there as
18 well, those that were transporting the wounded soldiers and persons.
19 So they just made sure that the path, that the road, was cleared, and
20 we continued after them. So this is what I wanted to say. I don't
21 know whether I was clear enough or not.

22 PRESIDING JUDGE VELDT-FOGLIA: No, it is not clear at all for me
23 for now. Because I don't want to play hide and seek here.

24 "He was coordinating this evacuation." That's what you just
25 said. And, for the record, page 70, line 10.

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1 What do you mean with "he was coordinating the evacuation"?

2 THE WITNESS: [Interpretation] What I meant is that he was not
3 alone. There were other soldiers that helped him in this direction.
4 We were responsible to send the wounded persons to Majac where the
5 hospital for more serious interventions was located. So that was our
6 task.

7 PRESIDING JUDGE VELDT-FOGLIA: The word "coordinate" means that,
8 together with other people, that you as a main person, yeah, tell
9 other people what to do. That's that you have a coordinating
10 position.

11 So I don't understand your clarification in relation to this
12 words "coordination," but I have heard what you said. So I leave it
13 for now here.

14 Mr. Prosecutor, it is one question I want to ask about the
15 picture and then we can take it away.

16 MR. MICHALCZUK: Of course.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Madam Witness, next to Mr. Mustafa, on the right-hand side, so
19 you explained to us that you were on the left side looking into --
20 looking up. The person on the right-hand side, do you know who that
21 is?

22 THE WITNESS: [Interpretation] Shureta Gosanci.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. And there are -- there is
24 a woman standing behind Mr. Mustafa, right behind him. Do you know
25 who she is? And if it's not clear maybe -- Madam Court Usher, could

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1 you provide the witness with a pencil and then we can make sure that
2 we are indicating the --

3 THE WITNESS: [No interpretation].

4 PRESIDING JUDGE VELDT-FOGLIA: The person standing, yes, you
5 have put a blue little mark. Who is that person? If you know, of
6 course.

7 THE WITNESS: [Interpretation] She was a soldier but I don't
8 remember her name. She was during the time there.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well. And next to the
10 person, on the left side of the person you indicated with this blue
11 mark, maybe you can mark the next person with a circle. To the left.
12 Okay, yes, that I want to know too. Do you know who she is?

13 THE WITNESS: [Interpretation] She was a soldier too.

14 PRESIDING JUDGE VELDT-FOGLIA: But you don't know her name?

15 THE WITNESS: [Interpretation] Menda [phoen].

16 PRESIDING JUDGE VELDT-FOGLIA: Does she have more names than
17 Menda?

18 THE WITNESS: [Interpretation] I don't remember.

19 PRESIDING JUDGE VELDT-FOGLIA: Let us put here a number 1.
20 Could you do that? Because for the record that's easier.

21 THE WITNESS: [Marks].

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And then if we go to
23 the right, the person standing on the right side of that person, you
24 can mark it with 2. Do you know who she is?

25 THE WITNESS: [Interpretation] No, I don't know the other

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1 persons. They are soldiers from all the Llap operational zone.
2 Probably they are not soldiers at all, but they got a uniform. They
3 took the picture with us.

4 PRESIDING JUDGE VELDT-FOGLIA: Just asking. And you marked the
5 person standing behind Mr. Mustafa with a small mark in blue. Can
6 you put a 2 there and then repeat the name of the person.

7 THE WITNESS: [Interpretation] I don't remember the name. But I
8 know that I have met this person during the war. Like I said, I
9 don't remember the name.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then I didn't get that
11 right.

12 Okay. Is there another -- is there a woman on this picture that
13 you do recognise?

14 THE WITNESS: [Interpretation] Shureta that I already mentioned.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes.

16 THE WITNESS: [Interpretation] She is here.

17 PRESIDING JUDGE VELDT-FOGLIA: Number 1, or not?

18 THE WITNESS: [Interpretation] Number 1, Menda. This person
19 here, number 3, I don't know her name.

20 PRESIDING JUDGE VELDT-FOGLIA: And is there somebody else on the
21 picture, being a woman, that you recognise?

22 THE WITNESS: [Interpretation] This guy here. The others, no.
23 The others I don't know. I don't know.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you for your
25 efforts.

1 Mr. Prosecutor, please proceed.

2 MR. MICHALCZUK: Thank you very much, Your Honours.

3 Q. Ms. Canolli, coming back to this coordination issue, so far, and
4 we have it on page 71, lines 9 to 12, you said:

5 "In one of the junctures we stopped. I saw Mr. Mustafa just
6 waving his hand, showing that we should continue straightforward. It
7 was not that he was communicating to me, but that sign was addressed
8 to the drivers."

9 Correct?

10 Did you see Salih Mustafa during that evacuation in any other
11 situation where he was making similar gestures to the others?

12 A. No. No, just he stopped and he would say, would ask us, "How
13 are you? How are the wounded persons? Do you need anything?"

14 Q. Did you hear from anybody during the evacuation, or maybe later,
15 that it was, indeed, Salih Mustafa who was coordinating that
16 evacuation?

17 A. No. This is my opinion. Nobody told me.

18 Q. If you cast your mind back to that time when you saw
19 Salih Mustafa during the evacuation, could you tell the Court how he
20 was dressed?

21 A. The military uniform, the red hat, and the insignia, the KLA
22 insignia.

23 Q. The red hat which also features on this photograph that we have
24 in front of us? Same, similar type?

25 A. Similar to that. Similar to that.

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1 Q. It is a beret rather than a hat. So were you referring to a
2 beret?

3 A. Yes, a beret.

4 MR. MICHALCZUK: We could take down this photograph. Thank you.

5 Q. As you were yourself a member of the BIA unit, I would like to
6 ask you a few questions about some other members of the BIA that you
7 might know.

8 Do you know who was Salih Mustafa's deputy in the BIA unit?

9 A. I don't know the positions, but if you ask me of the names or if
10 you show me their pictures, I know some of them. I don't know who
11 was holding that position.

