

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

1 Monday, 13 December 2021

2 [Open session]

3 [The accused attended via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 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. First of all, I will
10 call appearances.

11 Madam Prosecutor, you have the floor.

12 MS. D'ASCOLI: Thank you, Your Honours. Good morning,
13 Your Honours. Good morning, everyone. The Specialist Prosecutor's
14 Office today is represented by Cezary Michalczyk, Prosecutor;
15 Julie Mann, Case Manager; Ari Bilotta, legal intern; and myself,
16 Silvia D'Ascoli, Associate Prosecutor.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Victims' Counsel you have the floor.

19 MS. ZEGVELD: Good morning, Your Honours. Good morning,
20 everybody. The Victims' team is represented today by
21 Marie-Pier Barbeau, Senior Legal Associate, and myself, co-counsel.
22 Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well.

24 Defence counsel, you have the floor.

25 MR. VON BONE: Good morning, Your Honours. Defence is

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1 represented by Mr. Betim Shala, co-counsel; my investigator and
2 interpreter Fatmir Pelaj; Mr. Mustafa is joining us by remote; and
3 myself, Julius von Bone, lead counsel.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 Mr. Mustafa, does the connection work okay? Can you hear us
6 fine?

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

8 PRESIDING JUDGE VELDT-FOGLIA: I could not hear Mr. Mustafa.
9 Could anybody else hear him? You could hear him.

10 Yes, let me see.

11 Mr. Mustafa, could you say [Microphone not activated].

12 Mr. Mustafa, could you please repeat again? Sorry for that.

13 THE ACCUSED: [Via videolink][Interpretation] Yes, Your Honour, I
14 hear you very well.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. No, it's not working for
16 me for the moment.

17 Test. Mr. Mustafa, could you say "test," please. Yes, thank
18 you. Yes, it's working now.

19 THE ACCUSED: [Via videolink][Interpretation] Yes, yes.

20 PRESIDING JUDGE VELDT-FOGLIA: Sorry for this, Mr. Mustafa.

21 THE ACCUSED: [Via videolink][Interpretation] No worries.

22 PRESIDING JUDGE VELDT-FOGLIA: And for the record, you are
23 appearing before Trial Panel I.

24 Before we move to today's testimony, I have some matters to
25 raise and some orders to issue. And the parties and Victims' Counsel

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

1 will be given the possibility to raise anything they deem necessary.

2 The first matter is about planning for the next procedural steps
3 in this case, and I will issue an oral order on this.

4 Considering that we are approaching the end of the SPO case, for
5 planning purposes, the Panel requests the SPO to inform us and the
6 Defence and the Victims' Counsel of a tentative date or week when it
7 anticipates that there will be no more witnesses to call or
8 evidentiary material to be presented, pursuant to Rule 129 of the
9 Rules, in order to close the SPO case.

10 The Panel is mindful that the Rule 153 request of the SPO -
11 filings F263 and F265 - is still outstanding and a decision thereupon
12 will be issued this week.

13 The SPO can make submissions on the timing of the closing of its
14 case orally today or tomorrow, or it can submit a short filing this
15 week at its discretion.

16 And, furthermore, I would like to give the parties and
17 Victims' Counsel some notice as to the next procedural steps.

18 The Victims' Counsel should be ready to submit, sufficiently in
19 advance of the end of the Prosecutor's case, a request in accordance
20 with paragraphs 34, 35 and 37 of the decision on victim's procedural
21 rights during the trial, that is filing 152, subject to the issuance
22 of the Panel's decision on the issue of reparations.

23 And the Defence should, at the latest at the closing of the SPO
24 case, indicate whether it will present a case pursuant to Rule 119(1)
25 of the Rules. In addition, if applicable, the Panel wishes to put

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

1 the Defence counsel on advance notice that he should be ready to file
2 a list of witnesses, experts, and a list of exhibits, including
3 requesting protective measures, if necessary, within two weeks after
4 the closing of the SPO case.

5 Victims' Counsel and Defence Counsel are directed to make
6 submissions on this tentative schedule, if they so wish, either
7 orally today or tomorrow, or by way of a filing this week, at their
8 discretion.

9 An order setting out a more precise calendar for the next
10 procedural steps, subject to any necessary adjustments, will be
11 issued by the Panel in January 2022.

12 Lastly, the Panel stresses that at this stage, the timeline for
13 the next steps is purely tentative and only serves the purpose of
14 putting everyone on notice of the preparatory steps to be undertaken
15 in the near future.

16 And this concludes the oral order.

17 Then I have a second matter to discuss with you. It's the
18 allocation of time for questioning by the Victims' Counsel, the
19 cross-examination by Defence counsel, and, at a later stage, by the
20 SPO, and I will give an oral order on this.

21 The Panel decides to modify its directions on the conduct of
22 proceedings regarding time allocation for both questioning by
23 Victims' Counsel as well as cross-examination as initially set out in
24 decision F170, paragraphs 18 and 19, on account of the practice that
25 we have observed in these first months of trial. Accordingly, the

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

1 Panel decides that cross-examination by either party shall, in
2 principle, not last longer than direct examination. This is without
3 prejudice to the cross-examining party's right to request additional
4 time if needed and by providing appropriate justification. In
5 addition, the Panel retains its power to limit the time for
6 cross-examination to avoid repetition and ensure the expeditiousness
7 of the proceedings without compromising the right of the accused.
8 And the time allocation for Victims' Counsel shall no longer have a
9 time cap but is nevertheless expected to last significantly less than
10 direct and cross-examination.

11 This concludes the oral order.

12 The next matter concerns the remote participation by counsel or
13 their team members to evidentiary hearings by way of Zoom or other
14 teleconference means. As anticipated in an e-mail sent on behalf of
15 the Panel on Monday 6 December 2021 at 6.09 p.m., remote
16 participation may only be allowed in public session for security
17 reasons and to preserve the protective measures applied to witnesses.
18 And today I want to elaborate some more in public session and I will
19 give an oral order to this effect.

20 The Panel has a duty to make sure that confidential information
21 is protected at all times and protective measures for witnesses
22 ordered by the Panel can be effectively enforced.

23 When hearings are held in private or closed session, the
24 Registry is responsible for ensuring that confidential information is
25 not exposed to unauthorised recipients. Outside of this courtroom,

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

1 the Registry can ensure secure remote testimony of witnesses
2 including for protected witnesses via video conference as provided in
3 Rule 144 of the Rules and in the practice direction on videolinks.
4 However, Registry staff cannot, and should not, be requested to be
5 physically present at every location, be it in Kosovo or elsewhere in
6 the world, from which counsel or other team members connect to the
7 hearings to carry out the kind of assessment that it does for a
8 video-conference testimony.

9 Since the Registry cannot ensure that the location from which
10 you or other members of the team may be remotely participating is not
11 exposed in any way, we cannot allow you to participate in private or
12 closed session.

13 The Panel, however, recalls that should any team member not be
14 present in the courtroom, he or she will have access at all times to
15 the realtime transcript of all sessions, including closed and private
16 ones, and can communicate via e-mail and exchange instructions with
17 those present in the courtroom.

18 This concludes the oral order.

19 Yes. And then I have a last point to discuss and that is with
20 the Defence.

21 Defence Counsel, you sent an e-mail on 8 December at 10.29 in
22 the morning stating that you did not use any documents in the course
23 of your cross-examination of Witnesses 1679, 3593, 3594 and 4600.
24 And upon verification of the transcripts, I saw that you used
25 documents in the course of your questioning. And I have two examples

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

1 to cite, but there are more. And that is the transcript of
2 22 September 2021, pages 642 until 645, for Witness 3593; and the
3 transcript of 5 October 2021, pages 956 till 958, for Witness 1679,
4 among others. And as a reminder, the list of documents generated by
5 CMU, and you replied to an e-mail of CMU sharing this list, and also
6 the Victims' Counsel replied to it, serves the purposes of recording
7 accurately all items that were used in the course of the witness
8 questioning in order for the Panel to use these, if needed, in the
9 judgement, in case either party, Victims' Counsel or the Panel tender
10 these items into evidence in accordance with our Decision on the
11 Conduct of Proceedings paragraph 37.

12 And because of the administrative nature of such lists,
13 objections to them should be limited to clerical errors and to the
14 accuracy of the recording.

15 And the question we have as a Panel, if can you clarify for us,
16 what you meant in your e-mail and what is your understanding of
17 documents used or put to the witness? Because maybe there's a
18 misunderstanding as it comes to the language.

19 MR. VON BONE: I think, Your Honour, those documents that you
20 are referring to are not -- are those the documents which were also
21 used by the SPO. Because it was our understanding that we did not
22 use any other documents than the documents of the SPO. So that is
23 what the understanding of that was.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. But there were -- we are
25 talking about the same -- you could say about the same material but

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

1 not the same portions. They were all different portions used by --
2 sometimes the same, and we have had a discussion on that, but also
3 different portions. And the idea was that you would verify if the
4 portions indicated by CMU in this list, in this administrative list,
5 are correct or not.

6 And we received some corrections that were purely clerical,
7 another line number, another maybe page number, and that kind of
8 things. And this list is made to have a more easy accessible
9 overview from all the portions that have been used instead of having
10 to go through the whole transcript, which are pages and pages of
11 words and -- so that was our request.

12 MR. VON BONE: We will adjust it, Your Honour. Today, tomorrow.
13 One of these days it will be done. Okay?

14 PRESIDING JUDGE VELDT-FOGLIA: And I won't give an oral order on
15 it, but if you could have done it by Wednesday, that would be very
16 much appreciated.

17 MR. VON BONE: Yes, we will.

18 PRESIDING JUDGE VELDT-FOGLIA: Very well. Is there something
19 that the parties would like to -- and the Victims' Counsel would like
20 to raise at this moment in time?

21 MS. D'ASCOLI: No, Your Honours. Nothing from us.

22 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well.
23 Victims' Counsel.

24 MS. ZEGVELD: No, thank you, Your Honours.

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

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

1 Defence Counsel? No. Very well. Good.

2 Now that we have concluded our preliminary matters, we can move
3 onto the testimony of the SPO witness W04674.

4 Madam Court Usher, could we please usher the witness into the
5 courtroom.

6 [The witness entered court]

7 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, good morning, and
8 welcome to the Specialist Chambers.

9 THE WITNESS: [Interpretation] Good morning. Thank you for
10 having me here.

11 PRESIDING JUDGE VELDT-FOGLIA: You may want to put off your
12 mask, Mr. Witness.

13 THE WITNESS: [Interpretation] I'll keep it as is for the time
14 being.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, how are you, first
16 of all?

17 THE WITNESS: [Interpretation] Very well. Thank you.

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, today we will start
19 with your testimony, but before we do that, I have several remarks.

20 Let me first explain the protective measures that have been
21 assigned to you for your -- that have been granted to you for your
22 testimony.

23 You have been assigned a pseudonym. That means that we will
24 never mention your name, but we refer only to you as "Mr. Witness" so
25 that nobody from the public knows your real name.

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1 You also have face and voice distortion, which means that no one
2 outside the courtroom can see your face or hear your real voice when
3 they're watching the broadcast during the testimony. And when you
4 answer a question that will not reveal your identity, we will do so
5 in open session, which means that the public can hear what is said in
6 this courtroom. And when you are asked to describe anything that
7 relates specifically to you or to mention facts that might reveal
8 your identity, we will do so in private session. This means that
9 there is it no broadcast and that no one outside the courtroom can
10 hear what is said in the courtroom. And if anything is said during
11 open session that may identify you, we will protect the information.
12 Your testimony will be broadcast with a delay, and we can remove any
13 such information from the broadcast that will be seen and heard by
14 the public and also from the public transcript of the proceedings.

15 And in addition to these protective measures, some special
16 measures have been added upon request by the Witness Protection and
17 Support Office, the WPSO, pursuant to Rule 80(4)(c)(i) and (5) of the
18 rules. This is filing, for the record, F280, submitted on
19 9 December of this year. And these specials that are granted to you
20 in addition are: Attendance of a psychologist during your testimony
21 and, if needed, reading assistance for long texts.

22 The decision of the Panel has been shared through CMU with the
23 parties and the Victims' Counsel by e-mail dated 10 December of this
24 year at 10 minutes past 12.00.

25 And I inform you, Mr. Witness, that a psychologist is present

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1 and available for you inside the courtroom, if needed, during the
2 testimony.

3 Are the protective and special measures that I just explained to
4 you, are they clear for you, Mr. Witness?

5 THE WITNESS: [Interpretation] Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: Very well.

7 Mr. Witness, you are called to testify before the
8 Specialist Chambers in the case of The Specialist Prosecutor versus
9 Salih Mustafa to assist the Panel to reach a verdict. After you have
10 taken your solemn declaration to tell the truth, you will be asked
11 questions by the lawyers for the Prosecution, sitting on your left
12 hand with the violet robes; the lawyer representing the victims
13 admitted to participate in the case, they are sitting next to them;
14 the Defence Counsel of Mr. Mustafa, on the other hand; and by us, the
15 Judges of the Panel.

