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1 Wednesday, 13 October 2021

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 9.29 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Court Officer, can you please call the case.

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

9 PRESIDING JUDGE VELDT-FOGLIA: Good, thank you.

10 First of all, I will call the appearances. Try to do it shorter  
11 than the other the days.

12 Mr. Prosecutor, I think you are in the same composition as  
13 yesterday.

14 MR. DE MINICIS: Yes, Your Honour, we are.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we put that on  
16 record.

17 Victims' Counsel, I see a slight change.

18 MS. PUES: Yes. Good morning, Your Honours. And good morning,  
19 everybody. The Victims' Counsel team today is represented by  
20 Njomza Haxhibeqiri, Junior Legal Associate; and by myself, Anni Pues,  
21 as Victims' Counsel.

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

23 And for the Defence counsel, I see the same composition.

24 MR. VON BONE: There is no changes, Your Honour. Just the only  
25 change is that Mr. Mustafa is on remote today.

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

2 Mr. Mustafa, does the connection work well? Do you hear me  
3 fine?

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

5 PRESIDING JUDGE VELDT-FOGLIA: Very well.

6 For the record you are appearing before Trial Panel I.

7 Let me see. Yes. Could we usher the witness into the  
8 courtroom, Madam Court Usher, please.

9 [The witness takes the stand]

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, good morning and  
11 welcome to the Kosovo Specialist Chambers. Can you hear me?

12 THE WITNESS: [Interpretation] Yes, I can hear you well. Good  
13 morning.

14 PRESIDING JUDGE VELDT-FOGLIA: Did you get some rest?

15 THE WITNESS: [Interpretation] Yes, I did.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you,  
17 Mr. Witness.

18 Before we continue with your testimony, I would like to discuss  
19 one matter in private session.

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

21 ~~[Private session]~~ [Open session]

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

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

24 I note that yesterday evening the Panel received a *strictly*  
25 *confidential and ex parte* filing from Victims' Counsel, indicating

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1 *that Witness W03594 wishes to withdraw from the proceedings as a*  
2 *participating victim. This is Filing 231.*

3 *Mr. Witness, I want to have confirmation from you that you wish*  
4 *to withdraw from your status as participating victim in this case.*

5 *THE WITNESS: [Interpretation] It is true. This is what I asked*  
6 *for.*

7 *PRESIDING JUDGE VELDT-FOGLIA: Okay.*

8 *The Panel will issue an oral order. The Panel decides to accept*  
9 *Witness W03594's withdrawal from the proceedings as a participating*  
10 *victim, with written reasons that will follow.*

11 *And, in addition, the Victims' Counsel is hereby requested to*  
12 *file a confidential redacted version of Filing 231 or to indicate*  
13 *whether the filing can be reclassified as confidential by Friday, the*  
14 *15th.*

15 *This concludes my oral order.*

16 *We go back into public session. Madam Court Officer, can you*  
17 *bring us there.*

18 *[Open session]*

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

20 *PRESIDING JUDGE VELDT-FOGLIA: Thank you.*

21 *Mr. Witness, today we will continue with your testimony. I want*  
22 *to remind you that you are still under oath to tell the truth and not*  
23 *to withhold any knowledge that you have with regard to the questions*  
24 *that are asked to you. Yes?*

25 *THE WITNESS: [Interpretation] Can I provide with you a request?*

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1 I mean, I have this request and a clarification to make as well.

2 PRESIDING JUDGE VELDT-FOGLIA: You can. What is your request?

3 THE WITNESS: [Interpretation] Given that I have studied in  
4 another field, I ask Your Honours to provide a legal counsel for  
5 myself in order for my rights to be protected and in order for him or  
6 her to advise me during the hearings here before Your Honours.

7 PRESIDING JUDGE VELDT-FOGLIA: If understood you well,  
8 Mr. Witness, you want to have a lawyer. You want to choose a lawyer  
9 in order to be given legal advice. Do I understand that well? For  
10 the testimony you will be giving here in court.

11 THE WITNESS: [Interpretation] Yes, yes, yes. Yes. During the  
12 hearings here, I want to be represented. I want to have a legal  
13 counsel. This is what I ask for.

14 PRESIDING JUDGE VELDT-FOGLIA: We will discuss it now by giving  
15 the Specialist Prosecutor's Office and the Victims' Counsel and the  
16 Defence the floor.

17 But before I do that, you want legal advice on what?

18 THE WITNESS: [Interpretation] I want someone to protect my  
19 rights. So that my rights are not violated while I'm giving the  
20 testimony here in the court of law and to provide me with advice.  
21 Mostly advice.

22 PRESIDING JUDGE VELDT-FOGLIA: You are here to tell the truth.  
23 That's what you should do here.

24 THE WITNESS: [Interpretation] It is true.

25 PRESIDING JUDGE VELDT-FOGLIA: And you want to have legal advice

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1 on that?

2 THE WITNESS: [Interpretation] Yes. I mean, for telling you the  
3 truth, I don't need advice because I'm under oath here, but I want to  
4 make sure that my rights are adhered to.

5 PRESIDING JUDGE VELDT-FOGLIA: SPO, I can give you the floor now  
6 if you want to react on that.

7 MR. DE MINICIS: Thank you, Your Honour.

8 Your Honour, we believe that the witness's rights are amply  
9 protected by the Panel whose responsibility includes ensuring that  
10 witness's rights are respected. As Your Honour suggested, there  
11 appears to be no other reason why the witness would need to be  
12 represented by counsel. We don't -- certainly don't see any risk of  
13 self-incrimination here. So perhaps if there could be more clarity  
14 as to the reason why the witness requires to be represented by  
15 counsel here. We're not taking any position at the moment. We just  
16 wanted to put on record that we believe that the witness's rights are  
17 sufficiently guaranteed as things stand now.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.  
19 Victims' Counsel.