12 Q. Do you know the person whose name is Brahim Mehmetaj?

13 A. If you ask me of the period before the war and after the war, I
14 don't know him. But after the war, I know that he has been part of
15 the leadership. I've had some meetings between friends, but I'm not
16 close to him.

17 Q. So part of leadership of what was Mr. Brahim Mehmetaj of?

18 A. The way how I understood it, he might have as well had a unit,
19 but in the context of BIA, of the guerilla, I never heard of him. I
20 have not met him. But after the war, like every other soldier, we
21 met during the parade, and sometimes we might have exchanged
22 something through the social media.

23 Q. Okay. What social media are you referring to?

24 A. Facebook. We have joint friends.

25 Q. Do you know the nickname of Brahim Mehmetaj?

1 A. I think it's Bimi.

2 Q. Where was the first time that you met Brahim Mehmetaj?

3 A. During the parade. There are some pictures that have been
4 shared through various media. He is part of those pictures as well.
5 I didn't know him at the time but afterwards I got to know that he
6 was Bimi. I didn't know him during the parade either.

7 Q. And the parade took place when?

8 A. June, after the end of the war.

9 Q. Do you know the person whose name is Bahri Gashi?

10 A. Yes, I know him. He is a family friend.

11 Q. Was he also a member of the BIA unit?

12 A. On the 23rd of March, the transportation day, he was together
13 with Salih Mustafa.

14 Q. You mean in April?

15 A. I apologise. A mistake on my end. It was in April. 23 April.

16 Q. So you were saying that he was part of the group taking part in
17 the evacuation? Did I get that correctly?

18 A. Yes, yes.

19 Q. Do you know what position he had in the BIA?

20 A. No. He never told me anything. I never asked him of it.

21 Q. Do you know his nickname?

22 A. Bafta.

23 Q. And what is your current relationship, if any, with Bahri Gashi?

24 A. We still call him Bafta. We have good relations currently. We
25 have good family connections. So recently he has had a very serious

1 health issue. I have helped him with the surgery that he had. It
2 took him a very long time for him to be recovered. He spent two
3 months in the hospital and he had two surgeries in the meantime.

4 Q. I know that these questions have been already been asked by the
5 Defence Counsel, but let me ask them, nevertheless, again. And the
6 reason I'm asking them again is that, as we established today, you
7 told us that you were during the war a member of the BIA unit, and I
8 have in front of me a few names of the people whom we believe might
9 be members of the BIA.

10 So let me start from the person whose name is Ilmi Vela?

11 A. I do not know him.

12 Q. How about the name Ilmi Rakovica?

13 A. I don't know him.

14 Q. The nickname Vdekja? Does it mean anything to you in relation
15 to BIA?

16 A. No.

17 Q. Did you hear those names, Ilmi Vela, Ilmi Rakovica, or Vdekja in
18 the context of your membership and participation in the BIA units?

19 A. No.

20 Q. How about the person whose name is Nazif Musliu. Do you know
21 that name and surname?

22 A. No. No, I don't know.

23 Q. How about the nickname Tabuti? Again, in the context of the BIA
24 membership.

25 A. No, I cannot know all the soldiers. I know the ones who were

1 close to me, who helped me with the wounded. I might not remember
2 their names but I can recognise them. But the wounded, I may be able
3 to give all the names. Some of the soldiers I was closer to who were
4 closer to me in age and who also helped me more.

5 Q. So let me give you a few other names. Maybe it will be of some
6 help.

7 Dardan or Dardani? Does it ring any bell in relation to or in
8 the context of the BIA unit?

9 A. I don't remember that name. I never heard of it.

10 Q. The name and surname Kujtim Qerimi [phoen]? Do you know that
11 person?

12 A. No.

13 Q. How about the person whose name or nickname is Afrim? Again, in
14 the context of the BIA membership.

15 A. I don't know him.

16 Q. How about the person name is or -- nickname is Fatmir?

17 A. I don't know him.

18 Q. How about the name Avni?

19 A. There were two wounded who were called Avni: Avni Gashi and
20 Avni Haziri. I don't know if they were members of the 153rd Brigade
21 but they were both wounded.

22 Q. Do you know if they had any connection with the BIA unit?

23 A. I don't know. Not during the time I gave them the treatment
24 they were -- when they were both wounded. One of them was seriously
25 wounded. The other one was lightly wounded.

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1 Q. Could you tell the Court, if you remember, the dates when you
2 treated these two wounded persons? Was it in April 1999, during this
3 evacuation? Earlier? Later?

4 A. April. Between 19th, the 20th, and 21st, until I handed them
5 over in Majac.

6 Q. In Zllash; correct?

7 A. Zllash.

8 Q. Thank you. How about the person whose name is Bujar? Again in
9 the context of the membership of the BIA unit.

10 A. I don't know him.

11 MR. MICHALCZUK: Your Honours, in the context of the questions
12 that I'm asking, I would like to show the witness a few photographs.
13 She is saying that she is more comfortable with faces, not with
14 names, so perhaps some photos could be of assistance.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

16 MR. MICHALCZUK: Could we start with the photograph, Madam Court
17 Officer, SPOE00222690.

18 Q. Do you recognise anybody in this photograph, Ms. Canolli?

19 A. I think that I do.

20 Q. Could you tell us who you recognise on this photograph.

21 A. May I draw with a pencil?

22 Q. We could that.

23 PRESIDING JUDGE VELDT-FOGLIA: Please proceed. And then with
24 numbers. I think that is what works best.

25 THE WITNESS: [Interpretation] Number 1 is Salih Mustafa. You

1 can see he's wearing a black beret. Number 2, standing above him,
2 Fatmir Sopi. I never met him during the war. I met him when I
3 registered as -- in the list of the veterans. He was in the office
4 there.

5 Q. Anybody else?

6 A. I don't know them.

7 Q. Okay.

8 MR. MICHALCZUK: We can pull that down and pull up another
9 photograph. This new photograph would be SPOE00222600.

10 Q. Could you do the same. Do you recognise anybody on this
11 photograph? If so, please mark them using numbers and you will tell
12 us the names of these people, if you know them, of course.