16 Mr. Witness, I would like to provide you with some guidance for
17 answering the questions that will be posed to you during the
18 testimony.

19 Please, Mr. Witness, listen carefully to each question. If you
20 don't understand, feel free to ask for the question to be repeated.
21 We want you to tell the truth and to tell us what you saw, what you
22 heard, what you sensed, what you experienced yourself. So if you did
23 not see or hear it yourself but you found out in some other way,
24 please explain us how. You may not remember all the details of the
25 events and this is perfectly fine. Please testify just on what you

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1 remember. Do not guess, do not make things up, and it is perfectly
2 fine to say "I don't remember" or "I don't know."

3 Have you understood all this?

4 THE WITNESS: [Interpretation] Yes, thank you.

5 PRESIDING JUDGE VELDT-FOGLIA: I would like to give you also
6 some practical advice for your testimony, Mr. Witness. Everything
7 what we say is translated and recorded, so it is important to speak
8 into the microphone in front of you, to speak clearly, and to speak
9 at a slow pace, to allow the interpreters to translate everything.
10 They're sitting over there.

11 You should only start speaking when the person asking you a
12 question has finished. And when a question is asked to you, please
13 count in your head till five and then start giving the answer. And
14 this pause of five seconds is essential for us to properly hear,
15 translate, and record what you are saying.

16 If you have any questions, if you need a break or you need
17 assistance, please put up your hand and then I will give you the
18 floor to speak.

19 Have you also understood all this, Mr. Witness?

20 THE WITNESS: [Interpretation] Yes.

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

Witness: W04674 (Open Session)

Page 1929

Examination by Ms. D'Ascoli

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

1 You have already provided the witness with his solemn
2 declaration? Very well.

3 Please, go ahead, Mr. Witness.

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

8 WITNESS: W04674

9 [Witness answered through interpreter]

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness. You are
11 now under oath to tell the truth.

12 We will now start, Mr. Witness, with your testimony, and I will
13 give the floor to the Specialist Prosecutor's Office.

14 Madam Prosecutor, you have the floor.

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

16 Examination by Ms. D'Ascoli:

17 Q. Good morning, Mr. Witness. I am the counsel for the Prosecution
18 who will direct your examination today.

19 Madam Presiding Judge has explained you to the nature of the
20 protective measures applicable in your case. For my part, when we
21 are in public session, I will do my best to remind you of that so
22 that we make sure that the information elicited doesn't touch
23 personal or identifying details.

24 MS. D'ASCOLI: Your Honours, it might be of benefit to the
25 public to know that actually most of the direct examination will be

Examination by Ms. D'Ascoli

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

1 in private session due to the nature of the information that I need
2 to elicit. And to start with, I will ask to move into private
3 session because the first set of questions will deal with identifying
4 details of the witness.

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

6 Madam Court Officer, could you bring us into private session,
7 please.

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

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

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

11 Madam Prosecutor, please proceed.

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

13 Q. Mr. Witness, first I will take your personal details.

14 Can you state your full name for the record? First name and
15 last name, please.

16 A. [REDACTED]

17 Q. Your date of birth, please.

18 A. [REDACTED]

19 Q. And your place of birth, please.

20 A. [REDACTED]

21 Q. Mr. Witness, now I will have some questions concerning the first
22 half of 1999. And as you heard, we are in private session, so no one
23 outside of this courtroom can hear us, so it is okay to mention
24 names, to give out personal details, so you can do that safely.

25 Mr. Witness, where were you living in April 1999?

Examination by Ms. D'Ascoli

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

1 A. In April of 1999, [REDACTED]

2 However, during the war, we relocated to [REDACTED] which was a more
3 secure place.

4 Q. So I understand that your [REDACTED] and
5 that at some point you went to [REDACTED] Do you remember when was
6 this, more or less in April 1999, that you were in [REDACTED]

7 A. This was sometime in the beginning of April. We stayed there
8 for three weeks. I have forgotten the date, unfortunately.

9 Q. That's okay. Can you tell us whose house was the one where you
10 were staying in [REDACTED]

11 A. It was [REDACTED]

12 Q. Can you tell us also the last name of this [REDACTED]

13 A. [REDACTED]

14 Q. And was this [REDACTED]

15 A. Not a [REDACTED] But the house was empty. There were two
16 or three families gathered there, but I stayed at [REDACTED]
17 home. There were houses there which were empty.

18 Q. And was [REDACTED]

19 A. Yes, yes. [REDACTED] yes.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please, when the --
21 when Madam Prosecutor is talking, wait with talking because, if not,
22 the interpreter cannot translate it properly. Very well.

23 THE WITNESS: [Interpretation] Yes, I will do that.

24 MS. D'ASCOLI:

25 Q. So for the record, I see that a part of my question wasn't

Examination by Ms. D'Ascoli

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

1 recorded. I had asked whether [REDACTED]

2 [REDACTED]

3 A. Not a very close one. However, the place was the most secure.

4 They're not very close. They live in [REDACTED]

5 Q. So do I understand correctly that the house where you were

6 staying was the house belonging to [REDACTED]

7 A. Yes, there were two. [REDACTED]

8 Q. Okay. Thank you. Can you tell us who else was staying with you

9 in [REDACTED]

10 A. The whole family were there. [REDACTED]

11 [REDACTED]

12 Q. Can you give us names, please.

13 A. [REDACTED]

14 [REDACTED] then left.

15 Q. Anyone else you remember from the [REDACTED]

16 A. I can't recall who else was there.

17 Q. Mr. Witness, was the late [REDACTED]

18 A. Yes, [REDACTED]

19 Q. So the late [REDACTED] correct?

20 A. Yes. Yes, [REDACTED]

21 Q. And was [REDACTED]

22 A. [REDACTED]

23 Q. Do you know whether anything happened to [REDACTED] in

24 April 1999 while you were in [REDACTED]

25 A. Yes, I know very well. We stayed in [REDACTED] and

Examination by Ms. D'Ascoli

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

1 some others stayed in the village of [REDACTED] They stayed in the
2 house.

3 Q. Do you mean the [REDACTED]

4 A. [REDACTED] stayed there.

5 Q. Okay. Do you know if anything happened to him while he was
6 there [REDACTED] in April 1999 while you were in [REDACTED]

7 A. Yes, we are aware of what happened. He was arrested by the KLA
8 police. I don't know who they were.

9 Q. And how do you know that?

10 A. We were told of it by the numerous people who were present. He
11 was coming to see us in [REDACTED] and he was apprehended in the
12 middle of the road, put into a car. They introduced themselves as
13 military police. I don't know whether they were or not.

14 Q. Do you remember specifically who told you about [REDACTED]
15 You can name first name, last name, any detail you remember.

16 A. [REDACTED]

17 Q. [REDACTED]

18 [REDACTED] is that correct?

19 A. That's right, yes.

20 Q. And do you know how he knew that, how he knew that [REDACTED] had
21 been arrested?

22 A. They were together.

23 Q. Do you mean [REDACTED] was [REDACTED]

24 [REDACTED]

25 A. Yes, they were together.

Examination by Ms. D'Ascoli

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

1 Q. Okay. After you heard about the arrest of [REDACTED] did you
2 personally take any steps to find out what had happened to him? To
3 [REDACTED] I mean.

4 A. Yes, certainly. We went to Zllash [REDACTED] to inquire
5 about him.

6 Q. And when we say "we," can you clarify with whom you went to
7 Zllash?

8 A. [REDACTED]

9 Q. Did you go with him some of these times, when [REDACTED]
10 went to Zllash?

11 A. No, I wasn't able to because my [REDACTED]
12 [REDACTED] so I was looking after him. So it was [REDACTED]
13 [REDACTED] who went.

14 Q. And which period of time you're referring to, when you said that
15 [REDACTED] If you know, if you remember.

16 A. It's the beginning of April. From the 4th, if I'm not mistaken.
17 Actually, from the 1st of April when [REDACTED] was arrested, and I
18 cannot
19 recall the exact date when we fled in view of the forthcoming Serbian
20 offensive. We returned to our house.

21 Q. So did you return to [REDACTED] at some point in April 1999?

22 A. Yes, we did. We all went back.

23 Q. I think earlier today, this morning, you said that you spent
24 about three weeks in [REDACTED] Is that your recollection -- is that
25 okay, is it correct?

26 A. Three weeks. I cannot recall the exact dates, but it was three

Examination by Ms. D'Ascoli

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

1 weeks, yes.

2 Q. I understand. And do you remember any specific episode that
3 happened while you were back at your house in [REDACTED] I guess, in
4 the
5 second half of April 1999?

6 A. Yeah. During the second half, yes, that's correct. I have
7 forgotten when the offensive occurred. [REDACTED]
8 [REDACTED] before leaving for
9 Prishtine.

10 Q. And did anyone in that time-period while you were in -- back in
11 [REDACTED] provide your family with any first-hand information about
12 the
13 fate of [REDACTED]

14 A. Yes. So that was the day of the offensive when everybody left.
15 The KLA freed the prisoners [REDACTED]
16 [REDACTED] and they told us that,
17 "We have been freed, and [REDACTED] will be freed too."

18 So we waited until the evening at which time we left for
19 Prishtine as well.

20 Q. So let's me take this step by step and ask some follow-up
21 questions about what you just said.

22 So, first of all, I understand that the day of the Serb
23 offensive some prisoners [REDACTED] is that
24 correct?

25 A. Yes, that's right.

Q. So were you present when these people arrived?

A. Yes. [REDACTED]

Examination by Ms. D'Ascoli

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

1 [REDACTED] and then they joined the column that was heading towards
2 Prishtine.

3 Q. Do you remember how many these people were?

4 A. Five or six. I cannot recall exactly.

5 Q. And did you know -- did you know these people? Do you know who
6 they were?

7 A. I knew one of them.

8 Q. If you remember the name, you can tell us about it.

9 A. He is called [REDACTED]

10 Q. Do you remember anyone else, any other name, of these people who
11 came to [REDACTED]

12 A. No, I have forgotten the names. In fact, I did not know them
13 before, with the exception of [REDACTED]

14 Q. And do you remember what they said? You called them
15 "prisoners." Why did you use that term?

16 A. Because [REDACTED] They told us
17 that they had been in jail in Zllash.

18 Q. And earlier today - I'm reading from page 19, line 2 - you said:
19 "They told us that, 'We have been freed, and [REDACTED] will be freed
20 too.'"

21 So what they did they you about [REDACTED]?

22 A. They told us so. They told us that, "We have been freed, and
23 [REDACTED] will be freed too."

24 Q. Do you remember anything else that they said? You said that
25 they were in a prison in Zllash?

Examination by Ms. D'Ascoli

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

1 A. Yes. They told us that, [REDACTED] and [REDACTED] have
2 remained behind, but they will be freed too." In fact, [REDACTED]
3 were.

4 Q. Did they say by whom they had been imprisoned and then later
5 freed?

6 A. No. No, they did not. They only said that because they were
7 freed, [REDACTED] would be freed too. He said, [REDACTED] and someone
8 from [REDACTED]
9 have been left behind." I don't know who that person was.

9 Q. And what do you mean when you say "someone from [REDACTED] Can
10 you
11 clarify which area you mean?

11 A. [REDACTED]

12 Q. Before we get to that, I was just asking, what do you mean
13 "someone from [REDACTED] Since [REDACTED] is such -- it's a larger
14 area, so if

14 you had any more specific information about what "from [REDACTED]
15 means,

15 and if you could let us know. Otherwise, that's fine.

16 A. No, I never knew who that person was.

17 Q. Mr. Witness, during -- you gave a statement to UNMIK during the
18 investigations into [REDACTED] and then also to the SPO.

19 MS. D'ASCOLI: And with Your Honours' permission, I would like
20 to refresh the witness memory with regard to some names that he
21 mentioned in those two interviews, or statements.

22 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Prosecutor.

23 MS. D'ASCOLI: Thank you, Your Honours. I will be reading from
24 the witness UNMIK statement of [REDACTED] The ERN is
25 SPOE00128189 to 00128201. This document is listed at tab 1, and I

Examination by Ms. D'Ascoli

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

1 would please need page 1 on the screen.

2 Q. Mr. Witness, I'm calling up your UNMIK statement and I will be
3 reading a portion of it. You can listen to the translation in your
4 headphones. And then I will be asking you whether you remember
5 having said, having mentioned some specific -- some additional
6 details in that statement.

7 MS. D'ASCOLI: The portion I need is the one in the last
8 paragraph at the bottom, where it says "answer." Exactly. Thank
9 you.

10 Q. So I'm reading this whole part. The question was:

11 "Have you done anything else to find [REDACTED]?"

12 And your answer was, and I quote:

13 "I had only heard rumours, and in the middle of April 1999,
14 before I met [REDACTED], six or seven people [REDACTED] in
15 [REDACTED] and said that they had been prisoners of UCK soldiers,
16 specifically Skifterat, a group within UCK, and [REDACTED] was with
17 them
18 and was still there with one other person from [REDACTED] region."