20 MS. PUES: Thank you, Your Honours.

21 Only a very brief remark. As -- well, witnesses can find  
22 themselves in very difficult situations, especially if, on the one  
23 hand, it is the testimony that links to clearly very troubling and  
24 perhaps also traumatising events, which is something that this  
25 witness has made clear during yesterday's hearing, as well as the

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1 additional challenge of having to testify after 22 years on an event  
2 going back such a long time. And where there are problems, for  
3 example, in reconciling specific testimonies, it might, indeed, be  
4 useful to have legal advice on how to resolve such issues of, for  
5 example, overlapping memories, of different forms of truth that can  
6 be in your memory. Memory is a funny thing. It changes and it -- it  
7 isn't a linear or -- it isn't a video or a picture that one can just  
8 recall. And, therefore, the task of giving a truthful testimony can  
9 be sometimes much more challenging that it appears initially.

10 Just as a -- I am not entirely sure on what Kosovan domestic  
11 practice would be, but knowing from other domestic practices, it is,  
12 indeed, in a situation in which a witness finds him or herself in  
13 a -- in such a conflicting situation, practice to then, if the  
14 witness so requests, provide counsel to ensure that no risk of  
15 potentially not fully living up the witness's duties does occur.  
16 With that regard, I think there is, indeed, a valid reason for the  
17 witness to follow his request.

18 Thanks.

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

20 Defence counsel, you have the floor, if you want to give a  
21 reaction.

22 MR. VON BONE: Yes, Your Honour. I think that if the  
23 participant, which is in this case a witness, requests for legal  
24 advice or legal assistance of any kind, then --

25 MR. DE MINICIS: Your Honour, I'm sorry. I hate to interrupt

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1 counsel. Could we ask, please, the witness to remove his headphones  
2 at the moment.

3 PRESIDING JUDGE VELDT-FOGLIA: I think that is a good  
4 suggestion.

5 Mr. Witness, can you take off your -- thank you.

6 You were at the point that you were saying that legal advice  
7 would be appropriate --

8 MR. VON BONE: Yes. Yes. If a participant in these proceedings  
9 either before or even during proceedings would like to have legal  
10 advice or legal assistance of any kind for -- for whatever his  
11 reasons might be, then I think such a request is basically always  
12 valid, as far as the Defence is concerned.

13 So we have absolutely no objection against seeking legal advice  
14 for the witness.

15 In addition, I would like to say that, in practical terms, such  
16 things can sometimes be rather quickly resolved because we have  
17 Duty Counsels usually nearby. Now, I do not know what is the kind of  
18 legal advice or legal assistance the gentleman would like, but if it  
19 is any kind of advice regarding anything that can be resolved easily  
20 by his counsel, then obviously that would be preferable, rather than  
21 that somebody needs to go through an entire statement of somebody in  
22 order to assist him.

23 So it depends a little bit on that, whether we should either --  
24 if it would be granted, the request of the witness, we should take a  
25 little bit a closer look into the fact on whether these issues could

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1 be resolved on the rather short-term so that we can, for example,  
2 resume at a later stage during the day or that it would be necessary  
3 to resume at any later stage, for example, tomorrow.

4 It's just that if the witness wants to have some legal advice, I  
5 think it is always valid to do that. It will benefit, in my view,  
6 also the witness's confidence or expressing himself on any issue or  
7 whatever he might want to discuss.

8 So I think, honestly, Your Honour, we have no objection against  
9 the request of the witness. It can be granted for our side.

10 PRESIDING JUDGE VELDT-FOGLIA: I see the SPO standing. I was  
11 going to give a second round.

12 So here you are.

13 MR. DE MINICIS: Thank you, Your Honour. I'm sorry. Before I  
14 continue, could I please ask if the witness could be excused from the  
15 courtroom because while he may not be proficient in English, perhaps  
16 he can understand a few words. And it's -- I feel it's a delicate  
17 discussion, and with Your Honours' leave, I think it would be more  
18 important if the witness could be excused for a brief moment.

19 PRESIDING JUDGE VELDT-FOGLIA: I think that is a good  
20 suggestion. I don't know what the proficiency of the witness is.

21 Madam Court Usher, could you ask the witness to leave the  
22 courtroom.

23 I don't know if he has understood us now, so maybe can he put on  
24 his headphones and then I can tell him.

25 Mr. Witness, we are discussing an issue that -- maybe -- we

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1 think it's better that you leave the courtroom for a moment. And  
2 afterwards we will request you to come in again.

3 THE WITNESS: [Interpretation] That's okay.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your understanding.

5 [The witness stands down]

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor was talking, and I  
7 will give you the floor as soon as we arrive.

8 MR. DE MINICIS: Well, Your Honour, it seems to me that the  
9 issue -- quite frankly, Your Honours, the issue here is that the  
10 witness feels that there may be consequences for a number of  
11 discrepancies that emerged yesterday during his testimony, from what  
12 he told the SPO and from what he told here the Panel, under oath, and  
13 there are indeed legal consequences for that. But I think that the  
14 Panel is best placed to advise the witness about that and, basically,  
15 the only advice the witness needs here is that he needs to tell the  
16 truth. There's no -- this is not a complicated matter that requires  
17 legal advice, lengthy legal advice. There's no need to adjourn the  
18 proceedings for the witness to consult with a lawyer who essentially  
19 should just tell him what the Panel told him: That he has to tell the  
20 truth.

21 I see no reason at this point why the witness should be assisted  
22 by counsel, and I think it would just be a bit a waste of the Court's  
23 time.

24 Now, if there is a reason, an additional reason why the witness  
25 would require counsel, then by all means. But this reason hasn't

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1 emerged with any clarity so far.

2 So my position is that if it is just an issue of the witness  
3 being afraid of the consequences of not being truthful to the Court,  
4 there's no need, at this stage at least, for him to retain counsel of  
5 any sort.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor. My  
7 question would have been if the SPO could take a stand on this, or  
8 could take a position, and you definitely have now.

9 Victims' Counsel, is there something you would like to add at  
10 this point?

11 MS. PUES: Your Honours, I can only echo what the Defence has  
12 said in this part. It might be something that is very easily done  
13 and, therefore, it is usually always a valid question to ask for a  
14 lawyer.