13 A. The first person marked with number 1 is Bahri Gashi. Second
14 one is Salih Mustafa. I don't recognise the third one.

15 Q. Mm-hm. If I told that you it could be Dardan, Kujtim Qerimi,
16 does it ring any bell, if you match the face with the name and the
17 nickname? Please take a look. Maybe you could --

18 MR. MICHALCZUK: No, we cannot make the picture bigger.

19 Q. Okay. But take a look, please.

20 A. I don't recognise him. I don't think I ever met him.

21 MR. MICHALCZUK: That's fine. Okay. We can show another
22 photograph. It would be SPOE00222642.

23 Q. So, Ms. Canolli, let's do the same. So take a pencil and please
24 mark the persons whom you know on this photograph.

25 A. Number 1, again, Mr. Mustafa. Number 2, Bahri Gashi. I do not

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1 know the other two.

2 Q. I understand.

3 MR. MICHALCZUK: And I have the last photograph. This
4 photograph would be SPOE00222695.

5 Q. So, again, let's do the same. Take a pencil and tell us whether
6 you know anybody. If so, mark the people and put the names to the
7 numbers.

8 A. In the middle is Mr. Mustafa. He's the only one I recognise.

9 Q. I understand. Okay, thank you.

10 MR. MICHALCZUK: We can pull that down.

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

12 MR. MICHALCZUK:

13 Q. Do you have any brother, Ms. Canolli?

14 A. Yes, I have one.

15 Q. What's in this name?

16 A. Agim.

17 Q. Was he a member of the BIA unit?

18 A. No.

19 Q. Was he in Zllash in April 1999?

20 A. No. He came up to Mramor village and then he returned with my
21 parents.

22 Q. Do you know a person whose name is Halit Canolli?

23 A. No.

24 Q. Is he -- is he not a relative of yours?

25 A. No. A village where I come from is a larger village and we

1 don't know all of them. I lived in Prishtine. I only know close
2 relatives. I don't know distant relatives.

3 Q. Do you know anybody with the nickname of Curi?

4 A. No.

5 Q. Was anybody from your male family members a member of BIA?
6 Apart from you.

7 A. No, they weren't. Not from the male side or from the female
8 side.

9 Q. Ms. Canolli, during this trial we -- not you but the rest of us,
10 we heard from one of the witnesses who is also the victim in this
11 case, that some women who were members of the KLA participated in his
12 brutal mistreatment in Zllash. Do you know anything about that?

13 A. No.

14 Q. Were you yourself engaged in the mistreatment of any civilians
15 during the war?

16 A. No. I gave a solemn declaration to help people, not to --
17 ill-treating persons by a medical professional should be punished and
18 is punished.

19 Q. So your answer to this question is no.

20 A. No.

21 Q. Do you know a person named [REDACTED] Pursuant to In-Court
Redaction Order F408RED.?

22 A. No.

23 Q. Do you know anything about [REDACTED] Pursuant to In-Court
Redaction Order F408RED.during the
24 war?

25 A. No.

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1 Q. Have you ever been in the village of [REDACTED] Pursuant to In-Court Redaction Order F408RED.?

2 A. No, never.

3 Q. [REDACTED] Pursuant to In-Court Redaction Order F408RED.

4 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

5 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

6 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

7 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

8 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

9 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

10 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

11 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

12 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

13 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

14 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

15 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

16 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

17 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

18 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

19 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

20 PRESIDING JUDGE VELDT-FOGLIA: Please.

21 THE WITNESS: [Interpretation] I didn't remember his name.

22 MR. MICHALCZUK:

23 Q. You've got to say that.

24 A. Yes.

25 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

1 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

4 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

5 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

6 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

7 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

8 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

9 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

10 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

11 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

12 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

13 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

14 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

15 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

16 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

17 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

18 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

19 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

20 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

21 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

22 [REDACTED] Pursuant to In-Court Redaction Order F408RED.

23 MR. MICHALCZUK: Are we -- Your Honours, are we expecting any
24 break before the end of today or are we going to continue until the
25 day ends and --

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1 PRESIDING JUDGE VELDT-FOGLIA: The planning is to continue like
2 I think we did yesterday too. So my planning is to continue till
3 3.00, have 15 minutes of break, less or more, depends on if we -- it
4 would be better to finish earlier, now, and then have a break at five
5 minutes to 3.00, okay, and then continue till 4.00.

6 If there is only a small part left and we can finish the
7 testimony of the witness today, I would continue till quarter past
8 4.00 and, if not, we do it tomorrow morning.

9 So that is the planning for now.

10 So I leave it up to you if you think that this is a good moment
11 to wrap up -- not to wrap but to stop and have a break.

12 MR. MICHALCZUK: Your Honours, maybe a very short break and then
13 -- because upon the answers of the witness, I might slightly change
14 my lines of questioning, maybe shorten them, and then we could really
15 end today.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes. We can have a break in a
17 few minutes. There is just one clarification I would like to receive
18 with regard to a photograph, and, Mr. Prosecutor, then we will have
19 the break and then we continue.

20 MR. MICHALCZUK: Of course. Of course.

21 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, the last
22 picture we had on the screen -- no, not the last, but the picture we
23 had on the screen which related to the online article "*KLA Women -*
24 *The Untold Stories*," and the reference number is SPOE00325986. If
25 I'm not mistaken, in this article at the end, yes, we have this

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1 picture.

2 Just for clarification, in line -- on page 73, line 20,
3 Madam Witness, I thought to have understood - but please correct me
4 if I'm wrong - that the woman on the right side of Mr. Mustafa was
5 Suneta -- I cannot read my Shureta Kukanqi. And then later on I
6 think you said that you didn't remember who she was. I see you
7 laughing. Is there something really funny?

8 THE WITNESS: [Interpretation] No. I said Shureta Gosanci. And
9 I marked with it a pencil. So she is Shureta Gosanci. I marked her
10 with a number with the pencil and I said that I know this person.