19 Do you remember having said this, and is that correct?

20 A. Yes, [indiscernible] it is correct.

21 Q. So you had told us already today about [REDACTED] some people,
22 you said five to six, who [REDACTED] and I've read
23 the same passage. And then here it says that these prisoners said --
24 these people said that they had been prisoners of the KLA,
25 specifically Skifterat, a group within the KLA.

Do you remember that, and is that what the prisoners told you?

Examination by Ms. D'Ascoli

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

1 A. Yes, it's the same jail managed by this Skifterat group. It's
2 the same one in Zllash. The same one.

3 Q. Okay. I'll continue reading from the rest of the paragraph.

4 I quote:

5 "They said the prison was located in Zllash village in a stable.
6 I only know one of the witnesses' last name, [REDACTED] And another
7 one's nickname is [REDACTED] I don't know his
8 last name, is someone [REDACTED] and he lives in [REDACTED]
9 which is now known as [REDACTED] area. These ex-prisoners said
10 that all of them, including [REDACTED] were treated badly. Only
[REDACTED]
11 was treated more badly."

12 And I've finished quoting.

13 Do you remember having said this during your UNMIK statement?
14 Does that correspond to the truth and to your recollection?

15 A. It is all true. The statement where I referred to someone
16 called [REDACTED] I've later come to know as [REDACTED] I did not
know
17 his name at the time. And the other witness comes from [REDACTED]
18 [REDACTED] [phoen] area, someone who I have never seen since.

19 Q. So you're saying that the person whom today at page 19, line 21
20 of the transcript said is called [REDACTED] so this [REDACTED] is
21 the [REDACTED] you mentioned in your UNMIK statement; right? Can you
22 please state your answer for the record.

23 A. Yes, he is the same person. That's right.

24 Q. And then when you refer to "the other witness," do you mean the
25 other name I read from the statement which was [REDACTED]

Examination by Ms. D'Ascoli

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

1 A. I have never known him. I don't know him. He comes from

2 [REDACTED]

3 Q. And how did you remember his name back then? Did he mention his

4 name when he came to [REDACTED]

5 A. Who do you mean?

6 Q. I mean the person that you said was called [REDACTED]

7 A. I mean, we learned that his name was [REDACTED] but I never knew
8 who he was.

9 Q. Okay. Thank you for clarifying that.

10 Do you remember the conditions in which these people were when
11 they arrived in [REDACTED]

12 A. When they came to us, they were just like monkeys. They were
13 unshaved, uncombed. The nails were too long. That long. They never
14 had a chance to wash or shave. That's what they looked like.

15 Q. Do you remember any other details? Anything else from the way
16 they looked?

17 A. I can't recall anything else. All I know is that [REDACTED]
18 [REDACTED] had cut their nails, shaved, and then they joined the
convoy to

19 Prishtine.

20 Q. Did you help them or assist them in any way there in [REDACTED]

21 A. Can you please repeat the question.

22 Q. Of course. Did you help them or assist them in any way when
23 [REDACTED]

24 A. We fed them. We gave them something to cut their nails with.
25 They shaved. And then they joined the convoy to Prishtine.

Examination by Ms. D'Ascoli

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

1 Q. And do you remember for how long they remained there [REDACTED]

2 [REDACTED]

3 A. About two or three hours. Until the evening. I can't be exact.

4 Q. I read from your UNMIK statement that you had stated that these
5 prisoners said that they were treated badly and that [REDACTED] was
6 treated more badly. Is that correct?

7 A. They said only to one person and that, in fact, in some secret.
8 They didn't tell all of us but they told in -- they told this in
9 secret to [REDACTED] They said they had been mistreated.

10 Q. Do you remember any other detail about that?

11 A. On this, no, nothing else. They left for Prishtine earlier than
12 we did. We joined the same convoy later that evening.

13 Q. And do you remember what was -- who was [REDACTED] --
14 no, sorry, one of your [REDACTED] to whom they said that they had been
15 mistreated, do you remember this [REDACTED] name?

16 A. [REDACTED]

17 Q. And this [REDACTED] was in [REDACTED] and -- was he the same
18 person who was initially in [REDACTED] when he was arrested?

19 A. Yes, he's the same one.

20 Q. So it's the same person. And he was also [REDACTED]
21 when these five to six people visited in April 1999?

22 A. Yes, we all were there.

23 Q. Okay. There was also the name of the group Skifterat mentioned.
24 So did you understand what they meant by Skifterat? When they
25 mentioned Skifterat, did you understand what they meant by it?

Examination by Ms. D'Ascoli

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

1 A. I thought that Skifterat were soldiers, but, in fact, they were
2 police, military police.

3 Q. Is that what you believed this group was? What's the basis of
4 this qualification that you just gave? Just a second, then I finish
5 the question. Thanks.

6 A. Because the military police arrested [REDACTED] and I thought
7 that
8 they were the same persons.

8 Q. Okay, I understand.

9 MS. D'ASCOLI: With Your Honours' leave, I will also put a
10 portion of the SPO interview to the witness, to clarify what he said
11 in relation to this.

12 Q. So, Mr. Witness, I will again read from a portion of the
13 interview that you gave to the SPO.

14 MS. D'ASCOLI: This is from transcript Part 2, with ERN
15 076509-TR-ET, RED1. This is at tab 2 of the list of materials for
16 this witness. And I will read from page 26, lines 1 to 6.

17 Q. Again, Mr. Witness, you will see the transcript appearing, but
18 you don't need to read. I will read and you will hear the
19 translations in your headphones.

20 I'll start reading from line 1:

21 "A. This is what they said. It would mean that these
22 Skifterats were managing the -- handling the prison.

23 "Q. And did they give you -- did you understand what they meant
24 by Skifterat when they mentioned Skifterat?

25 "A. It was just that unit, particular unit was called Skifterat

Examination by Ms. D'Ascoli

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

1 unit. This is how I understood it."

2 A. Yes, that's how I understood it.

3 Q. Do you remember that?

4 A. Skifterat was the unit. And to this day, this is how I
5 understand it. A military police unit, police unit.

6 Q. Okay. But I understand that you -- I mean, this is what you
7 believe the unit was; correct?

8 A. Yes, correct.

9 Q. And you said that -- I think today you said that it's because --
10 I'm reading from page 25, line 16. You said:

11 "Because the military police arrested [REDACTED] I thought that
12 they were the same persons."

13 Right? This is the basis of your answer?

14 A. Yes, this is how I understand it. That Skifterat mean military
15 police.

16 Q. Okay. Did you know by chance who the commander of this
17 Skifterat group was?

18 A. No, we didn't know that then.

19 Q. Did you learn it later at any point?

20 A. Yes. Hearing rumours from various people. Now -- and they
21 mentioned, they referred to Skifterat. I can't tell you for sure. I
22 wasn't there, but this is what I heard.

23 Q. And are you familiar with the name Salih Mustafa?

24 A. I know now about him through television. I heard the last name
25 Mustafa in people's rumours that he was commander. But know I know.

Examination by Ms. D'Ascoli

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

1 Q. I'm asking that because in your UNMIK statement - this is the
2 statement of [REDACTED] SPOE00128189 to 00128201, page 9 - there,
3 you were asked:

4 "Are you familiar with the name Salih Mustafa?"

5 And your answer was:

6 "Yes, I am familiar with the name Salih Mustafa. I have heard
7 that he is the commander of the Skifterat and he is from the village
8 of Rimanishte."

9 Do you remember that?

10 A. Yes, Rimanishte. It is true, but I only heard it. The last
11 name I heard then; the name only recently.

12 Q. So just to clarify, when you said that in your UNMIK statement,
13 that information that he was the commander of Skifterat and that he
14 was from the village of Rimanishte was information that you only
15 heard and that you heard later on; is that correct?

16 A. I don't remember now things. But, as I said, I wasn't there. I
17 just heard from others. I wasn't a soldier. I wasn't in Zllash. I
18 heard people speaking, saying -- some saying Salih, some Mustafa.

19 Q. That's clear. Thank you for clarifying. I will now move to a
20 separate area of questions, and this concerned what happened
21 ultimately to [REDACTED]

22 So when did you find out what had happened to [REDACTED]?

23 A. That day we left for Prishtine and we stayed there two months
24 and two days, during the air-strikes. After two months, we returned
25 to the village and we were looking for [REDACTED] thinking all the
time

Examination by Ms. D'Ascoli

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

1 that he was alive. And after a week, we heard from [REDACTED]
2 that someone has -- had told him that, [REDACTED] is not alive but go
and
3 look for him around the prison area."

4 Q. Do you know or do you remember who had told [REDACTED] that
[REDACTED] is
5 not alive anymore?

6 A. [REDACTED] didn't want to tell me. I asked him, "Who told you?"
But
7 he refused to let me know.

8 Q. Okay. What did you and [REDACTED] do, if anything, after having
9 received this information?

10 A. [REDACTED] and me went to search for him, now for a dead person.
We
11 took the tractor and a spade and went to Zllash. First, we looked
12 for the prison. We found the prison building, the barn on the ground
13 floor, and on the upper floor, there where the soldiers used to stay.
14 And then we found a discharge paper for [REDACTED] who was in hospital
and
15 we found also a kind of roster for the KLA guards, some documents.
16 The barn was empty. And then we started to look around that place
17 and we saw a mound of earth, and we started to dig. And first I saw
18 a blanket and then an unknown face. And then I thought, This is not
19 [REDACTED] Then we moved a little bit the corpse. And then we saw
that

20 they were together. And from the [REDACTED]
21 [REDACTED] I felt very bad because we loved [REDACTED] very much.

22 Q. Let me take again this evidence that you just gave --

23 MS. D'ASCOLI: I'm hearing something in Albanian.

24 THE INTERPRETER: I apologise.

25 MS. D'ASCOLI: Okay. I will continue.

Examination by Ms. D'Ascoli

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

1 PRESIDING JUDGE VELDT-FOGLIA: Please continue,

2 Madam Prosecutor.

3 MS. D'ASCOLI:

4 Q. Mr. Witness, I was saying that I will now ask you some follow-up
5 questions from what you had just told us.

6 So, first of all, you said that you and [REDACTED] went to
7 Zllash. How did you know where to go to in Zllash?

8 A. We knew because [REDACTED] used to go to Zllash every day.

9 Q. So was it [REDACTED] to lead the way to Zllash?

10 A. Yes. Because I never went there. For me, it was the first
11 time.

12 Q. You had never been to Zllash before, before this time that you
13 went with [REDACTED]?

14 A. No.

15 Q. Okay. So you went with [REDACTED] a specific location in Zllash.
16 You said, line 18, page 28 of today's transcript:

17 "We found the prison building, the barn on the ground floor, and
18 on the upper floor ... where soldiers used to stay."

19 So how did you find this prison building? How did you and
20 [REDACTED] I should correct.

21 A. [REDACTED] but he was
22 never allowed to meet him.

23 Q. So you arrived at this building. And what did you do when you
24 arrived there?

25 A. We found those documents. We didn't find anything there and

Examination by Ms. D'Ascoli

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

1 started to look around the building until we found -- we saw this
2 mound of earth.

3 Q. So I understand that you went inside the building that you call
4 the prison building?

5 A. Yes, yes. There was nothing left there.

6 Q. And in which part of the building did you go into?

7 A. First we went to the basement. Then we went upstairs. That's
8 where we found those documents that I mentioned.

9 Q. Mr. Witness, now I'm going to show you some photos that you
10 already looked at during your SPO interview. While I call the
11 document, then I will ask also ask Madam Court Usher if she can give
12 you the print copies so that you can flip through them before I call
13 up a specific page onto the screen.

14 MS. D'ASCOLI: And in the meantime, can I please ask Madam Court
15 Officer to call up document listed at tab 8 of the list of materials,
16 SPOE00128386 to 00128420. And I would need page 3, which is
17 SPOE00128388, on the screens, please.

18 Q. Mr. Witness, can you in the meantime look at those photos.

19 MS. D'ASCOLI: Or, actually, I think --

20 THE WITNESS: [Interpretation] Yes.

21 MS. D'ASCOLI:

22 Q. Well, keep those photos because I will go into them later. And
23 in the meantime, if you can look at the screen and tell me whether
24 you recognise this specific photo that is appearing now on the
25 screen.

Examination by Ms. D'Ascoli

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

1 MS. D'ASCOLI: Your Honours, just to clarify, I had given to the
2 witness the binder showing the photos of the exhumation which I will
3 use later on.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. Later on, I would like to
5 have a look at the pictures too. And if the Victims' Counsel and the
6 Defence Counsel would like to do that, then we will do that.

7 MS. D'ASCOLI: Yes, of course. I had given them at the
8 beginning of the session, and, yes, there's still time to do that
9 because we will get to them later. Thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: Good.