15 So thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: Good. Mr. von Bone, Defence  
17 counsel, please.

18 MR. VON BONE: Yes, Your Honour. First of all, I think that the  
19 suggestion of the Prosecution that this witness would have any kind  
20 of conflict of whatever kind, as far as his earlier testimony or his  
21 current testimony is, I do not see any issue on that, and I think  
22 that suggestion is a wrong suggestion from the Prosecution.

23 That's the beginning with.

24 I'm not sure that in the light - and that is the second part  
25 that I would like to stress - in the light of the earlier decision

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1 regarding *the content of the ex parte session*, I am not sure whether  
2 there is any counsel at all for the witness, so --

3 PRESIDING JUDGE VELDT-FOGLIA: Excuse me?

4 MR. VON BONE: I do not know how to express this. Maybe we go  
5 in private session then. It's a little bit easier to express myself.

6 PRESIDING JUDGE VELDT-FOGLIA: Yes, if you request that, we will  
7 go.

8 Madam Court Officer, can you bring us into private session,  
9 please.

10 ~~[Private session]~~ [Open session]

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

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

13 MR. VON BONE: Thank you, Your Honour. That makes it, I think,  
14 a little bit better.

15 *There was an ex parte request. That request has been granted.*  
16 *It has been confirmed by this particular witness. And I think that*  
17 *up to that moment, there was -- the Victims' Counsel as counsel for*  
18 *the witness regarding that issue. That entire issue falls away and,*  
19 *with that, I think also the counsel on any kind of thing that the*  
20 *gentleman would like to have falls away from him. So on that*  
21 *particular issue, up to now he had counsel and then -- as far as for*  
22 *the victims' participation of it but -- I think that, without knowing*  
23 *anything, but I would say that legal advice in -- of any kind is*  
24 *being given by the Victims' Counsel as well.*

25 *So I'm not sure if the Victims' Counsel is -- has no bond*

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1 *anymore with the witness considering that issue.* Then it means that  
2 there is no counsel at all for this gentleman, and I think that if he  
3 is requesting counsel, for whatever reason, be it for previous issues  
4 or be it for any other issue that has not been covered by the  
5 Prosecution at all, then it might be very well the case that, on that  
6 basis, we might hear something that is a topic that was not touched  
7 upon at all. And maybe regarding that issue, it could be very  
8 possible that the -- that the request is made by the witness.

9 So, all to say I'm always for legal counsel, not because I am a  
10 lawyer, but it is -- I think it is important for the proceedings as  
11 such and every party who is in this kind of trial is protected. And  
12 there's a clear request for the protection of his rights.

13 Thank you very much. That concludes my submission.

14 PRESIDING JUDGE VELDT-FOGLIA: Are the positions made clear?  
15 Because I'm not very strict in that aspect. If somebody feels -- if  
16 we need a third round, we do that.

17 MR. DE MINICIS: Very, very briefly, Your Honour. First off,  
18 the witness is not a party to the proceedings. So let's make that  
19 amply clear, unlike what counsel just suggested.

20 Second off, there is no reason that has been made clear as to  
21 why, apart from some hypothetical perhapses, why the witness in the  
22 middle of his testimony should be granted assistance of counsel for  
23 something which I maintain would be sufficient for the Panel to  
24 remind him again that -- the legal consequences under the Kosovo law,  
25 the KSC law for giving false testimony. Unless the witness provides

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1 any other compelling reason, we oppose that now witness be given  
2 counsel.

3 PRESIDING JUDGE VELDT-FOGLIA: That was already clear to me. My  
4 remark that I'm not too strict, only if there are new arguments  
5 so ...

6 MR. DE MINICIS: I'm sorry, Your Honour. That will be all.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 New arguments?

9 MR. VON BONE: [Microphone not activated] No arguments.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 I look at my right-hand if ...

12 [Trial Panel confers]

13 PRESIDING JUDGE VELDT-FOGLIA: What we will do is we will  
14 adjourn. We will have a deliberation on this point. It's not  
15 necessary to bring in the witness again. However, I would like to  
16 ask the Court Usher to inform the witness that it's taking a little  
17 bit longer because the Panel is deliberating. And then I cannot  
18 foresee how long it will take, but we will come back as soon as  
19 possible.

20 We will go now first into public session.

21 Madam Court Officer, could you do that.

22 [Open session]

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

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

25 We will now adjourn the hearing. We will discuss the matter at

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1 hand.

2 Madam Court Usher, please inform the witness that we will be  
3 taking some more time because we are deliberating and we will come  
4 back as soon as possible.

5 The hearing is adjourned.

6 --- Break taken at 9.58 a.m.

7 --- On resuming at 10.41 a.m.

8 PRESIDING JUDGE VELDT-FOGLIA: We resume the hearing.

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

10 In the meantime, I note appearances, and I see that we are the  
11 same group of people. Thank you. For the record.

12 [The witness takes the stand]

13 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, welcome back.

14 THE WITNESS: [Interpretation] Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: I will now give an oral order.

16 I note your request, Mr. Witness, and I have also listened and  
17 the Panel has also listened to the submissions of the parties with  
18 regard to your request to seek legal advice at this moment in the  
19 proceeding.

20 There is no legal basis in the legal framework for -- of the KSC  
21 for us to give you a lawyer at this moment in time of the  
22 proceedings. However, you are free to seek legal advice of your own  
23 choosing outside the legal framework of the KSC.

24 THE WITNESS: [Interpretation] I understand.

25 PRESIDING JUDGE VELDT-FOGLIA: We will now resume your testimony

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1 by the questioning of the Specialist Prosecutor's Office, and I  
2 remind you that you have to tell the truth and that you have to tell  
3 the Court everything you know. And I also remind you that you said  
4 in your former statement to the SPO, on Part 7, for the record,  
5 061016-TR-ET, page 5, that everything you said back then was correct  
6 and true and accurate. You confirmed that.