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

12 THE WITNESS: [Interpretation] You can put on the screen the
13 marked photograph, if you want.

14 PRESIDING JUDGE VELDT-FOGLIA: Yes, I can do that. But it is
15 the person on the right-hand side of Mr. Mustafa?

16 THE WITNESS: [Interpretation] Yes, Mustafa, yes.

17 PRESIDING JUDGE VELDT-FOGLIA: Do you -- if you look at the
18 picture?

19 THE WITNESS: [Interpretation] Mm-hm. Do you want me to mark it?

20 PRESIDING JUDGE VELDT-FOGLIA: Yes, please mark it again. And
21 could you mark it with -- yeah, with a circle.

22 THE WITNESS: [Marks].

23 PRESIDING JUDGE VELDT-FOGLIA: So that's for clarification.
24 Because I felt that I did not understand -- that I heard you one time
25 saying that you knew her name and the last time that you didn't

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1 remember. But now it's clear. Thank you. The picture can be saved
2 in this way. Okay. Good.

3 We are going to have a break for 15 minutes, Madam Witness. So
4 we see you back at ten minutes past 3.00. Thank you for now. And
5 Madam Court Usher will usher you out of the courtroom.

6 THE INTERPRETER: Your Honour, the interpreters would like to
7 make a correction. Page 78, line 13, the date should read 21st of
8 April instead of 23rd of April.

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

10 [The witness stands down]

11 PRESIDING JUDGE VELDT-FOGLIA: We will resume in 15 minutes.

12 --- Recess taken at 2.54 p.m.

13 --- On resuming at 3.11 p.m.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. Madam Court Usher,
15 could you bring the witness in, please.

16 In the meantime, I note that we are in the same composition as
17 before the break, so that will be put on record.

18 [The witness takes the stand]

19 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Madam Witness.

20 THE WITNESS: [Interpretation] Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I give you the
22 floor for your remaining questions.

23 MR. MICHALCZUK: Thank you very much, Your Honours.

24 Q. Welcome back, Ms. Canolli.

25 I would like to ask you a few questions in relation to your stay

1 in Zllash and then we will move on.

2 Today, earlier on, you testified that you arrived in Zllash on
3 16 April 1999 and you left on 20 April; is that correct?

4 A. 21st of April.

5 Q. 21st. I apologise, my mistake, you're absolutely right. And
6 it's on page 42, lines 9 to 15 of today's transcript.

7 Was it your first time in Zllash?

8 A. Yes.

9 Q. Did you come back to Zllash later after you left on
10 21 April 1999?

11 A. From Majac, we went to Sharban. When the offensive of Sharban
12 started, we went back to Zllash but to another house. We stayed
13 there for a short time. The name of the owner was --

14 THE INTERPRETER: And the interpreter did not get the name. The
15 witness is going too fast.

16 MR. MICHALCZUK:

17 Q. What was the name of that person, the owner of that house?

18 A. The old man was called Sahit. But I don't know in which part of
19 Zllash that was house.

20 Q. But it was not in that same place where you had stayed before?

21 A. No, I never went back to that place again.

22 Q. So after 21 April 1999, you never came back to that place in
23 Zllash again ; is that correct?

24 A. No.

25 Q. You stated today - and we have it on page 38, lines 23 and 24,

1 and also on page 39, line 23 - that you stayed in that house for only
2 two days; is that correct?

3 A. 16th and 17th, two days. I stayed inside. On 16th and 17th I
4 was preparing. On 18th, the shelling began. The shelling by the
5 Serb forces.

6 Q. So --

7 A. On the 20th, there was a forest just close to the area where I
8 stayed, and that's where we were, together with the wounded. That
9 was the night of the 20th of April.

10 Q. I understand. So just to recap, in that -- that building, you
11 stayed on the 16th and the 17th of April; correct?

12 A. 16, 17th -- well, four days. But on 16th and 17th, I only had
13 work to do inside related to the medical help, to classify and
14 categorise medicine. So these two days I only spent inside. I did
15 not go out at all.

16 Q. Okay. On the 18th, the shelling started. So you are saying
17 that you left at some point; correct?

18 A. I went to the kitchen to get food. For two days I was brought,
19 fetched food. But on 18th, I went to get the food myself.

20 Q. Where was this kitchen located?

21 A. Very close to the part. It was a building next to it, but it
22 was an older one. A bit further below.

23 Q. And it was not the building that was shown to you today at any
24 point. It was another building. Correct?

25 A. The photograph was probably taken after that area was destroyed,

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1 but the part where the kitchen used to be was not there. But it was
2 nearby.

3 Q. So it was within this kind of compound, the buildings, but it
4 was not in the photograph shown to you today. Is that what you are
5 saying?

6 A. Where I marked the arrow, that's not that building. But next to
7 that building, close to that building there was an older building and
8 that was destroyed and can no longer be seen on the photograph.

9 Q. I understand. Did you go there once or more times to that
10 kitchen?

11 A. Only on the 18th I went to get the food. And later on, we just
12 ate what we could find. There was no possibility to prepare food
13 anymore.

14 Q. All right. But on that day when you went to that kitchen, were
15 you also coming back to your place where you were staying before to
16 take care of the wounded?

17 A. Yes. Because I still had work to do.

18 Q. From your statement -- from your testimony today, I understand
19 that your focus while you were in Zllash was mainly on the wounded;
20 is that correct?

21 A. Yes.

22 Q. Today, earlier on, you testified - and we have it on page 39,
23 lines 24 and 25 - you stated that you were not moving around that
24 compound where you were staying; is that correct?

25 A. Correct. Because I had much work to do.

1 Q. I understand. Earlier on, upon the questions of my learned
2 colleague, you said that you didn't hear any noises of anybody being
3 mistreated and you didn't know about anybody in Zllash who could be
4 detained there. But if you're all the time, most of the time in that
5 room, if you're all the time taking care of the wounded, being
6 focused on them, then the shelling started, and then had you to leave
7 that location altogether, how could you really tell that there were
8 no detainees there in Zllash?

9 A. I did not hear from anybody about that. I did not see anything
10 myself. I did not see anything suspicious. Everybody could move
11 freely in the yard.

12 Q. But could you exclude that in the buildings that you did not
13 visit yourself, could you exclude that there might be detainees
14 there?