11 MS. D'ASCOLI:

12 Q. So, Mr. Witness, does the building in this photo look familiar
13 to you?

14 A. Yes, yes. This is where the basement is, where the prisoners
15 stayed, and in the upper floor the soldiers stayed.

16 Q. We see three buildings. Can you --

17 A. Not the others.

18 Q. Can you tell us which building you're referring to when you say
19 "the basement" and "the upper floor"? You can indicate it by saying
20 to the left or to the right. If you can say it in words, please.

21 A. To the right. The higher building. This is where the basement
22 is. And on the upper floor the soldiers stayed. Here's the barn,
23 and then the soldiers stayed on the upper floor.

24 Q. Okay. And is this the building you went to, that you entered
25 into where you found those documents?

Examination by Ms. D'Ascoli

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

1 A. Yeah, that's correct. That's where we went and searched in the
2 basement and then upstairs. And then we went before this building,
3 maybe some 200 metres away we found this mound of earth.

4 Q. Before we get to that, can you tell us -- I mean, you told us
5 already what these documents were. Can you summarise it briefly?
6 You said you found two documents.

7 A. Yeah, they belonged to [REDACTED] That was a discharge paper
8 from
9 the hospital. Because in the past, he was wounded and he was
10 hospitalised. I don't know how that paper happened to be there, but
11 I know that he was in hospital.

12 Q. Do you know what happened to those documents afterwards?

13 A. As far as I know, UNMIK took them. And there was also a kind of
14 roster for the soldiers.

15 Q. But before UNMIK received them, did you and -- did you or
16 [REDACTED]
17 take those documents with you?

18 A. Yes, [REDACTED] took them with him.

19 Q. So then you said after being inside this building, you said you
20 went out looking for the grave. How did you know that the grave was
21 to be found there by?

22 A. We didn't know where the grave was. We just were thinking where
23 to find it, thinking that it might be around that area where they
24 were buried.

25 Q. Do you know whether [REDACTED] knew or whether he had been told
that
the grave of [REDACTED] was to be found nearby the prison?

A. Someone had told him that, [REDACTED] is no longer alive. Go and

Examination by Ms. D'Ascoli

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

1 search for him around the prison." That's what we did and we found
2 him.

3 Q. I understand. And this is the same person whose identity
4 [REDACTED]

5 didn't want to reveal to you; is that correct?

6 A. I don't know who that person is. I asked him, but he refused to
7 tell me.

8 Q. So in order to locate the grave, what did you do? How did you
9 look around the prison?

10 A. We saw that mound of earth. I started on the left side of it,
11 start to dig. And then I saw a blanket. And we continued to dig,
12 and then we saw an unknown face. And then we continued digging, and
13 then we found [REDACTED] body. The two of them were in the same
14 grave.

15 Q. Okay. Just a few questions before we get to the specific grave.

16 So did you and your [REDACTED] discover this together? Were
17 you together when you found this -- this soil, this place?

18 A. Yes, together. We were together with [REDACTED]

19 Q. And to your knowledge, was that the first time that [REDACTED]
20 [REDACTED] saw or found the place where [REDACTED] was buried?

21 A. Yes, the first time.

22 Q. And in relation to the location of the grave compared to the
23 building, I think you told us already that it was about 200 -- yes,
24 I'm reading from line 7 of page 32. You said:

25 "Then we went before this building, maybe some 200 metres away
we found this mound of earth."

So I understand it was close to the prison; correct?

Examination by Ms. D'Ascoli

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

1 A. I can't be accurate about the distance. I would say some
2 200 metres.

3 Q. Yes, I --

4 A. It was across the prison building.

5 Q. Yes. I meant it was a short distance.

6 A. It was not very far, but I can't give you an exact figure.

7 Q. No, that's fine. That's okay.

8 So how did you realise, how did you know that it was a grave?
9 How did you recognise that it could have been a grave?

10 A. We just saw the mound of earth and thought it might be a
11 prison --

12 THE INTERPRETER: Sorry, a grave.

13 MS. D'ASCOLI:

14 Q. Do you remember the depth of the grave, for example? Like how
15 much did you have to dig before finding the bodies?

16 A. It was not very deep. Maybe 30, 40 centimetres. It wasn't
17 deeper than that.

18 Q. And you said when digging the soil away, you first found another
19 body whom -- did you know anything -- I mean, did you recognise this
20 body or not?

21 A. No, no. To this day, I don't know who he was.

22 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, we are
23 approaching 11.00. Could you conclude your line of questioning, at
24 least for now?

25 MS. D'ASCOLI: Yes, then I think it's actually a good point

Examination by Ms. D'Ascoli

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

1 where to stop because then I would go into asking details about this
2 other body, so it might take maybe a bit longer than four minutes.
3 So it's better if we do it after the break, if Your Honours agree.

4 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
5 bring us into public session, please.

6 [Open session]

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

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

9 Mr. Witness, we are going to have a break for 30 minutes, till
10 11.30. And I will now ask Madam Court Usher to usher you out of the
11 courtroom, and then we see you back in half an hour.

12 THE WITNESS: [Interpretation] Okay. Thank you.

13 [The witness stands down]

14 PRESIDING JUDGE VELDT-FOGLIA: We will break and we resume in
15 30 minutes.

16 The hearing is adjourned.

17 --- Recess taken at 10.57 a.m.

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

19 PRESIDING JUDGE VELDT-FOGLIA: I will call appearances. I see
20 that the Specialist Prosecution Office is -- the same people are
21 attending.

22 MS. D'ASCOLI: Yes, Your Honour, same composition as earlier.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. And the same
24 goes for the Victims' Counsel.

25 MS. ZEGVELD: Yes.

Witness: W04674 (Open Session)

Page 1953

Examination by Ms. D'Ascoli

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

1 PRESIDING JUDGE VELDT-FOGLIA: Very well. And the Defence team
2 is also --

3 MR. VON BONE: No changes.

4 PRESIDING JUDGE VELDT-FOGLIA: -- in the same composition.

5 Mr. Mustafa is with us via videolink.

6 Good. We can continue.

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

8 [The witness takes the stand]

9 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness. Can
10 you hear me?

11 THE WITNESS: [Interpretation] Thank you very much. Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well. I now give back the
13 floor to Madam Prosecutor to continue with its questioning.

14 Please proceed.

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

16 Q. Mr. Witness, we are in open session and I will have some
17 questions for you regarding what we were discussing before.

18 And for the benefit of the public, we were at a point in which
19 you described finding a grave and finding two bodies in it. One body
20 which you recognised and the other which you didn't. So I will
21 remind you, please, not to mention names, and I will have some
22 questions now for you in open session.

23 So, Mr. Witness, can you tell us any details about the first
24 body you discovered in the grave, which you said was a body you did
25 not know, someone you did not recognise.

1 A. We saw the face of the first body and noticed that it was
2 someone unknown to us. We did not touch the corpse further. We just
3 recovered it. When we kept digging more, then we saw the body of
4 somebody we knew. As soon as we ascertained who that was, we did the
5 same. We covered him up and went home.

6 Two days later, we went onboard the tractor and dug him out,
7 removed the body, and took it home.

8 Q. Let me interrupt you there. I'll need to go back and ask you
9 some additional questions about the first body that you did not
10 recognise.

11 Do you remember any details of this body you did not identify,
12 any body features, gender, clothes, et cetera?

13 A. It was a male. His front teeth were long and blackened out.
14 Most certainly he was a heavy smoker. We did not dig him out to see
15 what else he was wearing or if he was -- what he was wearing.

16 Q. Could you tell whether it was a young-, middle- or old-age man?

17 A. Average, I would say.

18 Q. Hair colour and face, any detail you remember?

19 A. I wouldn't say for sure. He looked like dark-skinned, but the
20 face seemed longer -- elongated. Started to decay, I think.

21 Q. And can you tell us what you did after finding these two bodies
22 and uncovering them a bit? You said you recognised one. You didn't
23 recognise the other. And what did you do later on? And, again,
24 please, do not mention any names. Thanks.

25 A. We covered them up again and went home.

Witness: W04674 (Open Session)

Page 1955

Examination by Ms. D'Ascoli

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

1 Q. So you did not move or remove the bodies?

2 A. No, no.

3 Q. How did you leave the grave, in which conditions, before
4 leaving?

5 A. The way we found it. That's how we left it.

6 Q. Okay. You were telling us that you later went again to the same
7 location; is that correct?

8 A. Yes, that's correct.

9 Q. Do you remember how long after the first time you went to the
10 grave, how long after that time you returned to it?

11 A. We returned after two or three days. Two, I think. I can't
12 remember accurately.

13 Q. Okay. I will ask you later on when we will be in private
14 session about more details, like, for example, with whom you went, so
15 please do not mention that now.

16 But can you please tell us what you did on this second occasion
17 when returning to the grave. What did you do? In general terms and
18 without mentioning names, please.

19 A. When we went for the second time, we took out the body, put it
20 on the tractor, and brought it home.

21 Q. What happened to the other body that was also in the grave?

22 A. We covered up the other body and left it there.

23 Q. So I understand you did not remove it and you left it covered in
24 the soil as you found it; correct?

25 A. Yes.

Examination by Ms. D'Ascoli

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

1 MS. D'ASCOLI: Your Honours, if we can now move into private
2 session for some questions revealing identifying details.

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

5 ~~[Private session]~~ [Open session]

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

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
8 Madam Prosecutor, please proceed.

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

10 Q. Mr. Witness, we are now in private session, so I will ask you
11 for the names of those with whom you went to the location of
12 *[REDACTED]*
13 grave the second time, the time when you said you went by tractor.
14 With whom did you go?

15 A. It was *[REDACTED]* We were all of the same
16 *[REDACTED]* Who else was there?
17 Five or six, I think I mentioned.

18 Q. Was any of the *[REDACTED]* there with you as well?

19 A. I can't remember. I don't know. Maybe *[REDACTED]* was there.
20 Really, I can't remember.

21 Q. That's okay. You did tell us during the interview with the
22 Specialist Prosecutor's Office that *[REDACTED]* was
23 there.

24 MS. D'ASCOLI: Your Honours, for the record, this is at
25 page 17 --

THE WITNESS: [Interpretation] Yes, yes.

Examination by Ms. D'Ascoli

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

1 PRESIDING JUDGE VELDT-FOGLIA:

2 Q. I will just give the reference for the record and then I'll get
3 back with the questions.

4 MS. D'ASCOLI: Your Honours, this is page 17, lines 6 to 12 of
5 Part 2 of the transcript 076509-TR-ET, RED1. The precise quote was,
6 question at line 11:

7 "What about [REDACTED]

8 Answer, line 12:

9 "Yes, [REDACTED] yes, the [REDACTED]"

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 MS. D'ASCOLI:

12 Q. So was anyone taking photographs of the grave-site and the
13 exhumation?

14 A. Yes, yes.

15 Q. Do you remember who?

16 A. [REDACTED]

17 Q. So you said that during the second time, again you uncovered the
18 body, removed it, [REDACTED] body, and took him away. Do you remember
19 what you personally did during this second time, during the
20 exhumation of [REDACTED] body, how you helped out, what you did on
21 that occasion, anything you remember?

22 A. I remember very well because that day I didn't feel good at all.
23 They didn't allow me even to come closer to the grave. I felt so bad
24 that day. I remember it pretty well.

25 Q. Did you look closely to the body of [REDACTED] on this second

Examination by Ms. D'Ascoli

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

1 occasion or not?

2 A. I wasn't, as I said, close. I was some 5, 6 metres away. They
3 didn't allow me to come close to the grave. Because, as I said, I
4 didn't feel well.

5 Q. And --

6 MS. D'ASCOLI: Again, if Your Honours allow me just to quote a
7 part of the prior statement to the SPO.

8 Q. You said to the SPO, again it's the transcript Part 2, 076509,
9 page 18, lines 7 to 9. You said:

10 [REDACTED]

11 [REDACTED]

12 Is that true? And do you remember that or not?

13 A. At first, I started to dig more than the others, but I started
14 to feel not well and they asked me to go away. I was the one who
15 started digging first.

16 Q. I understand. Thank you for clarifying.

17 You said that when you went with [REDACTED] for the first time to
18 the
19 grave, you could also identify the body -- [REDACTED] body; is that
20 correct?

21 A. Yes, that is correct.

22 Q. And can you tell us -- I remember you mentioned some physical
23 features. Can you tell us by what? Which items, whether clothing or
24 physical features, by what were you able to recognise [REDACTED] body?

25 A. [REDACTED]

[REDACTED] and that's

Examination by Ms. D'Ascoli

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

1 where I recognised him. And because of the [REDACTED]

2 Q. Mr. Witness, I will now ask you to look at the set of photos
3 that were given to you earlier.

4 MS. D'ASCOLI: Can I ask Madam Court Usher, whether these photos
5 are still with the witness? They are? Okay.

6 Q. Mr. Witness, you should have a small binder -- yes. Can you
7 please look at those while I call the document on the screens.

8 MS. D'ASCOLI: Can I please ask Madam Court Officer to have ERN
9 SPOE00209313 to 00209320. This is listed at tab 9 of the list of
10 materials for this witness.