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

8 PRESIDING JUDGE VELDT-FOGLIA: Okay.

9 Mr. Prosecutor, you have used two hours and eight minutes, to be  
10 precise, of your allocated time. You have the floor to continue your  
11 testimony --

12 MR. DE MINICIS: Thank you, Your Honour. And as -- please.

13 PRESIDING JUDGE VELDT-FOGLIA: We are in public just to remind  
14 us all. You know that, of course.

15 MR. DE MINICIS: Now we also have that helpful light set on the  
16 bench that is a good reminder of that.

17 Your Honour, yesterday, you asked the Prosecution to update  
18 estimates for the examination-in-chief should we be able to give  
19 updated estimates, and we don't foresee we will be using the entirety  
20 of the five hours that we've been allotted. I think that we'll  
21 strive to finish by this morning.

22 PRESIDING JUDGE VELDT-FOGLIA: Okay, good. Thank you for that  
23 update.

24 MR. DE MINICIS: And now I'm afraid that I'm going to have to  
25 ask if we could move into private session.

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1131

Examination by Mr. De Minicis (Continued)

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1           PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we move  
2 into private session, please.

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

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

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

6           Please, you have the floor, Mr. Prosecutor.

7                           WITNESS: W03594 [Resumed]

8                           [Witness answered through interpreter]

9                           Examination by Mr. De Minicis: [Continued]

10          Q.    Good morning, Mr. Witness.

11          A.    Good morning.

12          Q.    Now, I would like to resume where we left off yesterday before  
13 the break, and I was asking you -- yesterday we were discussing,  
14 before we left off, your conversation that you had upstairs, as you  
15 called it, in an office that you were brought to from the stable  
16 where you were detained.

17                Yesterday I asked you if you --

18          MR. DE MINICIS: And this is page 72, lines 2 to 12 of  
19 yesterday's draft transcript, Your Honours.

20          Q.    I asked you if after having been there for a number of days, you  
21 had taken the opportunity to ask the people upstairs if you could  
22 call your family, to which you responded that, no, you did not,  
23 because your family was perhaps abroad and you didn't know where to  
24 find them.

25                Do you recall saying that yesterday, Mr. Witness?

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1132

Examination by Mr. De Minicis (Continued)

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1 A. Yes.

2 Q. Did you ask the people who were questioning you upstairs whether  
3 you could contact the family *who had been hosting you in Mramor?*

4 A. No, I didn't, because it was impossible to ask for such a thing.

5 MR. DE MINICIS: Your Honour, if we could please have  
6 061016-TR-ET, Part 2, at page 11 on the screen. And a bit further  
7 down the page, perhaps -- yes, that will do. Thank you very much.

8 Q. Now, the Prosecution -- Prosecutor was asking you about the end  
9 of the conversation up in the office. And in line 17, he asked you:

10 "So were you taken back to the stable or elsewhere?"

11 You answered:

12 "No. They returned me to the stable where I was.

13 "Q. Right. Did you ask to contact your family?"

14 Your answer: "Yes, of course.

15 "Q. And did they allow that?

16 "A. No. No, they wouldn't. Even though -- *the family members*  
17 *of that family where I stayed, they went for about 20 times to the*  
18 *prison. They attempted to contact me and they didn't allow it."*

19 MR. DE MINICIS: And that will do for now, Your Honours.

20 Q. So, you see, Mr. Witness, we seem to be again in a situation  
21 where there are substantive and substantial discrepancies between  
22 what you told the Prosecutor at the time with a certain degree of  
23 assertiveness: "Yes, of course." Now, does this refresh your memory  
24 as to whether you asked these people who perceived as *friends or*  
25 *brothers* whether you could contact *either your family or the family*

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1133

Examination by Mr. De Minicis (Continued)

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1 *in Mramor?*

2 A. Mr. Prosecutor, I am very frank in life, I know what I've said,  
3 so probably I have been misunderstood. But I have not asked them  
4 *because my family was in Macedonia.* So I told you yesterday that on  
5 2nd of April while I was in Mramor, I was told *that my family was*  
6 *expelled by the Serbs. They went to Bllace and I didn't know where*  
7 *they went there from. That is the first thing.*

8 The second thing is that it was impossible there to contact with  
9 someone else and to ask for the family, because even if *my family*  
10 *were in Mramor,* they would not have allowed for it. So they have not  
11 allowed any visitation for myself or anyone else that was there.

12 So probably I have been misunderstood. But I am telling you  
13 right now that I have not asked of them and I didn't know that anyone  
14 *from the family that was hosting me had come to ask for me.* After I  
15 was released from there, they told me that they had been asking for  
16 me for many times and that they have exercised pressure over them on  
17 why they had taken me to the barn.

18 And this is the truth. And I have not asked *for my family*  
19 *because I didn't know where my family was.* And even if I were to ask  
20 for them, they didn't have telephones for themselves. And even if  
21 they gave me the telephone, I didn't know who to call and where to  
22 call *because I knew that my family was not in Kosovo. I know that my*  
23 *family was expelled to Bllace and then, from there, they went*  
24 *somewhere else.* So this is what I have been telling you, and this is  
25 what I can say.

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1134

Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1           So what I know for a fact is that no visitation has been allowed  
2           there. Nobody has visited anyone there, not myself or anyone else  
3           that was kept in the barn.

4           Q. I'm sorry. I'm sorry, sir. The question was not whether the  
5           visit was allowed. You were clear to the Prosecutor that that did  
6           not happen. These *brotherly* people did not grant that request of  
7           yours. My question was whether you had asked to see them. And I  
8           will consider there is a certain degree -- maybe a little ambiguity  
9           there as to whether you referring to *the family in Mramor* or to *your*  
10          *own family*.

11          But, Mr. Witness, you are a well-spoken person. It seems to me  
12          that, you know, it's difficult for there to have been a  
13          misunderstanding for someone when you stated that with so much  
14          assertiveness.

15          So, again, your testimony today is that you did not ask whether  
16          you could contact *either your family or the family in Mramor*? Is  
17          that your testimony today, before the Panel? You're under oath.

18          A. Yes, I'm under oath and I am telling you with the highest  
19          personal and moral responsibility that I have not asked for them  
20          because I was not thinking of contacting someone else while I was  
21          there. Like I said yesterday, that was a brotherly conversation,  
22          that was my impression, and I have not asked for any contacts.  
23          Probably I said that while I had the interview with you, but probably  
24          I was not conscious when I said that. I don't know how I have said  
25          that. But I am confident of the fact that I have not asked for any

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1135

Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 contacts. If I were to ask for anyone, I would have told you today.