15 A. I don't think there were. As I mentioned earlier, there were
16 also families there. There were women with children.

17 Q. My question was different. Could you exclude that in the
18 buildings that did you not visit yourself in Zllash were detainees?
19 Could you exclude that?

20 A. I don't believe there were. I did not see anything. For
21 something that I haven't seen, I cannot say whether there was or
22 there wasn't something like that.

23 Q. Buildings were shown to you by the Defence today and you said,
24 first of all: I don't remember them at all. I understand that you
25 were not in those buildings, so how could you tell that people were

1 or were not there who were detained? Could you tell that for sure?

2 A. I did not pay attention to those buildings because they were old
3 buildings, in not a good shape. There was nothing that could be kept
4 in those buildings, not even farm animals.

5 Q. Yes, but you were not there. So how could you tell? It's a
6 simple question.

7 A. I told you, I don't know. I cannot imagine that there was
8 something like that. From what I know, there wasn't. When I went
9 there, I went there freely. I could move freely. The soldiers could
10 move freely. The children of Fatmir Humolli, they came to me, two
11 three times. They could move freely in the yard. So this is my
12 answer. I don't believe there was anything like that.

13 Q. But it's based on your belief and not that you are sure that
14 there were nobody kept there; correct?

15 A. I didn't see and I did not hear.

16 PRESIDING JUDGE VELDT-FOGLIA: But did you check all the
17 buildings?

18 THE WITNESS: [Interpretation] No, Your Honour. I had a lot of
19 work. As I told you, I didn't move for two days. On the 18th, the
20 shelling began and it didn't even occur to me to go and check the
21 other buildings. We had to prepare the bandages, the instruments,
22 equipment, to sterilise it. So we had to plan everything ourselves.
23 If it wasn't for the help of the soldiers, I wouldn't have been able
24 to manage everything on my own.

25 MR. MICHALCZUK:

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1 Q. So --

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

3 MR. MICHALCZUK: Excuse me, Your Honours.

4 Q. So, Ms. Canolli, you didn't inspect all buildings. You did not
5 visit them. You were confined most of the time to that room. You
6 were taking care of the wounded. It was very stressful, dramatic
7 situation. People -- plenty of people in need. You felt the gravity
8 of the whole situation to help the people in need. And you are
9 telling us that you believe that nobody was held there. But you
10 cannot really say that for sure, can you?

11 A. It's up to you give the end word. I'm here to give my own
12 testimony, to what I know, and to what I have seen myself. Nothing
13 more than that.

14 Q. My question is -- the last one.

15 So you are not sure whether people were kept there, the
16 detainees, or not; is that correct?

17 A. I cannot say that about something that I have seen or did not
18 see. My final answer is that I don't know. I haven't seen anything
19 that would make me suspicious.

20 Q. Okay. That would suffice for an answer.

21 A bit earlier today, you told us that you were using social
22 media and you mentioned Facebook; is that correct?

23 A. Yes.

24 MR. MICHALCZUK: Your Honours, I would like to show very quickly
25 some Facebook postings and ask very brief questions to the witness

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1 about them.

2 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Prosecutor.

3 MR. MICHALCZUK: So Madam Court Officer that would be document
4 number SPOE00325261 and the corresponding number with the -ET at the
5 end.

6 Q. Ms. Canolli, this is the Facebook post published by
7 Brahim Mehmetaj, aka Bimi, and this is the photograph of him standing
8 with Salih Mustafa at the airport. He's flying to The Hague to give
9 his interview as a suspect. Did you comment in any way on that
10 Facebook post of Brahim Mehmetaj?

11 A. I don't remember. Maybe I liked it. Maybe I wrote "freedom" or
12 something. It's been a long time. But I don't remember.

13 Q. Okay.

14 MR. MICHALCZUK: Your Honours, we could show exactly what was
15 posted by the witness. So this would be -- with your permission, of
16 course, Your Honour.

17 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

18 MR. MICHALCZUK: Thank you very much.

19 So this document that I would like to pull up is SPOE00325266.

20 Q. So, as you can see, there is Ibadete Canolli-Kaciu with a
21 clenched fist at the very bottom of the page, it's a clenched fist
22 under this Facebook post. What did you want to express by putting
23 this clenched fist under this Facebook post?

24 A. That's an expression of "stay strong." We -- I usually use it
25 for -- to say "stay strong." For nothing else.

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1 Q. Whom did you want to say "stay strong"?

2 A. We had same aspirations, so I said to Mr. Salih Mustafa, "Stay
3 strong before every challenge, and in the end justice will prevail."

4 Q. What did you want to express by that, apart from "stay strong"?
5 Did you want to show support to Salih Mustafa, your previous BIA
6 commander?

7 A. Of course. As a moral support.

8 Q. I understand.

9 MR. MICHALCZUK: Your Honours, I would like to show another
10 Facebook post.

11 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

12 MR. MICHALCZUK: Madam Court Officer, I would kindly ask you to
13 pull up a document, SPOE00325372, with the corresponding -ET number.

14 Q. This is the Facebook published by Brahim Mehmetaj, aka Bimi, on
15 28 October 2020.

16 MR. MICHALCZUK: Shall I repeat the number? SPOE00325372.
17 Sorry. Apparently the number is slightly different. Excuse me.
18 Sorry, it's 27 -- sorry, it's 105327. My apologies, Your Honours.
19 Too many photographs today.

20 PRESIDING JUDGE VELDT-FOGLIA: In the list you provided us with,
21 I see the accurate number.

22 MR. MICHALCZUK: Thank you.

23 Q. Ms. Canolli, do you remember this Facebook post by
24 Brahim Mehmetaj, Bimi?

25 A. More than two years have passed. Maybe I liked it, maybe I

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1 commented it. Usually if I want to like something, then I like it.
2 But not every post. That does not happen with every post.

3 MR. MICHALCZUK: Your Honours, I would also like to show the
4 witness the comment that she put.

5 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

6 MR. MICHALCZUK: SPOE00325377. And also English version, if
7 possible.

8 Q. You could see in the middle of the page the comment which in
9 English reads -- it's your comment: "Always in the service of the
10 homeland, justice for the liberators."