11 And if we can please have page 1 on the screen.

12 PRESIDING JUDGE VELDT-FOGLIA: And, for the record, the Judges
13 have seen the binder which was given to the witness too.

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

15 Q. Mr. Witness, do you recognise the photos that have been given to
16 you? Could you look through them, and did you recognise those
17 photos?

18 A. Yes. I see the photo and I remember this place and the soil
19 there.

20 Q. I understand you're commenting about the photo -- the first
21 photo of this set that we have on our screens. This is SPOE00209313.

22 What is it that you recognise about this photo, if anything?

23 A. I am not sure whether the soil is -- shows the moment when we
24 discovered the body or afterwards. Because there was plenty of soil
25 there.

Examination by Ms. D'Ascoli

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

1 Q. And what place do you recognise in this photo? What location?

2 What soil was that?

3 A. The location was in a small field, I think.

4 Q. And I understand this is the place where [REDACTED] body was found,

5 was buried; correct?

6 A. It's correct. But I am not certain whether it is taken after we
7 took out the body or not.

8 Q. That's fine.

9 MS. D'ASCOLI: Can we please have now page 3, SPOE00209315.

10 Q. Mr. Witness, can you please look at this photo and tell us
11 whether you recognise anything in this photo.

12 A. From the photo, I understand that we have taken the body from
13 there. Only parts of the blankets have remained.

14 Q. Okay.

15 MS. D'ASCOLI: Can we please go to the next page, SPOE00209316.
16 Maybe if we can turn it anticlockwise one click. Yes. Thank you.

17 Q. Mr. Witness, do you see this photograph and do you recognise it?

18 A. Yes. I'm very sure that it is [REDACTED] body. I know. I
19 recognise the body, [REDACTED] He was on the right-hand side; the
20 other on the left-hand side.

21 Q. Okay. So you told us you removed [REDACTED] body, did not touch
22 the second body, and covered the grave again; is that correct?

23 A. That's correct. We covered it again.

24 Q. And to your knowledge, was anybody informed of the fact that
25 [REDACTED] body was found at that site and that there was a second
body

Examination by Ms. D'Ascoli

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

1 as well?

2 A. We notified UNMIK. No one else.

3 Q. Okay.

4 MS. D'ASCOLI: Your Honours, just for the purposes of internal
5 organisation, I have a few questions left, so I'm about to close the
6 direct examination.

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

8 MS. D'ASCOLI:

9 Q. Mr. Witness, we are close to the end of my questions.

10 After the body was exhumed and taken, where did you take it?
11 Where was [REDACTED] buried eventually?

12 A. We exhumed the body and buried him in [REDACTED]
13 village. In the cemetery there.

14 Q. Mr. Witness, I will now show you a document that you mentioned
15 during today's evidence and that you have seen before, and I will ask
16 you some questions about it.

17 MS. D'ASCOLI: Can I please call up document listed at tab 7 the
18 list of materials for this witness. This is ERN 076276 to 076281,
19 RED3, and I need page 3, please.

20 Q. Mr. Witness, can you look at the document as it appears on the
21 screen and tell us whether you recognise it; and, if yes, what it is.

22 A. Yes, I remember very well. It's the discharge document from the
23 hospital when [REDACTED]

24 Q. What do you mean by "he"? Who do you mean by "he," [REDACTED]
25 [REDACTED]

Examination by Ms. D'Ascoli

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

1 A. [REDACTED] And the paper was

2 found on him, in his pocket.

3 Q. Is this the document concerning [REDACTED] that you and
4 [REDACTED] found

5 in the prison building next to the grave that you mentioned earlier?

6 A. Yes, yes. That's it. And there is another with the names of
7 the soldiers that stood guard.

8 Q. And you just said, line 1 and 2, page 45 of the realtime
9 transcript: "... the paper was found on him, in his pocket."

10 What do you mean by that? Why do you know that the paper was
11 found on him?

12 A. No, no. We found it in the second floor, in the upper floor, on
13 a shelf. It happened to be in his pocket when he was taken there.

14 Q. But how do you know that, that [REDACTED] had this paper in his
15 pocket?

16 A. I'm saying this because ... I don't know. Probably it was in
17 his pocket. Because it dates back to the 1990s, this document. But
18 it happened to with him.

19 Q. Let me see if I can clarify. You're saying that you believe
20 this document was him when he was arrested?

21 A. It happened to be in his pocket, I think, yes.

22 Q. And this is something that you believe happened? I mean, do you
23 actually know whether [REDACTED] was carrying this document in his
24 pocket
25 or not?

26 A. I believe so. That's the only document that was found there.

27 Q. Okay. But in any case, this is a document that you found with

Examination by Ms. D'Ascoli

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

1 [REDACTED] at the building on the second floor; right?

2 A. Yes, yes, in the shelf.

3 Q. Okay. And can you describe what this document was about? You
4 said that [REDACTED] Do you know what had happened to
5 him when [REDACTED]?

6 A. [REDACTED] held in Prishtine. I
7 think it was [REDACTED] in 1990. [REDACTED]

8 Q. And do you know why [REDACTED] Or how [REDACTED]

9 A. In [REDACTED] that he took part.

10 MS. D'ASCOLI: Again, I will ask Your Honours if I can refresh
11 the witness's recollection by reading what he had said he knew in the
12 UNMIK interview.

13 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Prosecutor.

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

15 Q. Mr. Witness, I will read from your statement given to UNMIK on
16 [REDACTED] The ERN number is SPOE00128189 to 00128201, and I will
17 be reading from page 8.

18 So your answer was: "Yes" --

19 MS. D'ASCOLI: Page 8. Yes, thank you. This is the last
20 paragraph in the statement. Yes, thank you.

21 Q. I will read. So your answer:

22 "Yes, the papers you have shown to me are the documents I and my
23 [REDACTED] recovered inside the detention centre in 1999,"
24 which is what you also just told us.

25 I continue reading.

Examination by Ms. D'Ascoli

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

1 "The hospital release paper that bears the name of

2 [REDACTED] was about a [REDACTED]

3 [REDACTED]

4 [REDACTED] These [REDACTED]

5 were being held every day, and [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Do you remember having said that and is that correct?

9 A. Yes, it is correct.

10 Q. Okay.

11 MS. D'ASCOLI: Your Honours, we can go back into open session
12 and I will conclude the direct examination.

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

15 [Open session]

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

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

18 Madam Prosecutor, the floor is yours.

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

20 Q. Mr. Witness, those were my questions. Thank you very much.

21 MS. D'ASCOLI: And, Your Honours, I have no further questions
22 for this witness. Thank you.

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

24 Yes, Victims' Counsel, could you start with the -- let me
25 formulate it differently. Do you have any questions for this

Questioned by Victims' Counsel

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

1 victim -- witness?

2 MS. ZEGVELD: Yes, Your Honour, we do. Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then you have the floor
4 for your questioning. Please proceed.

5 Mr. Witness, the Victims' Counsel will now be asking you some
6 questions.

7 MS. ZEGVELD: Thank you, Your Honours. I think that all our
8 questions do pertain to the person of the witness or his family
9 members, so I kindly request to go into private session.

10 PRESIDING JUDGE VELDT-FOGLIA: Yes. Madam Court Officer, could
11 you bring us into private session, please.

12 ~~[Private session]~~ [Open session]

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

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
15 Victims' Counsel, you have the floor.

16 MS. ZEGVELD: Thank you.

17 Questioned by Victims' Counsel:

18 Q. Mr. Witness, thank you for your answers so far. I have a few
19 questions for you that will deal with the personal impact of the fate
20 of [REDACTED]

21 Could you first explain to us [REDACTED] back in
22 1999? And then I mean, in particular, [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Questioned by Victims' Counsel

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

1 [REDACTED]

2 [REDACTED]

3 them very much.

4 Q. Thank you. Now, you described to us this morning how you felt
5 when you discovered [REDACTED] provisional -- as I can call it,
6 provisional grave. And you stated to the Prosecutor that you "felt
7 very bad because you loved [REDACTED] very much."

8 And later, later on, you also said again when you dig up
9 [REDACTED] on

10 the second occasion, you also felt very bad.

11 Can you share with us a little bit your feelings at those two
12 moments, your thoughts, your emotions in a little bit more detail,
13 describing what it meant to you, "feeling bad"?

14 A. It is difficult to put into words how bad it was because the
15 bodies stank. I started digging first. However, the stench
16 overwhelmed me and I started feeling really bad. From that point
17 onwards, they did not allow me to come closer. They said -- they
18 asked me to move away.

19 Q. I understand. So that's the physical experience you had when
20 you started digging up. You also added to that: I felt bad because
21 [REDACTED] him that much. Can you explore a little bit more on that
22 particular emotion?

23 A. That's right.

24 Q. I know it's difficult for you to share this with us, but I think
25 it is important for us as lawyers to understand in more detail how it
was to be present there and to see all of this, of such [REDACTED]

Questioned by Victims' Counsel

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

1 [REDACTED]

2 A. I don't know how to phrase it. I don't know how to explain it.

3 I was -- I felt so awful and from this day onwards, I have difficulty

4 looking at dead bodies. They just asked me to move away and I was

5 not in any close contact there and then.

6 Q. When the pictures of the dead body of [REDACTED] were just shown
to

7 you, what did that do to you, looking at those pictures again?

8 A. It brings it all back. It just makes me feel equally bad.

9 Q. Now, these are -- this was really what I wanted to know about,

10 how you felt about -- how you felt at those moments when you saw

11 [REDACTED] body in 1999. Can you share with us a little bit how this

12 experience, how this confrontation impacts on you later in life, as

13 you said, you know: It has stayed with me later on.

14 Can you give us a little bit more information about that.

15 A. I have never felt as bad as on that particular day, when I --

16 when we saw that his face was decomposing. There was that stench and

17 finding him in that condition was awful. And from that day onwards,

18 I have been unable to view any body. That's the way I am at the

19 moment.

20 Q. And has your life changed after this? I mean, life changes

21 always, but do you see any --

22 A. Oh, yes, a lot.

23 Q. And do you see any relation between what has happened on that

24 day or what you saw on that day and changes afterwards? Could

25 you ...

Questioned by Victims' Counsel

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

1 A. Yes, it has changed a lot. It's left an impact. I suffer from
2 insomnia and a number of things that date back to that point in time.

3 Q. And what would be examples of those number of other things that
4 you refer to? Insomnia, other examples?

5 A. Insomnia, nightmares that visit me. I feel I have more of a
6 temper.

7 Q. Do you take any medication to this end to deal with it?

8 A. Yes, I do. There's about [REDACTED]

9 Q. Mr. Witness, do you have a family yourself? Are you married?
10 Children?

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. Okay. Thank you. Is there anything else you would like to
21 share with us on the whole -- the impact and your emotions on what
22 happened to [REDACTED] on this occasion? Because this will be my last
23 question, if there's anything else you would still like to say,
24 please do so.

25 A. I don't know what else to add, but I have never felt as awful in

Questioned by Victims' Counsel

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

1 my life as at that time. The impact has been continuous. I feel
2 slightly better now that I'm using some medication because before I
3 wasn't able to sleep. But I think that the set of pills I'm taking
4 now is helping me out.

5 And I don't know what else to add.

6 Q. Okay. I leave it to this. Thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
8 bring us into public session, please.

9 [Open session]

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

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

12 We have completed the questioning of W04674 by the SPO and by
13 the Victims' Counsel. It is now the turn for the Defence Counsel.

14 Defence Counsel, are you ready to start with cross-examination
15 directly?

16 MR. VON BONE: We would prefer to have a break, Your Honour.

17 PRESIDING JUDGE VELDT-FOGLIA: Very well. What we will do
18 then -- it's now a quarter past 12.00. Then we take our break, our
19 break for everybody now. And that means that we will resume in one
20 and a half hours with the cross-examination by the Defence.

21 Madam Court Usher, I will ask you to usher the witness out.

22 Mr. Witness, we will now have a break of one and a half hours.
23 I hope you have a nice lunch, and then we see you back after that.

24 THE WITNESS: [Interpretation] Thank you.

25 [The witness stands down]

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1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 We will now break and we will resume at a quarter to 2.00.

3 The hearing is adjourned.

4 --- Luncheon recess taken at 12.16 p.m.

5 --- On resuming at 1.45 p.m.

6 PRESIDING JUDGE VELDT-FOGLIA: I call appearances. I see -- I
7 give the floor to the SPO.

8 MS. D'ASCOLI: No changes, Your Honours. Thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: No changes for the
10 Victims' Counsel.

11 MS. ZEGVELD: Same composition. Thank you.

12 MR. VON BONE: No changes.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well. And Mr. Mustafa is
14 following still by videolink. Very well.

15 Madam Court Usher, could you usher the witness into the
16 courtroom, please.

17 For the schedule of today, we will have a one-and-a-half-hour
18 session now, 90 minutes, and that will be it for today, and then we
19 will proceed tomorrow morning at 9.30.