2 So that was not the proper moment to ask for a visit from  
3 someone. *And about my family, I quite well knew that they were not*  
4 *in Kosovo*, so I had no idea of asking about that and this is the  
5 whole truth, Mr. Prosecutor.

6 PRESIDING JUDGE VELDT-FOGLIA: It's clear, your answer.

7 THE WITNESS: [Interpretation] I have no intention, no aim.

8 MR. DE MINICIS:

9 Q. Thank you. That suffices. Thanks for your answer.

10 Now, Mr. Witness, I just -- I would like to ask you a couple of  
11 questions to help the Panel understand a bit more who the people you  
12 were detained with were.

13 Now, yesterday, I believe you have identified throughout your  
14 testimony three people, and we are in private session. One of them  
15 was *Rrahim Gashi*. Another one was *Lata*.

16 A. *Lata*.

17 Q. And another one was a man from *Berrnice*, if that is the right  
18 pronunciation. Do you recall these being three people you identified  
19 yesterday?

20 A. Yes, it is true. And there is another person that came later  
21 on, and he was called *Burmaku*. That was a young chap. So it was  
22 three plus one, four. So the fourth one was someone I didn't know.  
23 I didn't know where he was from but I know that he was called  
24 *Burmaku*. So it is true that these people were with me.

25 Q. Thank you. I stand corrected, and thanks for that, because, in

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1136

Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 fact, you did also mention *Burmaku* yesterday who arrived after you.

2 Now, this person from *Berrnice*, do you by any chance recall his  
3 name?

4 A. I do not know. If I knew, I would have told you. It was a tall  
5 chap, almost the same height as myself, but I don't know his name.

6 Q. Do you recall -- did you learn the reason why he was being  
7 detained there? Did you become privy to that information during your  
8 detention there or afterwards?

9 A. Mr. Prosecutor, no one would provide any explanation as to why  
10 he was there during the time that we were staying at the place. No  
11 one was able to describe or to say why they were there, because they  
12 thought that they were innocent. So I didn't ask them as to the  
13 reasons why they were there. Neither did they ask me about that. So  
14 we were there in the same place, we were in those conditions, and we  
15 were just thinking on whether the next morning would find us alive or  
16 not. So it's not that we would communicate greatly with one another.  
17 We would not ask one another who you are, what's your name, your last  
18 name, and the situation was rather abnormal. We have not talked  
19 about that.

20 So what I know is that when we left the place, that person told  
21 me that he was from *Berrnice*. That is something that I got to know  
22 while we were released and we were walking in the street.

23 Q. Thank you. Thank you.

24 A. And about *Lata*, and let me clarify, so I --

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness? Mr. Witness, one

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1137

Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 thing at a time. I think that the Prosecutor will indicate you what  
2 you --

3 THE WITNESS: [Interpretation] I apologise.

4 PRESIDING JUDGE VELDT-FOGLIA: -- what he would like to know  
5 because he has a sequence of questions. But thank you that you are  
6 providing the information.

7 Mr. Prosecutor.

8 MR. DE MINICIS: Thank you, Your Honour.

9 Q. Mr. Witness, I'm asking because yesterday you suggested that as  
10 people were entering the stable, they were - the guards - they were  
11 at some point giving hints as to why people were detained. They  
12 said, "*Hamdi*, why do you" -- and, I'm sorry, I don't have the  
13 reference for these right now. But it seemed or was suggested that  
14 they were asking you why do you, sort of, hang out with these people,  
15 this is a *thief*, this other one is a *spy*. Do you recall saying that  
16 yesterday?

17 A. No. For a *thief* -- I mean, they didn't refer to *Rrahim* as a  
18 *thief* but they referred to him as a *spy*. This is what they told me  
19 about him.

20 About being a *thief*, I mean, I heard the word "*thief*" but they  
21 would not address myself, you know, just saying that someone is a  
22 *thief*. But they addressed *Lata* as being a *thief*.

23 Q. Okay. That's clear.

24 A. For *Rrahim*, they told me that, "You know what, *Rrahim* is a *spy*  
25 and don't be close to him."

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1138

Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 MR. DE MINICIS: Your Honours, if we could have 061016-TR-ET,  
2 Part 3, on the screen, please, lines 11 to 16. Page 13.

3 Q. Now, Mr. Witness, I'm asking you, and this perhaps will refresh  
4 your memory, because when the Prosecutor in the interview asked you  
5 about the person from *Berrnice*, you stated --

6 MR. DE MINICIS: I'm reading lines 12 to 16, Your Honours.

7 Q. *"He was a person that -- he had completed university. He was*  
8 *accused of -- Berrnice here, that he had fired with this automatic*  
9 *weapon. And according to him, allegedly, once he was firing with his*  
10 *weapon, allegedly, he had given a signal to the Serbian police by*  
11 *doing that.*

12 "Q. And what was his name?

13 "A. I have forgotten his name. *He came and stayed for three*  
14 *nights in my house. He stayed there. I have forgotten his name. He*  
15 *went and gave an interview to UNMIK."*

16 Now, Mr. Witness, from this part that I just read out to you, it  
17 would appear that you learned some information, according to him - so  
18 from the man from *Berrnice* - as to the reasons why he was detained.

19 Does this refresh your memory on this issue?

20 A. Yes, it is true, but I can't consider something that he has told  
21 me as being true. That's what he has told me.

22 Q. No, no, no, I'm sorry. It is not -- sir, it is not your job  
23 here to assess other witness's evidence, other victim's evidence.  
24 You made it amply clear. You said "allegedly" in your interview, so  
25 there is no need every time to go out on a limb to try to do that.

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Examination by Mr. De Minicis (Continued)

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1 Please. Thank you.

2 A. It is true. I've said that.

3 Q. Now, then you stated that there were two other people, two young  
4 people. *One from Gollak and one from Llapi.* You stated that the one  
5 *from Llapi was younger than the one from Gollak.*

6 MR. DE MINICIS: And this can be found in Part 1 of the  
7 interview at page 23. So 061016-TR-ET, Part 1, page 23. I actually  
8 don't need it on the screen, but it's just a reference for  
9 Their Honours.