11 Do you remember posting that comment?

12 A. Yes, it's my picture. It's my comment.

13 Q. What did you want to express by posting it?

14 A. "Always in the service of the homeland." As peoples, we feel we
15 owe our lives to our homeland. Mr. Mustafa is in a military uniform,
16 so this part has this meaning. Whereas "justice for liberators"
17 means for these proceedings to be completed in a just way, in a fair
18 and just way.

19 Q. Did you want to express your support Salih Mustafa, your former
20 commander in the BIA?

21 A. Of course. Moral support.

22 MR. MICHALCZUK: Your Honours, the last photograph, if I may.

23 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

24 MR. MICHALCZUK: Madam Court Officer, this would be SPOE00325394
25 and its English translation.

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1 Q. This is the Facebook post of Brahim Mehmetaj, aka Bimi, dated
2 1 January 2021.

3 THE COURT OFFICER: Could counsel please double-check the
4 number.

5 MR. MICHALCZUK: Okay. It's going to be again SPOE00325394, I
6 think.

7 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Could
8 it be 329 at the end?

9 MR. MICHALCZUK: Could be. Could we put it up on the screen.
10 Could be this one.

11 PRESIDING JUDGE VELDT-FOGLIA: So I have here in the list of
12 materials to be used in cross-examination, Facebook comment by
13 Ibadete -- Facebook post from Brahim Mehmetaj, Bimi.

14 MR. MICHALCZUK: Could be, could be this one. Could be 105329,
15 105330. And its English version as well. That could be this one as
16 well. Mm-hm. That's the one.

17 Thank you for your assistance, Your Honour.

18 Q. Do you remember this post?

19 A. Yes, the blouse with a picture of Salih Mustafa has been
20 disseminated, has been distributed from all the supporters of
21 Mr. Mustafa.

22 Q. Did you comment on this post?

23 A. Probably, yes. I don't know. I don't know for a fact.

24 MR. MICHALCZUK: Your Honours, very briefly I would like to show
25 the comment and then we would move on.

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1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

2 MR. MICHALCZUK: So the comment would be SPOE00325404. And its
3 corresponding English translation. Yes.

4 Q. So your comment is "happy birthday"; do you remember that?

5 A. I think it was his birthday, Bimi posted it and I said,
6 "Congratulations, happy birthday," for that --

7 Q. I understand.

8 MR. MICHALCZUK: Thank you very much. We could pull this down.

9 Q. Ms. Canolli, during the war, did you keep any notes in any form?

10 A. I used to have a small notebook. It's not that I have taken
11 real notes, but I have only kept emotional notes of myself without
12 attaching dates to those notes.

13 MR. MICHALCZUK: Your Honours, could we -- maybe before we go to
14 that.

15 Q. Did you give any interview in 2001 to any media about the war?
16 Any television or any online media?

17 A. 2021?

18 Q. 2021.

19 A. Yes, yes.

20 MR. MICHALCZUK: With your permission, Your Honour, I would like
21 to show a very short clip, or maybe very short parts of it, of the
22 interview with Ibadete Canolli-Kaciu, and this would be ERN
23 105553-01. It was posted on YouTube channel of ATV Television on 18
24 February 2021.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. And so this is a public

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1 video, if I understand --

2 MR. MICHALCZUK: It's a public video.

3 PRESIDING JUDGE VELDT-FOGLIA: Public video. Because the image
4 will not be broadcast, but if we put it on, we will hear the voice
5 and that's -- if it is public, it's not a problem. But I just want
6 to --

7 MR. MICHALCZUK: It is a public video published on YouTube. And
8 I don't really intend to play it back to the witness. I would like
9 to just fast-forward to certain moments of that video that displays
10 the thing that I have just asked the witness about, mainly the
11 notebook that she also herself referred to.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. But even in
13 the case that sound would go out, it's not problematic.

14 MR. MICHALCZUK: It's not a problem whatsoever. It's public
15 material.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please proceed.

17 MR. MICHALCZUK: Madam Court Officer, we don't have to play this
18 one. However, maybe you could jump to the time on the video 00:45 to
19 00:46. You don't have to play it. You should show it. It should be
20 self-explanatory. Right. So this is it.

21 We can jump immediately to the time 1:12 to 1:15. We can then
22 play it shortly. It's 1:12-1:15.

23 [Video-clip played]

24 MR. MICHALCZUK: And then 1:51 to 1.53.

25 [Video-clip played]

1 MR. MICHALCZUK: Yes.

2 Q. So is that the interview we were talking about?

3 A. Yes.

4 Q. So on this video on a couple of occasions we have seen a certain
5 small green notebook. Was that the notebook you were referring to?

6 A. Yes. This was the notebook I was referring to.

7 Q. There is also -- as we could see a second ago, there was also a
8 specific entry dated 24 March 1999. Did you see that?

9 A. That is from the bombing day. I have entered my personal
10 emotions there. It's not that I have taken notes on a daily basis,
11 but I have taken some notes about my own emotions.

12 Q. Did you record some important events there, in terms of dates
13 and what happened, even if briefly?

14 A. Not everything. Some emotions of mine. After two or three
15 weeks, I had the possibility of writing down, or after five or six
16 days. When I was missing my family, when I felt bad, I took this
17 note with me and I wrote something in it. I just wanted it to be a
18 reminder, a memory.

19 Q. So if I understand correctly, you were taking notes during the
20 period of the war; is that correct?

21 A. Yes, time after time.

22 Q. Mm-hm. Also about 1999, about April 1999?

23 A. No, not those days. In the difficult days, it was impossible
24 for me to write things down. I wrote something when I settled with
25 my family there, and then after a long period of time I just had

1 written down there that I'm no longer with my family. I miss them.

2 I'm now part of the army. So those were personal experiences.

3 Q. Did you write there anything about Salih Mustafa, commander of
4 your BIA unit?

5 A. No, I have not. It was only with Isa Kastrati. It was only
6 that moment that I described because that was a good emotion. And I
7 thought that that was a snake, and I just wanted to fix that in my
8 own mind and that's something that I have explained during the
9 interview as well.