20 [The witness takes the stand]

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

22 THE WITNESS: [Interpretation] Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: I will now give the floor to the
24 Defence Counsel to start with his cross-examination.

25 You have the floor, Defence Counsel.

Cross-examination by Mr. Von Bone

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

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

2 Cross-examination by Mr. von Bone:

3 Q. Good afternoon, Mr. Witness.

4 A. Good afternoon.

5 MR. VON BONE: I will ask to go into private session. I think
6 it's better.

7 PRESIDING JUDGE VELDT-FOGLIA: Okay. Madam Court Officer, could
8 you bring us into private session, please.

9 MR. VON BONE: And I -- whoever is following this, it might take
10 a while, the private session. I just say that to people who are --
11 might follow this remotely.

12 ~~[Private session]~~ [Open session]

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

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
15 Defence Counsel, the floor is yours.

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

17 THE INTERPRETER: Microphone, please.

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

19 PRESIDING JUDGE VELDT-FOGLIA:

20 Q. Mr. Witness, what is the name of your father?

21 A. My father?

22 Q. Yes.

23 A. [REDACTED]

24 Q. Thank you very much. Mr. Witness, have you ever heard of the
25 [REDACTED]?

Witness: W04674 (~~Private Session~~) (Open Session) *Reclassified pursuant to F493*
Cross-examination by Mr. Von Bone
All redactions applied are pursuant to Orders F493, F509 and CRSPD107

Page 1972

1 A. No.

2 Q. Have you ever heard of the name [REDACTED]?

3 A. Never.

4 Q. Have you ever heard of the name [REDACTED]?

5 A. No, I cannot recall it.

6 Q. And lastly, have you ever heard of the name [REDACTED]?

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Q. And do you know where that person was during the war?

18 A. I do not.

19 Q. And the [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. And did you have any contact with him during the war?

24 A. No.

25 Q. Excuse me, is that person still alive? I -- sorry.

1 A. Yes.

2 Q. Mr. Witness, I would like to go back to the moment that you went
3 from [REDACTED] back to [REDACTED] and particularly that the people
4 who
5 had [REDACTED] That is what I want to
6 speak to you about.

6 A. Okay. Yes, [REDACTED]

7 Q. And if you say [REDACTED]

8 [REDACTED]

9 Q. And you were not sure, there were five or six people who arrived
10 there. And did you actually speak with --

11 A. I am not sure. I'm not sure whether it was five, six or seven.
12 I just can't recall.

13 Q. And did you speak with these -- any of these people personally?

14 A. There was only one amongst them who I knew. The others I did
15 not. [REDACTED] with the nickname [REDACTED], he was the only one I
16 knew.

17 Q. I understand. My question is: Did you speak with any of them
18 without -- whether you know him or not? It is ...

19 A. No, I don't think so. They wouldn't want to say anything. They
20 just had their nails cut, they shaved, they had some food, and then
21 they went their own ways.

22 Q. And where exactly was this in [REDACTED]

23 A. In [REDACTED] that is, of [REDACTED]

24 [REDACTED] They stayed until the evening, at which point they
25 departed

25 for Prishtine.

1 Q. So this meeting and eating took place outside [REDACTED]

2 [REDACTED]

3 A. Yes, yes, outside [REDACTED]

4 Q. And did you stay the entire time, from the beginning until the
5 moment that they left?

6 A. Yes, I did.

7 Q. And did any of the people -- did -- excuse me, sorry.

8 At the end of that meeting and eating together and cleaning up,
9 did they all leave or did somebody remain or ...

10 A. One stayed behind. [REDACTED] that one. He stayed the night.
11 He stayed the night here and then he went we don't know which
12 direction.

13 Q. And do you know who [REDACTED] was? Did he say anything about
14 himself?

15 A. I don't know how to describe that, but he came from the
16 [REDACTED]

17 [REDACTED] as it were.

18 Q. And did you actually see him the next morning leaving, that he
19 left the next morning to ...

20 A. Yes. Yes, we went all the way to Prishtine. He spent the night
21 with us and he left the day after. I have no idea which direction he
22 took and I haven't heard of him ever since.

23 Q. And you say "with us," and forgive me to ask you, but do you
24 mean with you or do you mean with [REDACTED] Did he [REDACTED]

25 A. We all went to Prishtine together. And he spent the night in

1 the house of [REDACTED] one night, and he left the day
2 after.

3 Q. And do you recall the name of [REDACTED]

4 A. Yes, [REDACTED]

5 Q. And when this eating took place, you participated in the meal
6 together with the people who had been detained?

7 A. No, no.

8 Q. And was there any other moment that you actually spoke to one of
9 them, that you spoke about what had happened to them?

10 A. No. We just went outside on the road, watching and waiting for
11 [REDACTED] to arrive. It was a long convoy of the population, so we
went

12 out there in order to see whether [REDACTED] would arrive.

13 Q. And who was it that gave you information that [REDACTED] would
arrive?

14 A. [REDACTED] said that, "They have freed us and [REDACTED] will be
15 next." He said, "He will come." He said that, [REDACTED] and someone
16 from [REDACTED] have been left behind."

17 Q. Was there anything else that you discussed with [REDACTED]?

18 A. No, nothing else.

19 Q. Did he speak about anything regarding the condition under which
20 he had been detained?

21 A. He didn't tell me anything. He spoke to someone else, though.
22 He said, "Don't tell them that [REDACTED] has been badly mistreated,"
which

23 is something we learned of later.

24 Q. This is what [REDACTED] told you. Do I understand that well?

25 A. Not me personally. He told it to another [REDACTED]. He said
that,

1 [REDACTED] has been badly mistreated and he's been left in jail," and
--

2 from where he was never released.

3 Q. And to which [REDACTED] did he say that?

4 A. He said it to [REDACTED]

5 Q. And were you at that moment there or did you hear this later
6 from [REDACTED]?

7 A. I heard it later. These were war times. He told me later. He
8 said that, [REDACTED] told me that [REDACTED] and the one from
[REDACTED] were badly
9 mistreated in jail."

10 Q. And did any of the group of people who had come to the
11 courtyard, to [REDACTED] house, did anybody speak with you or did
12 anybody say something to you about the conditions under which he had
13 been held?

14 A. No. They were reluctant to speak. Whether they were scared or
15 not, I don't know.

16 Q. Did you observe anything in particular in their behaviour?

17 A. I don't know. I can't recall.

18 Q. Did anybody need medical attention?

19 A. No, I can't remember.

20 Q. Did anybody of this group complain about injuries that he or --
21 he had gotten?

22 A. I cannot remember.

23 Q. Then you knew [REDACTED] as a family member?

24 A. Yes.

25 Q. Did you know -- no. Has [REDACTED] always lived in Kosovo?

Cross-examination by Mr. Von Bone

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

1 A. Yes, all the time.

2 Q. And did he all the time stay in [REDACTED]

3 A. Yes, he was in [REDACTED] all the time. Maybe he went to
Prishtine

4 from time to time. He had friends there, but his main residence was
5 in [REDACTED] all the time.

6 Q. And what was his occupation?

7 A. [REDACTED] He had none. Beating people up. He had friends like
8 [REDACTED] who is a bad thief. He was always in bad company.

9 Q. And did he have a family?

10 A. Yes. [REDACTED]

11 Q. And did he have any kind of partner that you know?

12 A. [REDACTED]

13 [REDACTED]

14 Q. But you simply -- do I understand that you don't know if he had
15 a partner or not? Is that your answer?

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

1 Q. Did you ever discuss that with him?

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. That's what I heard, from those who had tortured him and exerted
16 violence on him, blaming him as a [REDACTED] That's what I've heard.
I

17 don't know how true it is.

18 Q. And was this before the war?

19 A. During the time of his arrest. I heard at the time that he had
20 been arrested because he was [REDACTED] But I think that people had a
21 grievance against him because he was involved in fighting. He beat
22 people up.

23 Q. And can tell us from who you heard this thing that he would be a

24 [REDACTED]

25 A. I don't really know. Here and there. I have no idea who said

1 what exactly. All I heard was that he's been declared [REDACTED] and
he

2 has been mistreated. As to who said it, I don't know, but these were
3 words heard here and there.

4 Q. So you don't even know whether the people who were telling that
5 were actually -- could actually know this.

6 A. Somebody would have said it. I've heard it so many times. But
7 I don't know who; i.e., that that's what he was arrested about.

8 Q. And in the time of the war, did you ever hear about other
9 arrests that had taken place in or around [REDACTED]

10 A. No, that's the only one.

11 Q. And do you actually know who arrested him?

12 A. Yes, I do.

13 Q. Now, could you tell us, please.

14 A. Give me a second, please. [REDACTED]

15 Q. And who was he?

16 A. He was -- he introduced himself as part of a military police.

17 He was with two young people. He told [REDACTED] that they had orders
to

18 arrest him. [REDACTED] didn't say a word, just got into their car.

19 Q. And did you hear this from [REDACTED] himself?

20 A. Not from [REDACTED] But I know it was [REDACTED] because at the
21 time of the arrest there were quite a few people present. I spoke to
22 [REDACTED] later when I asked him where [REDACTED] was, and he said he
23 been taken to the [REDACTED] zone. In fact, he -- [REDACTED] hadn't
been sent

24 anywhere. He was there all the time.

25 Q. And do you recall when it was that you spoke to [REDACTED]

1 about this?

2 A. During the time of the bombing. I can't remember the day or the
3 hour. We went to the village from Prishtine and on the way back to
4 Prishtine I met him in the evening. I said, [REDACTED], please
5 tell me where [REDACTED] is." And he said that [REDACTED] has been
taken to the

6 [REDACTED] zone. In fact, [REDACTED] was in Zllash.

7 Q. And did he tell you that he took him there, that he took
[REDACTED]

8 there?

9 A. Yes, he arrested [REDACTED] He and two other young boys.

10 Q. But my question was: He told that you to you, yourself,
11 personally?

12 A. He told me that [REDACTED] has been taken to the [REDACTED] zone.
That is,

13 [REDACTED]

14 Q. And was it [REDACTED] who took him there?

15 A. Yes, [REDACTED]

16 Q. And did [REDACTED] tell you that?

17 A. We knew that it was [REDACTED] and those two young men who
18 had arrested him, which is the reason why I asked [REDACTED] where
19 [REDACTED] was. And he said, [REDACTED] has been taken away." In
fact, he

20 didn't want to let me know that he was in Zllash at the time.

21 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have asked
22 already three times --

23 MR. VON BONE: Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: No, but I agree we have not had

25 an answer yet to that question. So if you allow me, I will ask it

1 again because I would like to know a yes or no.

2 Mr. Witness, was it [REDACTED] who'd said, "I have brought
3 [REDACTED] to the [REDACTED] zone"? I want a yes or no.

4 THE WITNESS: [Interpretation] Yes, he told me.

5 PRESIDING JUDGE VELDT-FOGLIA: Personally.

6 THE WITNESS: [Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 Defence Counsel, please proceed.

9 MR. VON BONE:

10 Q. [REDACTED] was taken in [REDACTED] as I understood. What was the
11 reason --

12 A. He was arrested in [REDACTED]

13 Q. Yes, that's what I'm trying to say. And my question is: What
14 was the reason that he [REDACTED] while the rest of the
15 [REDACTED]

16 A. He wasn't on his own. There were some seven or eight other
17 young men who had stayed behind to protect the houses.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. [REDACTED] We heard of the news that he was
24 arrested. I thought that he was recruited as a KLA soldier because
25 he was very brave. We didn't know why he was taken. We all thought

1 that he was alive.

2 Q. I understand. Did you ever find out who the other people were
3 with [REDACTED] that took [REDACTED]

4 A. I know only that they were two young men. I don't know their
5 names.

6 Q. And do you know if [REDACTED] went to anybody to find out where
[REDACTED]

7 was? [REDACTED]

8 A. I forget things. I don't remember. I don't remember at all.

9 Q. Did any other family member -- well, [REDACTED] went to find
[REDACTED]

10 That is clear.

11 And did you -- do you know if any other [REDACTED]

12 [REDACTED] went to look for [REDACTED]

13 A. [REDACTED] went every day. Every day. One time, [REDACTED] also
14 went and they met [REDACTED] at the headquarters. [REDACTED] they
15 told him, "We have come to see [REDACTED] said, "No, you
16 will never see [REDACTED] again." And, in fact, it turned out that it
was

17 true.

18 Q. And who told you this? Was it --

19 A. My [REDACTED]

20 Q. [REDACTED]

21 A. [REDACTED]

22 Q. You spoke about a location where you went and that you found
23 documents from [REDACTED] there. I want to speak with you about that
24 location.

25 A. Okay.

1 Q. My question is: Could you describe us what that location looked
2 like?

3 A. It was an abandoned house. Nobody had lived there, because
4 people had left the village and went to the town. So the soldiers
5 used to stay here. The prison was there. Their headquarters was
6 there. They were old houses. It was just a barn.