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

11 MR. DE MINICIS: Yes, of course. Of course. By all means.

12 Your Honour, also I was wondering whether -- is there a time  
13 Your Honours have in mind to take the break?

14 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] I'm  
15 waiting for an update from --

16 THE INTERPRETER: Microphone, Your Honour.

17 PRESIDING JUDGE VELDT-FOGLIA: I am waiting for an update from  
18 CMU and the interpretation unit to see how we can reschedule, because  
19 we have taken some time for deliberations. So I will come back to  
20 you as soon as possible, as soon as I have that information. For now  
21 you can proceed, if it's okay for all the parties and the  
22 Victims' Counsel.

23 MR. DE MINICIS: Okay. Thank you, Your Honours.

24 Q. Now, this person *Burmak, Burmaku*, that you told us arrived  
25 later, do you recall if he was the younger or the older one of -- was

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1140  
Examination by Mr. De Minicis (Continued)

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1 he the younger one of the lot, of the other people detained there?

2 A. He was the youngest. He was very young.

3 Q. Thank you. Now, the *one from Gollak* who, at the time, you  
4 stated was 18, 19 years old, did you learn why he was detained? And,  
5 again, let's leave aside your assessment as to whether any reason you  
6 may have learned was true or not. But did you learn why he was  
7 detained at the time?

8 A. No, I didn't. And I want to state here, when I say 17, 18 years  
9 old, *I have Burmak in mind*. Maybe I was misunderstood. *Burmak was*  
10 very young. My impression was that he was 17 or 18 years old. He  
11 was not older than 18.

12 As for the one *from Gollak*, *I don't know*. I think only *Rrahim*  
13 *was from Gollak area*. Maybe I said so for the other person, but I'm  
14 not sure whether he was *from Gollak or not*. And he was not very  
15 young. The youngest in the room was *Burmak*.

16 PRESIDING JUDGE VELDT-FOGLIA: But that was not the question,  
17 Mr. Witness.

18 Mr. Prosecutor.

19 MR. DE MINICIS:

20 Q. So you don't recall having learned why the person from *Gollak*  
21 was being detained. Is that your testimony, Mr. Witness?

22 A. I don't know. I don't know about him.

23 MR. DE MINICIS: Perhaps, Your Honours, we could have  
24 061016-TR-ET, Part 3, page 12 on the screen. And I will be reading  
25 out lines 4 to 12.

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1141  
Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 Q. Now, Mr. Witness, during your interview, the Prosecutor asked  
2 you about the person from Gollak. And you stated:

3 "Yes, yes, he was young. He was living in Prishtine.

4 "Q. What was he doing in Prishtine? Did he say what his work  
5 was?"

6 Your answer:

7 "He is abroad as well. He used to sell cigarettes."

8 Prosecutor:

9 "All right. And what did you talk about with him?"

10 Your answer:

11 "He had no work, so he would trade in the market, he would sell  
12 cigarettes. And because the police would go to the market to buy  
13 cigarettes, they called him that he had collaborated with the police.

14 "Q. Right. And what was his name?

15 "A. I don't know. He's left. He's abroad."

16 See, again, you provided, it seems like, ample information to  
17 the Prosecutor, detailed information, I would say, as to what this  
18 person from Gollak -- as what you learned was the reason for his  
19 detention, real or not. So does this refresh your memory as to what  
20 you told the Prosecutor at the time?

21 A. I'm repeating this again. I do not remember even today that  
22 person. I could have said that but maybe in a different way. Except  
23 for Lata, Rrahim and that person from Berrnice, for the others, I did  
24 not have any other information. Maybe when we were released, on the  
25 way, I was told so. Maybe somebody else said that this person used

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Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1     to deal with cigarettes, but he himself did not tell me that.

2             PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I just want to  
3     have a word with Mr. Witness.

4             Mr. Witness, what is written here in your testimony is what  
5     you -- what is the translation of what you have said to the  
6     Prosecutor in 2019. So you can give us a clarification of what you  
7     have said. You can say you don't remember that you have said it.  
8     But we -- the idea is that it has not been made up by the people who  
9     were there with you. They wrote down what you said.

10            So have you said that? Have you said this back then?

11            THE WITNESS: [Interpretation] Your Honour, I'm going to repeat  
12     this again.

13            These words, I did not hear them while I was in prison. I will  
14     explain it again. We did not talk about that. When we were  
15     released, there was a long way ahead of us. We joined a column. And  
16     while we were travelling towards Prishtine, we had time to talk to  
17     each other. This person who said he sold cigarettes, I did not know  
18     him at that time and I do not know him to this day. And the others  
19     said that he was accused of selling cigarettes. And this opinion, I  
20     heard it from the group I was part of. They said that he was accused  
21     of selling the cigarettes and that he was intercepted by the Serbian  
22     police.

23            Maybe there was a misunderstanding with the Prosecutor.

24            Within the prison, I did not have any information about this  
25     person. I heard about Rrahim.

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Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1           PRESIDING JUDGE VELDT-FOGLIA: That is clear.

2           THE WITNESS: [Interpretation] They called him *spy*. And I heard  
3           about *Lata*, that he was called a thief.

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

5           You have the floor, Mr. Prosecutor.

6           MR. DE MINICIS:

7           Q.    So, Mr. Witness, let's now move on to the end of the  
8           conversation you had with the people upstairs. What happened once  
9           the questioning ended?

10          A.    To which moment are you -- to what moment are you referring,  
11          Mr. Prosecutor?

12          Q.    I'm sorry. So you were taken up to the office in the -- from  
13          the stable. You had this conversation with the people up there. And  
14          then at some point the conversation ended. What happened next?

15          A.    Once the conversation ended, we greeted each other, and I said  
16          this yesterday, I'm going to say it again, I had the impression then  
17          from their behaviour that I was going to be released. They behaved  
18          decently towards us. I had no idea that they were going to send me  
19          back to the barn. The same person who brought me upstairs came and  
20          he returned me to the barn, and I was disappointed. Completely.