10 Q. Did you note in that notebook anything about any events that
11 took place in Zllash in April 1999?

12 A. No. There were fightings, there was the offensive, but nothing
13 that was related to the military life. No. I didn't describe
14 anything of that nature. I have only described my own personal
15 experience.

16 Q. But at that time, it seems to me from your testimony of today,
17 that the time in Zllash, especially the evacuation, your stay with
18 the wounded, was a very prominent moment or time of your life, so
19 didn't you reflect any of this in your notebook; and, if so, why not?

20 A. At that time I had no possibility to do that because up until we
21 went to Sharban, I described very shortly my emotions. Two, three
22 weeks then passed by, I didn't write anything. Whereas for that day,
23 it was not possible for me to have the notebook with me. I could not
24 write down in the notebook while I had more serious things to deal
25 with.

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1 Q. Didn't you put some notes in the notebook after the events but
2 describing the events of April 1999?

3 A. This was not a diary of war. This was not a diary of the war
4 memories. Instead, it was a diary, a notebook, where I took notes of
5 my emotions. So I miss my family, I miss my close people. And that
6 is where I wrote something about. And that is something that I would
7 do today as well. So if it is something that remains with me, I
8 would keep a couple of notes and I would put a couple of entries of
9 that.

10 No, I have not maintained a war diary.

11 Q. This might be true. However, as we could see on the screen, you
12 marked quite specifically at the top of the page 24 March 1999 as the
13 start of the NATO bombings. So you were actually putting down some
14 facts which were relevant to that period, didn't you?

15 A. From that day, the emotional state changed. From that day, the
16 fight in Prishtine was a front war. So from that day onwards, I was
17 not free to move. Those were my own personal experiences. Those
18 were my own personal emotions. And I would never go out in Prishtine
19 up until the war in Prishtine finished.

20 Q. During that TV interview or online interview, as you wish, you
21 were showing this notebook. Did you also have it during your
22 interview with the Defence?

23 A. Yes. No.

24 Q. Did you tell them that you have those contemporaneous notes?
25 Did you tell the Defence about it?

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1 A. No, they didn't ask me about it. I didn't tell them anything
2 about it because this was something very personal. That's something
3 that neither my children nor my husband have read.

4 Q. Did you bring it by any chance to the court with you or to
5 The Hague in general?

6 A. No. I have put it in the military uniform, the uniform that I
7 wore during the parade. I have that uniform there, and I have put
8 the note into the pocket of the trousers.

9 Q. So where is now? Is it in that uniform at your place in Kosovo?
10 In your house? Where is it now, this diary?

11 A. I think it is it somewhere in the house. I'm not sure, though.

12 Q. Would you have any objections to give this notebook to the
13 Prosecution or to the Court to copy, if necessary, when there is a
14 need to do so?

15 A. I apologise. That is very personal. I don't want to share my
16 emotions with others. That's not something that is related to the
17 war but it is something that is related to my personal emotions.

18 Q. I understand that. However, in this online interview that
19 everybody in the world could see, you were flicking the pages of this
20 notebook. If it was such personal, why did you show it to the -- to
21 half of the world?

22 A. I also told the journalist not to publish the entries, just to
23 have a look at it.

24 Q. As you could see, there are some entries and they are quite
25 visible. There is your name. I could see the name Skifterat. I

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1 could see a phone number. I could also see this entry of 24
2 March 1999.

3 A. That is the first page of the notebook.

4 MR. MICHALCZUK: I have got just three more questions and then
5 we would wrap up, Your Honours.

6 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

7 MR. MICHALCZUK:

8 Q. Let me change the topic slightly. Today you testified that when
9 coming to Zllash in April 1999, on the 16th, you saw Isa Kastrati who
10 was, and you said, listening to the news; correct?

11 A. Yes.

12 Q. We have it on page 41, lines from 20 to 22 of today's
13 transcript.

14 Do you remember what device he was using when he was listening
15 to the news?

16 A. There was this transistor with an antenna and he would keep that
17 very close to his ear. At the time it was either Deutsche Welle or
18 the Voice of America. The transistor was with a battery.

19 Q. So there was a transistor with a battery which was inside this
20 radio or was it attached to an external battery?

21 A. No, it was a small transistor. There was this -- I mean, the
22 transistor was with a battery, it was with a small antenna, and he
23 would keep that with him all the time.

24 Q. In your testimony today, on page 48, line 2, you also indicated
25 that while in Zllash car batteries were used; is that correct?

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1 A. Yes.

2 Q. What were they used for? To give energy to which devices or --
3 how were they used?

4 A. There was this light. We had this light which we would use
5 while we were curing and that -- while we were taking care of the
6 wounds. So this was something in addition to the different types of
7 lighting devices we would use.

8 Q. So the batteries were providing the energy to lit the room, to
9 some bulbs, electric bulbs?

10 A. Yes, yes, just to lighten the space. To the bulbs.

11 Q. I understand.

12 MR. MICHALCZUK: Your Honours, a very short moment of
13 consultation and I think we will be wrapping up, either now or in a
14 second.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

16 MR. MICHALCZUK: Thank you.

17 [Specialist Prosecutor confers]

18 MR. MICHALCZUK: Your Honours, we don't have any further
19 questions.

20 Q. Ms. Canolli, thank you very much.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Very well. We will do some scheduling now.

23 Victims' Counsel, do you have questions for the witness?

24 MS. VOSENBERG: No, thank you, Your Honours, we don't.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

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1 Defence Counsel, where do you stand?

2 MR. SHALA: No, thank you.

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

4 [Trial Panel confers]

5 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, there are no
6 questions anymore from the side of the Defence, the Prosecution, and
7 the Victims' Counsel. There are some questions from the part of the
8 Panel, and I will give my colleague the floor to ask you some further
9 questions, which will not be so many, and I think that that will help
10 us in clarifying some points that we have been -- you have been
11 giving as testimony today and in your prior statements.