7 Q. And was it damaged?

8 A. It was very old, even then. It was abandoned, empty.

9 Q. And do you know if it had been damaged in the combat with the
10 Serbs or in -- at the time of the offensive? Did you --

11 A. No, no. It was as of itself old and, like, ruined. It was very
12 old.

13 Q. And were there any other buildings around?

14 A. There were some garages, but not houses. Barn.

15 Q. And how many of these barns or garages did you go through before
16 you came to the building that you needed to be and where you found
17 the documents?

18 A. The garage and those buildings that I mentioned were near, in a
19 row.

20 Q. So how many garages were there?

21 A. Not garage in the real sense of garage, but ramshackle places
22 like barns to put animals into. Stables.

23 Q. How many of those barns were there?

24 A. I can't say for sure because there was the basement and then
25 there was a barn for sheep and then another basement and -- very old

1 buildings.

2 Q. I understand that they were very old. I just want to know how
3 many in total, how many structures were there?

4 A. Basement and two other structures, and this basement where,
5 before, cows were kept.

6 Q. So is it three or four structures in total? How much is it do
7 you estimate?

8 A. Three or four. I can't be sure. Now they have completely been
9 demolished.

10 Q. Have you been back?

11 A. No, never.

12 Q. How do you know that they have been demolished?

13 A. Even then they were in a very ramshackle condition. 22 years
14 have passed, so I believe they have fallen down completely now.

15 Q. And how many days was this before you went eventually to exhume
16 [REDACTED] body? How many days was it that you went into that
location

17 to see and find the document?

18 A. The date -- the day that we found the bodies, these two bodies.
19 That was the day when we found that document and the basement where
20 they were kept, because [REDACTED] knew where the headquarters was
because

21 he went there every day. I couldn't accompany him because of my

22 [REDACTED]

23 [REDACTED]

24 Q. Now, was it you or was it [REDACTED] who found the document?

25 A. This I don't remember, but I know that we found them in a shelf.

1 Either me or [REDACTED] I can't say. I know that [REDACTED] took them
and put

2 them in his pocket.

3 Q. And you were there at that moment that he did that?

4 A. Yes, yes. Together, we were together.

5 Q. [Microphone not activated].

6 THE INTERPRETER: Microphone, please.

7 MR. VON BONE:

8 Q. How many rooms were there actually? Was it one room or were
9 there more rooms? What was it?

10 A. One room on the upper floor and a basement below -- under it.
11 That's where we found them in the shelf. Below were the prisoners.

12 Q. I understand. But I'm talking about that building that you are
13 describing now was that basement and, you say, an upper floor. How
14 many rooms were there in that upper floor?

15 A. Yes, there. The upper floor -- I know that we visited the
16 basement, but I think next to it there was another room but I am not
17 sure. It was -- it had another entrance.

18 Q. I understand it had another entrance. I'm just trying to find
19 out. You found this in a room on the upper floor. And was that the
20 only room that there was --

21 A. Yes, on the upper floor.

22 Q. I understand. My question is: Was there only one room on the
23 upper floor?

24 A. I think there was one room above the basement, and then there
25 was another room but not on the upper floor. Next to the basement.

1 Because usually we have two different entrances for such kind of
2 buildings.

3 Q. This room where you found the document, [REDACTED] how large was
4 it in size? If you would need to measure it, roughly.

5 A. Not very big. Maybe 4 by 4 or 5 by 4. But not large.

6 Q. I understand. Now, after that, it was that you found the grave
7 of [REDACTED] And my question is: If you were --

8 A. After we checked. After we checked the house, then we went out
9 to look for him, you know, in the field, surrounded -- surrounding
10 it. We hoped he was alive or we believed he was alive until that
11 day.

12 Q. And was this field that you are talking, was it a flat field?

13 A. Yes, it was like a forest. There was a meadow and surrounded by
14 trees.

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

16 THE INTERPRETER: Microphone, please.

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

18 MR. VON BONE: I just want to consult.

19 [Specialist Counsel confer]

20 MR. VON BONE: [Microphone not activated]. Maybe if the witness
21 can, for a moment, take off ...

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, could you take off
23 your headphones, please.

24 MR. VON BONE: Just ...

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

1 MR. VON BONE: Just wanted to make sure that we don't get a new
2 discussion on "forest" or the translation of "forest." That's why.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay.

4 MR. VON BONE: You remember --

5 PRESIDING JUDGE VELDT-FOGLIA: Yes, I -- but --

6 MR. VON BONE: [Overlapping speakers] ... so that's why that --
7 that -- it is quite clear --

8 PRESIDING JUDGE VELDT-FOGLIA: Oh, but you are discussing
9 between each other.

10 MR. VON BONE: Yes. I just wanted to clarify this issue because
11 last time we got into a whole debate about forest and so on. I just
12 wanted to make sure that --

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, I have a lively memory of
14 that.

15 MR. VON BONE: Next question.

16 PRESIDING JUDGE VELDT-FOGLIA: Yes, it's okay like that? Okay.
17 You can put it on again. Thank you, Mr. Witness.

18 THE WITNESS: [Interpretation] Thank you.

19 MR. VON BONE:

20 Q. So, Mr. Witness, from that location where the documents were
21 found, could you, more or less, see where the grave was? I mean not
22 the exact location of the grave, but I mean if you would stand there,
23 would you be able to view it?

24 A. I believe so. It is not very far, and it's a plain, a small
25 plain or field. From the entrance, I think it was about 200 metres

Witness: W04674(~~Private Session~~)(Open Session)Reclassified pursuant to F493 Page 1988
Cross-examination by Mr. Von Bone
All redactions applied are pursuant to Orders F493, F509 and CRSPD107

1 or 250 metres far. You can see that part.

2 Q. There was nothing blocking your view from the location where you
3 found it?

4 A. I'm not sure, because there were a few trees there, even though
5 there were trees all over, but I think you can see it from there.

6 [Specialist Counsel confer]

7 Q. Just -- could you please repeat your answer on the distance that
8 you said. Approximately, of course.

9 PRESIDING JUDGE VELDT-FOGLIA: Can we -- he stated -- we can
10 just read out what he has said in the transcript, and then you can
11 ask a question about that.

12 Here, I see, if that's what you mean:

13 "From the entrance, I think it was about 200 metres or 250
14 metres far."

15 MR. SHALA: [Microphone not activated].

16 THE INTERPRETER: Microphone for the counsel, please.

17 MR. SHALA: From the answer of the witness, I heard 150, not
18 250. 150, in Albanian, after he gave the answer.

19 THE WITNESS: [Interpretation] I'm not sure. I said
20 approximately.

21 MR. VON BONE:

22 Q. Thank you very much. It is clear.

23 And lastly on that other location, the location where you found
24 the documents, did you check any of the other structures whether
25 there was anything that you could maybe relate to -- no, the question

1 is: Did you check any of those structures?

2 A. Yes, we did. We didn't find anything, any signs. Then we
3 started to look around it, and we found it rather soon.

4 Q. Thank you very much. Clear.

5 When you arrived at the grave-site of [REDACTED] was this -- when
6 you saw that initially, what was it that you saw?

7 A. Just a mound of earth, nothing else.

8 Q. Any grass on it? Anything?

9 A. No. No, there was none.

10 Q. And did I understand well, you were with [REDACTED] that day and
--

11 A. Yes.

12 Q. -- was it you both who discovered this or was it --

13 A. Together.

14 Q. Sorry. Let me repeat my question.

15 Was it you together with [REDACTED] who discovered this location,
16 where you eventually found [REDACTED] sorry, where you found
17 [REDACTED]

18 A. Yes. Yes, together with [REDACTED]

19 Q. Did you actually look at any other location before you went to
20 that location?

21 A. We looked around that place, as I said. Then our eyes caught
22 that mound of earth and we went there.

23 Q. And you spoke, when you were eventually exhuming -- well, when
24 you were trying to find there [REDACTED] under that pile, you found
25 another body; right?

1 A. Yes. First we discovered that other body. We saw from his face
2 that it was not [REDACTED] And then we dug further and then we saw
3 [REDACTED] body. Both of them were in the same grave.

4 Q. I understand. Now, not [REDACTED] but the other person, you said
5 earlier - I will give the reference later, Your Honour - that he was
6 of average age. Could you tell us what you mean with "average age"?

7 A. [REDACTED] I don't know because his face was deformed. But from
8 [REDACTED]

9 Q. Thank you very much. And what was actually the reason -- I
10 mean, how did you go that day, the day that you found [REDACTED]
grave,
11 how did you go there with [REDACTED]?

12 A. We went on a tractor, because it was after the war. We didn't
13 have anything else. We discovered it, we were very sad, we covered
14 it again, and then we went home.

15 Q. And what was the reason actually not to take the body that day?

16 A. It was only [REDACTED] and me, and we didn't know what to do,
whether
17 we should inform someone. And we called UNMIK and for two days
18 nobody came, and so that's why we went again and exhumed him and took
19 him home. It was after the war. There was no government, no police,
20 and so we turned to UNMIK, and they were very busy.

21 Q. Did you go together with [REDACTED] to UNMIK?

22 A. Yes -- no, no, not to UNMIK.

23 Q. To who?

24 A. I don't know. I know only that [REDACTED] told me that, "I have
told

25 UNMIK," and that nobody was coming, and that's why we went for the

1 second time.

2 Q. I understand. So you did not go together with [REDACTED] to
UNMIK.

3 That was my question.

4 A. No, no. I did -- I wasn't with him that day.

5 Q. Now, when you left that day to go -- when you -- the day that
6 you found the grave, you did not take the body at that day. You
7 left.

8 A. No.

9 Q. Did you mark the location in some form to find your way back?

10 A. It was very easy to find it, and it was not very far. It was a
11 place that you could very easily find it. Even if you go today, I
12 think, it will be easy to find it.

13 Q. Now, the second time that you came, you eventually exhumed
[REDACTED]

14 and took him to his final resting place?

15 A. Yes.

16 Q. I just want to discuss with you this -- the moment that this
17 exhumation took place.

18 You said you started the digging yourself. Who --

19 A. Yes.

20 Q. -- took over from you?

21 A. That day, I don't remember exactly, but we were about seven or
22 eight persons, and they -- as I said, they asked me to go away from
23 the grave and they started. And it was a shallow grave.

24 Q. And the second day when eventually the body was exhumed, you
25 could clearly identify that it was [REDACTED] is that correct?

1 A. Yes, yes, it was -- it's correct.

2 Q. Was there any specific mark on the body that you have seen
3 yourself?

4 A. [REDACTED] That was the first thing that I
5 saw. And from his [REDACTED] I was sure that it was
6 him. And from his [REDACTED]

7 Q. When the body was exhumed, was it turned over or was it just
8 kept in the manner that it was found?

9 A. I cannot say anything. As I said, they kept me away from the
10 grave, because I felt very bad.

11 Q. But did you actually see that or did you not see it, as you were
12 kept away?

13 A. The others went close to the grave and brought the body out. I
14 didn't see with my eyes how they, you know, brought it out of the
15 grave.

16 Q. And the day before you also saw the body of [REDACTED] is that
17 correct? The previous moment, let me put it like that.

18 A. Yes. We could see the face. We didn't touch anything.

19 Q. Was there any mark on his head?

20 A. I don't remember. Not on his face. If there was something on
21 the side or behind, I don't know. Only I noticed that it was
22 decomposing.

23 Q. I understand. On the day that the eventual exhumation took
24 place, did anybody say anything about any marks that they had found
25 on his body?

1 A. They said that they saw some bullet-holes on the back, but I
2 myself didn't see them. They said three bullet-holes could be seen
3 on his back. The back was in a better condition compared to his
4 face.

5 Q. Is that what you saw or is that what you heard?

6 A. No, I heard it from them, about the bullet-holes.

7 Q. And do you know if anybody took pictures of those bullet-holes?

8 A. I don't know. [REDACTED] took the pictures. I don't know if
9 [REDACTED] took pictures of his back.

10 Q. Now, we were earlier discussing that you found a document in
11 that location. Did anybody check the pockets or anything else on
12 items of [REDACTED]

13 A. I don't know. I don't believe so. Only the document -- I know
14 that the documents we found in the shelf, but as to his pockets, I
15 don't know anything.

16 Q. Or were any -- did he have any items on his body that you know
17 of that they took?

18 A. They said that he used to have some very expensive Puma sneakers
19 which he no longer had. I can't recall anything else.

20 Q. Go one more time back to the location where you found the
21 documents of [REDACTED] You said earlier that this room where this
22 was

found, these items, was used by the soldiers.

23 MR. VON BONE: I'll give the reference, Your Honour, later.

24 Q. Is that correct?

25 A. Yes, that's right.

1 Q. And how do you know that?

2 A. It's because we found the list of soldiers, where it listed the
3 shifts of the soldiers and so on and so forth. [REDACTED] was fairly
well

4 aware of that place because he went there every day, inquiring about
5 [REDACTED] and he wasn't allowed to see him.