21          Q.    Now, after you were brought back to the stable, you told us that  
22          you remained there until the day of your release; is that correct?

23          A.    That's correct.

24          Q.    Now, I'd like to take you to the -- I'd like you to think to the  
25          day that you were, in fact, released, which may have been the 18th or

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Examination by Mr. De Minicis (Continued)

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1     there about. I understand that remembering the exact date might be  
2     tricky.

3     A. I don't remember this to this date. There's no reason for me to  
4     say 14th or 19th. I do not remember. And I was not in a state to  
5     think when I was released. I was a lost man. We didn't have any  
6     watches. We didn't know any dates. So there was no reason for me to  
7     say 18th or 19th. It is either the 18th or the 19th. One of these  
8     two dates.

9     Q. Thank you. Now, do you recall at what time you were released on  
10    that day? Was it the morning, the afternoon, or the evening?

11    A. It was midday. I would say just before midday.

12    Q. And do you recall what happened exactly, how you came to finally  
13    be allowed to leave that stable?

14    A. In the beginning, one person came in and called me and the one  
15    from *Berrnice*, I think. He said, "You two, come outside." When we  
16    left the barn and went outside to the yard, he told us that we had  
17    been released.

18            They took us further up in the yard and told us to wait there.  
19    Ten or 15 minutes later, two others came. So there were four of us.  
20    *Rrahim* and I guess this person that I do not remember that you are  
21    calling a young man, who was not that young, this person with the  
22    *cigarettes* came. So there were four of us. While we were waiting  
23    there, actually we were waiting for *Lata and Burmak* to be released as  
24    well. We were waiting for the other friends to be released as well.

25            So at one moment, there were many civilians there in the yard,

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Examination by Mr. De Minicis (Continued)

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1 and opposite that yard, which was very big, there was an old house.

2 I thought that there might have been a room where they kept people

3 because there were many civilians. And one approached us and I

4 remember that person who was present while I had a coffee. He was in

5 military clothes. He had no mask. He gave me 100 *Deutschmarks*. He

6 took the money from his own pocket and he said, "Here is the money.

7 Get yourself a cigarette." And I will never forget this for the rest

8 of my life. Because at that time, one box of cigarettes cost

9 100 *Deutschmarks*. He had no obligation to give me that money, but at

10 that particular moment, I thought I was given the world by him.

11 So *Lata and Burmaku* remained inside and I don't know their fate.

12 I don't know what happened to them. And I have stated that already.

13 Q. Okay. Thank you. Thank you, Mr. Witness. Just a couple of

14 questions about this.

15 So these people --

16 MR. DE MINICIS: Just one second, Your Honour. I just want to

17 check with the ...

18 Q. Now, you just said that, as you went out of the stable, from the

19 other side of the courtyard there was a yard, there was another

20 building, and you thought that may have been a room where they kept

21 people because there were many civilians.

22 Did you learn there at the time whether your hunch about that

23 was, in fact, true, whether there were people being kept in that

24 other room?

25 A. I did not learn that. That was my impression. Since I saw even

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Examination by Mr. De Minicis (Continued)

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1 in front of that building civilians. I saw people in the yard. And  
2 I thought, just like us who were on this side of the yard, they could  
3 have been the same as us. But I did -- I cannot be sure. I can  
4 speak about the prison where I was kept --

5 Q. Yes, yes. But --

6 A. -- but that was my impression since they were civilians. And  
7 I've already told this to the Prosecutor.

8 Q. And did you talk to any of the civilians at the time in the  
9 courtyard?

10 A. No. Maybe someone joined the group, but I did not talk.

11 MR. DE MINICIS: Your Honours, could we please have Part 5 of  
12 the witness interview with the SPO on the screen. And I would like  
13 to read out lines 3 to 10.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer will provide  
15 for that.

16 In the meantime, I can tell you that, for now, if it is good for  
17 the parties and the Victims' Counsel and the witness, that we proceed  
18 till 12.00.

19 MR. DE MINICIS: That's no problem for the Prosecution.

20 PRESIDING JUDGE VELDT-FOGLIA: And then we will have lunch and I  
21 tell you how I think to organise the afternoon.

22 Please proceed.

23 MR. DE MINICIS: Page 10, please. Lines 3 to 10. If you can  
24 go just -- yes. Thank you. That's perfect.

25 Q. So, Mr. Witness, you know, we understand time has passed so I

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Examination by Mr. De Minicis (Continued)

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1 would like to try to refresh your memory about this -- that moment in  
2 time.

3 The Prosecutor, discussing your release, asked you:

4 "Q. And what did you see when you came outside?"

5 You stated:

6 "We saw the courtyard, the courtyard that I saw when I went  
7 there. I didn't know some -- there were other people that came from  
8 the other stable, who joined us from the other stable. We were four.  
9 And others from the other part of that courtyard joined us as well,  
10 and I thought -- I believed that they were civilians. But they said,  
11 'No, we were prisoners here.' They told me."

12 A. Mr. Prosecutor, I did not say that. And I accept with the  
13 greatest responsibility that nobody from those civilian group did not  
14 say -- tell me that they were prisoners.

15 Q. I'm sorry, Mr. Witness --

16 A. There was a barn there. There was a great distance from where  
17 we were standing --

18 Q. I'm sorry. Is it your testimony that you did not state that?  
19 Because one thing is to say that perhaps you were wrong in saying  
20 that. But another thing is to state that the record here is  
21 incorrect. And if that is your statement, again, we can go back to  
22 the video recording and check that.

23 So is it your testimony today that you did not state that to the  
24 Prosecutor?

25 A. Mr. Prosecutor, again, I'm very clear.

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Examination by Mr. De Minicis (Continued)

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1           Your Honour, I had the impression - and I'm saying it again  
2           today - that there it were other people as well, civilians, who I saw  
3           there. And I'm repeating again today. I did not see them come out  
4           from a different barn, because the distance was big.