12 So please bear with us a little bit more, and then I will give
13 now the floor to my colleague at my left-hand side.

14 Please.

15 JUDGE BITTI: Thank you, Madam Presiding Judge.

16 Questioned by the Trial Panel:

17 JUDGE BITTI: I have few questions for you, Madam Canolli.
18 First of all, today, at page 38, lines 13 and 14, when you arrived to
19 the place you stayed from 16 till 21 April 1999, you said:

20 "The owner of the house reported to them that I was there ..."

21 Could you clarify for us who was the owner of the house?

22 A. Well, the owner where I was before in the village of Mramor, I
23 contacted with him two days before that and I asked him how far was
24 Zllash from that place. He was Afrim Gashi. And I told him that I
25 wanted to go to Zllash. He told me that, "I will talk with one of

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1 the soldiers." He got in contact with one of the soldiers, and then
2 three soldiers took me and brought me to Zllash. That was the owner
3 of the house where my family was staying before I went to Zllash.
4 That is the owner that I was referring to.

5 JUDGE BITTI: But when you arrived in Zllash, you didn't --
6 there was no owner of the house and you didn't --

7 A. No.

8 JUDGE BITTI: -- have to report to anyone? Is that -- am I
9 correct or not?

10 A. Yes, you are correct. Yes.

11 JUDGE BITTI: Okay, okay. So that's clarified.

12 A few minutes ago, you were explaining that the shelling in the
13 place you were in Zllash started on 18. What happened on 19?

14 A. On 18th, the heavy shelling began. On 19th, there was shelling
15 and frontal warfare. On the 18th, a lot of wounded, in addition to
16 civilians, began to arrive. And the 19th was the most terrible day
17 from all the days.

18 JUDGE BITTI: So what happened on the 19th? And what happened
19 to you? Did you stay on the locations where you were on the 19th, or
20 did you have to move from that location?

21 A. No, I stayed there. I remained there. Perhaps I left for ten
22 minutes to withdraw one of the wounded, but I'm not sure whether it
23 was on the 19th or 20th. This wounded person was about 500 metres
24 away from the place where I was, so I went to take him and bring him
25 where I was. I did not leave the location on any other occasion.

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1 JUDGE BITTI: Okay. So on 19th there was shelling, but I guess
2 the shelling did not reach the place where you were. That's why you
3 still were there. You were there still. That's correct?

4 A. On evening of the 19th, the shelling started to approach. On
5 the 20th, there was shelling in the part where I was. And on night
6 of 20th, we stayed in the nearby forest in the open. We withdrew the
7 wounded and -- there, because the shells were not -- were falling
8 directly.

9 JUDGE BITTI: So on the 20th, shelling is starting to approach
10 the location where you were. You go outside but you stay in the
11 vicinity of that location. And then on 21st, you leave the location
12 for Majac. Is that correct?

13 A. Yes. On the morning of the 21st, we continued the journey to
14 evacuate the wounded.

15 JUDGE BITTI: So the last time you saw the location where you
16 were was on 20 April in the evening; is that correct?

17 A. Yes.

18 JUDGE BITTI: After you started the evacuation on 21st, you
19 never came back to that location, or did you come back to that
20 location?

21 A. I never went back to that building again.

22 JUDGE BITTI: Okay. I want to thank you very much.

23 I have finished, Madam Presiding Judge.

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

25 Then, Madam Canolli-Kaciu, we reached the end of your testimony.

1 I would like to thank you for your efforts you have put into giving
2 your testimony before the Specialist Chambers. I'm sure it will
3 assist us in finding the truth.

4 I wish you a good journey home, and I remind you that you should
5 not discuss the testimony you have given before the
6 Specialist Chambers with anyone.

7 Thank you again.

8 Madam Court Usher, you can accompany Madam Witness out of the
9 courtroom.

10 THE WITNESS: [Interpretation] Thank you. Have a good day.

11 [The witness withdrew]

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

13 Do the parties and Victims' Counsel have anything to raise?

14 MR. MICHALCZUK: No, nothing, Your Honours.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 Victims' Counsel?

17 MS. VOSENBERG: Thank you, Your Honours. We do actually, very
18 practically, have a point to raise about the hearings that have been
19 scheduled, the one for tomorrow and the ones for the 17th and 18th,
20 given that we will be doing the unsworn statement on the 19th and the
21 20th. Will the other hearings be taking place?

22 PRESIDING JUDGE VELDT-FOGLIA: Because we have finished today, I
23 was going to say that in a minute, but, yes, tomorrow we won't have a
24 hearing because we don't have a witness to hear. So -- and for next
25 week, we have scheduled, indeed, as you said, the 19th and the

1 morning, only the morning, the first session, of the 20th.

2 So the other hearings will not be -- they were scheduled but
3 they were just reserve days.

4 MS. VOSENBERG: Okay. Perfect. I also ask with regard to the
5 travel arrangements for my -- for the Victims' Counsel.

6 Thank you very much.

7 PRESIDING JUDGE VELDT-FOGLIA: Of course. But for me it was not
8 clear that it was not clear, especially with regard to next week.

9 MS. VOSENBERG: My apologies. Usually we get an e-mail over --
10 from Legal Workflow explaining which hearings have been cancelled.
11 And perhaps because I haven't in the team as long as some of the
12 other people here, I wasn't aware that it could also go another way.
13 But thank you for explaining it to me.

14 PRESIDING JUDGE VELDT-FOGLIA: No, no, no. But we will look
15 into it because it's, of course, the preference of the Panel that
16 everybody knows what hearings we will be having the week after.

17 MS. VOSENBERG: Okay.

18 PRESIDING JUDGE VELDT-FOGLIA: And with regard to tomorrow, that
19 could only become clear at the end of today.

20 MS. VOSENBERG: True. Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: Very well.

22 Defence Counsel, is there something you would like to raise with
23 the Panel for now?

24 MR. SHALA: No. No, thank you, Your Honours.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then we will resume

1 on 19 May, at 9.30, with the unsworn statement of the accused.

2 The hearing is adjourned.

3 --- Whereupon the hearing adjourned at 4.01 p.m.

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