6 Q. And how do you know that that list was a list of soldiers? Is
7 that your conclusion or is that --

8 A. These were names of [indiscernible] soldiers, names, shifts. It
9 was, you know, easy to surmise.

10 Q. And how could you tell by a name that it was a soldier?

11 A. It was a register of names. It was quite obvious they were
12 soldiers. It should still exist. A register full of names.

13 Q. I understand, but that does not answer my question. My question
14 is: How can you determine by the names that these were soldiers?

15 A. Because soldiers used to stay there and that document was found
16 in that cupboard, and you can put two and two together.

17 Q. I understand. And who told you that actually soldiers were
18 staying there? Or how do you know that?

19 A. We knew that the headquarters was there. When [REDACTED] went
there

20 for the first time, he inquired about the headquarters and he was
21 taken to that place.

22 Q. And who was in charge of that headquarters?

23 A. I don't know. This Salih Mustafa was mentioned, but I don't
24 know. I'm not certain. This is what I've heard.

25 Q. What -- whose headquarters was that? Was that military police

Witness: W04674(~~Private Session~~)(Open Session)Reclassified pursuant to F493
Cross-examination by Mr. Von Bone
All redactions applied are pursuant to Orders F493, F509 and CRSPD107

Page 1995

1 or any other group?

2 A. I'm not in a position of knowing. There was no other
3 headquarters there. That was the only one.

4 Q. But the headquarters of what?

5 A. Of the army, the police, I don't know what.

6 Q. You had never visited that place before; is that correct?

7 A. Yes, I'd never been there.

8 Q. And when [REDACTED] went to look for [REDACTED] do you know
whether he

9 was actually ever admitted to see [REDACTED] in that place?

10 A. [REDACTED] went there several times, but he wasn't allowed to
see

11 him.

12 Q. And who was it that did not allow that?

13 A. The guard outside. I don't know who. I mean, they wouldn't let
14 him get nearer.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED] and they wouldn't allow him to see

18 him.

19 THE INTERPRETER: Interpreter's correction: It was one week, not
20 one year.

21 MR. VON BONE:

22 Q. Did you ever see the pictures that were taken on the day that --
23 sorry, I start again.

24 On the day that the final exhumation took place, when [REDACTED]
was

25 taken to his final resting place, did you ever see the pictures that

1 were taken during that exhumation?

2 A. No, I did not see the pictures. I saw the pictures being taken
3 but not the photos themselves.

4 Q. Were any of the pictures taken when the final burial took place
5 of [REDACTED] in his final resting place?

6 A. I cannot remember. I can't. I've forgotten. I can't remember.

7 Q. And do you know why the pictures actually were taken?

8 A. To document the event. To document the -- how he was found, in
9 what conditions, to be in possession of facts. Unaware that we may
10 need them, actually.

11 Q. Just to be sure again. The day that you found the grave with
12 [REDACTED] at that day present or not?

13 A. The first day? No.

14 Q. But he was present the second day, the second time?

15 A. The second time, yes.

16 Q. You said you never heard of Salih Mustafa or you -- you heard in
17 the news about Salih Mustafa. Could you tell us --

18 A. [No interpretation].

19 Q. Could you tell us what you heard in the news about
20 Salih Mustafa?

21 A. There were news that he was being accused in relation to some
22 people in the zone of Zllash. As soon as Zllash was mentioned, we
23 knew it was in connection with [REDACTED]

24 Q. What was the connection here with [REDACTED]

25 A. Salih Mustafa was being accused in relation to two victims in

1 the village of Zllash, and that's how I came to the conclusion that
2 it was [REDACTED] case. There were two victims in Zllash. There were
no
3 others that I know of.

4 Q. And how recent was it that this was in the news?

5 A. I really don't know. I forget when this started.

6 Q. But was the name of [REDACTED] actually mentioned in the news?

7 A. No. No, it wasn't. Only two victims in the village of Zllash,
8 and there I immediately knew that it was [REDACTED] and the other one.

9 Q. Did you ever hear the name of Salih Mustafa before, in the
10 period of the war?

11 A. No. After the war, I've heard of the surname called Mustafa. I
12 heard Mustafa being mentioned but not Salih.

13 MR. VON BONE: I just want to consult a moment, Your Honour.

14 [Specialist Counsel confer]

15 MR. VON BONE:

16 Q. Mr. Witness, just a couple of other questions.

17 Could you tell us [REDACTED]

18 [REDACTED]

19 A. I really don't know how to explain. I've sent pictures of them.
20 I just don't know what they are.

21 Q. And since when do you [REDACTED]

22 A. It's from a long time ago. I used to have [REDACTED]
23 [REDACTED] because of -- I had problems of sleeping, sleep
24 deprivation, insomnia, bad nightmares, and so on and so forth. Now I
25 have [REDACTED] I have sent pictures of them. I

1 don't know what they are called though. [REDACTED]

2 [REDACTED]

3 Q. And have you been under any kind of treatment? Apart from

4 [REDACTED]

5 A. No, [REDACTED] Nothing else.

6 Q. Ever been hospitalised?

7 A. [REDACTED]

8 [REDACTED]

9 Q. And since when do you [REDACTED]

10 A. The [REDACTED] for about a year and a half. And I

11 [REDACTED]

12 Q. I want to thank you for your time, Mr. Witness.

13 MR. VON BONE: I have no further questions. Thank you very
14 much.

15 THE WITNESS: [Interpretation] Thank you very much.

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

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

19 [Open session]

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

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Yes, pursuant to our rules and our conduct of proceedings
23 decision, we can allow for redirect examination.

24 Madam Prosecutor, do you wish to proceed with the redirect
25 examination of the witness?

Re-examination by Ms. D'Ascoli

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

1 MS. D'ASCOLI: Yes, thank you, Your Honours. I do have a few
2 questions for the witness.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. We have, for now,
4 15 minutes, and, of course, tomorrow we will have the time needed for
5 this also.

6 Please, you have the floor.

7 MS. D'ASCOLI: Thank you, Your Honours. I will conclude before
8 the end of today's session.

9 Your Honour, can we please go into private session for my
10 questions in re-direct.

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

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

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

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 Madam Prosecutor, please proceed.

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

18 Re-examination by Ms. D'Ascoli:

19 Q. Mr. Witness, I just want to clarify a few aspects of the source
20 of the information about [REDACTED] arrest and it is in relation to
21 the
22 questions that the Defence Counsel posed to you during
23 cross-examination, concerning what you heard from [REDACTED]

24 So this morning during my questions, and this was at page 17,
25 lines 1 to 12, I had asked you who told you about [REDACTED] arrest
and
you said that you heard that from [REDACTED]

Re-examination by Ms. D'Ascoli

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

1 [REDACTED] Do you remember that?

2 A. Yes, he was present when [REDACTED] was arrested.

3 Q. Did [REDACTED] tell you as well by whom [REDACTED] was arrested?

4 A. Yes, he did.

5 Q. Did he mention any names?

6 A. [REDACTED] He knew him from before. They were -- amongst
7 the group of seven or eight who were present there, [REDACTED] was
able to

8 learn that it was [REDACTED]

9 Q. Okay. Thank you. So I understand you learned that

10 [REDACTED]

11 [REDACTED]

12 A. That's correct, yes.

13 Q. Okay. Now --

14 A. Yes, that is right.

15 Q. I now want to move to when you met [REDACTED] and you were --
16 later on, you said, during the war -- so, first of all, do you
17 remember when was that?

18 A. It was during the bombing campaign. I can't remember the day.
19 We went to Prishtine together, [REDACTED] and I. We got together at
some
20 point and went to Prishtine together. That is where I met him for
21 the first time and I haven't seen him since. Even if I were to meet
22 him today, I wouldn't be able to recognise him.

23 Q. So I want to clarify what you heard from him with regard to

24 [REDACTED]

25 You had some questions about that today at page 63, lines 3 to

Re-examination by Ms. D'Ascoli

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

1 22, and I think you, in the end, said that, yes -- you answered yes
2 to the question concerning whether [REDACTED] said that he had
3 brought [REDACTED] to the [REDACTED] zone. Do you remember that?

4 A. No. He said that, "They have taken him to the [REDACTED] zone,"
which
5 turned out not to have been true.

6 Q. Okay. Because I think this was clear in your UNMIK statement.

7 MS. D'ASCOLI: With Your Honours' leave, I would like to read a
8 portion from that statement where this appears clear.

9 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

10 MS. D'ASCOLI: Thank you, Your Honours. I will read from the
11 UNMIK statement dated 13 March 2003, SPOE00128189 to 00128201, RED2,
12 and I will read from the middle of page 1.

13 Q. The question was:

14 "When did you meet him," in relation to [REDACTED] "what did
15 you say to him and what did he say to you?"

16 And your answer was, and I quote:

17 "I met [REDACTED] in April or May 1999. I was with some people
in

18 [REDACTED] outside and someone pointed [REDACTED] out to me. I went
19 to [REDACTED] and I asked him if he was [REDACTED] and he said
20 he was. I asked him what about [REDACTED] and if he knew where
[REDACTED] was.

21 [REDACTED] said that [REDACTED] was in the [REDACTED] region and then
I asked him if

22 he was sure and he said yes."

23 So do you have any remark about what I read or any
24 clarifications?

25 A. I haven't seen [REDACTED] since. That's what it was like. I
haven't

1 seen him since.

2 Q. And is it correct what I read, that he told you [REDACTED] was in
the

3 [REDACTED] region?

4 A. Yes, that's correct. Very much so.

5 Q. While the information that [REDACTED] was arrested and also that
6 [REDACTED] participated to that came from [REDACTED] is that correct?

7 A. Yes, that's correct. [REDACTED] was present there.

8 Q. Okay. So [REDACTED] told you that [REDACTED] was in the
[REDACTED]

9 region, not that he had taken [REDACTED] to the [REDACTED] region; is
that

10 correct?

11 A. He said, "They have taken him to the [REDACTED] zone. They have
taken

12 him." That's what he said. I asked him how certain that was. He
13 said, "Yes, certainly."

14 And I was delighted that he was in the [REDACTED] zone. In fact,
it

15 turned out not to have been true.

16 Q. Okay. Thank you. I just wanted to clarify this part of your
17 evidence.

18 MS. D'ASCOLI: I don't have further questions, Your Honours.

19 Thank you.

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

21 Madam Court Officer, can we go back into public session, please.

22 [Open session]

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

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Victims' Counsel, would you have any questions?

Witness: W04674 (Open Session)

Page 2003

Procedural Matters

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

1 MS. ZEGVELD: No, thank you. We have no further questions.

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

3 Defence Counsel, two questions. One, with regard to the
4 references used. You told me that you would give them to us, so
5 whenever you can, please.

6 And the other question would be, would you have questions for
7 the witness too?

8 MR. VON BONE: I have no further questions. And the references,
9 if I may give it tomorrow morning, that would be -- I think it's on
10 two issues.

11 PRESIDING JUDGE VELDT-FOGLIA: Yes, on two issues, yes, you are
12 right.

13 MR. VON BONE: I would like to ask a question later on without
14 the witness present.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes, that is possible, and I
16 always give at the end of the hearing the possibility to bring up
17 what parties and Victims' Counsel think is needed.

18 Good. I'm looking at the clock. Mr. Witness, we will now --
19 it's now the end of the day in court. We will continue with your
20 questioning tomorrow at 9.30. Thank you very much for your time
21 today, Mr. Witness. Let me remind that you until tomorrow --

22 THE WITNESS: [Interpretation] Thank you as well.

23 PRESIDING JUDGE VELDT-FOGLIA: Until tomorrow you should not
24 talk to anyone about your testimony. You know that. And you will be
25 assisted now by Madam Court Usher outside the courtroom. And I hope

Witness: W04674 (Open Session)

Page 2004

Procedural Matters

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

1 you can take some rest.

2 THE WITNESS: [Interpretation] Thank you very much.

3 PRESIDING JUDGE VELDT-FOGLIA: Good.

4 [The witness stands down]

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 Yes. Do you have anything to raise at this moment in time,

7 Madam Prosecutor?

8 MS. D'ASCOLI: No, Your Honours, not at this moment.

9 PRESIDING JUDGE VELDT-FOGLIA: Very well.

10 Victims' Counsel? Nothing.

11 MS. ZEGVELD: No, thank you.

12 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please. You had
13 a question.

14 MR. VON BONE: I just wonder time-wise what the Panel would
15 estimate what time we would finish tomorrow. That is all.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel. For
17 tomorrow, we calculated we will be using not more than one session,
18 so that's how we foresee it for tomorrow.

19 So if the parties and the Victims' Counsel don't have anything
20 to raise anymore, then we will resume tomorrow. And, like always, I
21 thank the parties and the Victims' Counsel for their attendance. And
22 I thank the interpreters, the stenographer, the people from the
23 audio-visual booth, and the security for their assistance today.

24 The hearing is adjourned until tomorrow, 9.30.

25 --- Whereupon the hearing adjourned at 3.13 p.m.