5           Maybe I was misunderstood by the Prosecutor. I said that I had  
6           the impression there were two prisons. This was my impression. It  
7           is not my statement that there were two prisons, but this was based  
8           on my impression. And nobody can say that I said that somebody from  
9           that barn came and approached me. I think I'm being clear. I'm very  
10          relaxed here before you, and I'm not here to say something that is  
11          not true. At least not for me. Maybe it is true for the  
12          Prosecution, but not for me.

13          Q.    Thank you.

14          A.    I saw a group of people, five or six of them, and they were  
15          civilians. That's it.

16          PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, here is clearly  
17          stated that you said:

18                "But they said, 'No, we were prisoners here.' They told me."

19                You are now testifying that you said to the Prosecutor in  
20          Prishtine that there were two -- and I'm going to quote you: "That  
21          there were two" -- let me see.

22                "Two buildings that you thought that there were prisons."

23                That there were two prisons there. Is that what you said? Not  
24          two prisoners but two prisons?

25          THE WITNESS: [Interpretation] Two prisons. This is what I

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1149

Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 stated: Two prisons, not two prisoners.

2 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] But  
3 from the whole context --

4 THE INTERPRETER: Microphone for Your Honour.

5 PRESIDING JUDGE VELDT-FOGLIA: Yes, thank you. Thank you.

6 From the whole context, you were not talking about, if I read  
7 this record right, you say, "We were four. And from the other part  
8 of that courtyard joined us as well," so you're still talking about  
9 persons, if I understand well, "and I thought -- I believed that they  
10 were civilians. But they said," we're still not talking about  
11 buildings, "'No, we were prisoners here.'"

12 And I'm trying to understand how this miscommunication between  
13 buildings, as a prison, and prisoners can happen. That, I don't see.  
14 From the context, you were talking about buildings. From the  
15 context, I understand that you were talking about people. And I was  
16 not there, but I'm just trying to clarify this discrepancy between  
17 what I read here and what you're saying now.

18 I'm here to understand. Nothing more. I don't have a judgement  
19 on it, but I just try to understand. And do you understand that it's  
20 difficult from this context to see how it is that you were talking  
21 about buildings?

22 THE WITNESS: [Interpretation] Your Honour, I don't know what  
23 interest -- of what interest it would be to me not to say that the  
24 truth or to distort the truth.

25 I will repeat it again. What I said was that when I left the

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Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 barn, I saw other civilians. I stated this to the Prosecutor. There  
2 was another building, but there was this great distance between the  
3 yard. But I stated that my impression was that there were two  
4 prisons in Zllash. I did not say two prisoners.

5 None of those civilians approached us to speak to us or to tell  
6 us that they were prisoners. Maybe one of them joined the group.  
7 I'm telling you the reality. Maybe there was a misunderstanding with  
8 the Prosecution. I don't know whether they understood me correctly  
9 or not.

10 But I'm repeating again that my impression was that there were  
11 two prisons in Zllash.

12 PRESIDING JUDGE VELDT-FOGLIA: I give the floor to  
13 Mr. Prosecutor.

14 Please proceed continue.

15 MR. DE MINICIS: Thank you, Your Honour.

16 Q. Mr. Witness, you just added something that you never told the  
17 Prosecutor during the interview. At page 29 you talked about  
18 somebody who, when you came out of the prison, gave you  
19 *100 Deutschmarks, 100 Deutschemarks*, and that was to buy yourself  
20 cigarettes, and you stated: "I will never forget this for the rest  
21 of my life."

22 If it was such an unforgettable event in the context of your  
23 release, is there any reason why you made no mention to the  
24 Prosecution about that during your interview?

25 A. Mr. Prosecutor and Madam Judge, I'm telling you with great

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Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 sincerity, I did not want to give statement even to UNMIK. I'm  
2 trying to forget, both myself and my family, these events. I don't  
3 want to remember them. The entire day yesterday I wasn't feeling  
4 good. I was stressed. These are events that I choose not to  
5 remember.

6 There are moments that I remember every now and then, including  
7 this moment, with this person who gave me *100 Deutschmarks*. Maybe I  
8 forgot to mention it during that interview. I'm not here to defend  
9 anybody. I'm just saying now that that was a moment that I will not  
10 forget. Maybe I was supposed to tell this to the Prosecutor then  
11 during the interview, but I forgot to do that.

12 As I said, as a person and my family as well, we tried to forget  
13 these events.

14 Your Honour, even if friends come to me and want to speak about  
15 this, I tell them I don't want to speak about these events. I want  
16 to forget this event. I've stated this to the Prosecutor.

17 Mr. Prosecutor, as a family, we want to discover what happened  
18 ourselves. We do not want help from anybody. The Prosecutor is here  
19 and he can confirm that. At one point, the Prosecutor told me, and  
20 that was a threat, he said that this can turn into a criminal  
21 offence. Your status of a witness can be reverted into a status of  
22 an accused. I --

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness -- Mr. Witness, I  
24 will interrupt you to clarify a point.

25 Nobody - and certainly not the Prosecutor and also not the Panel

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Examination by Mr. De Minicis (Continued)

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1 - are threatening you when they say that, from a witness, you can  
2 become maybe a suspect of a crime. The only thing that has been --  
3 is that you have been warned that you should not give a false  
4 testimony because that is a crime within the jurisdiction of the  
5 Specialist Chambers.

6 But if you tell here the truth, that is what you have come to  
7 do, as you already stated, you have come here to tell the truth, and,  
8 therefore, you are here, and nobody is threatening you. But we  
9 always have to say to everybody who appears in this courtroom and in  
10 every other courtroom of the world, if are you a witness, you have to  
11 tell the truth; and if you don't say the truth, that can become a  
12 crime and you can be prosecuted for that. But that is not a threat.  
13 That is reality.

14 THE WITNESS: [Interpretation] Madam Judge, can I explain myself,  
15 please?

16 So the Prosecutor is not telling me that I'm not giving an  
17 accurate declaration or statement. At the moment in time when I told  
18 them thank you very much for your help, but as a family, according to  
19 the Albanian traditions, we ourselves are interested into finding one  
20 person that is responsible. Because not everyone is responsible.  
21 Not the entire KLA is responsible.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness -- no, Mr. Witness,  
23 I'm going to interrupt you.

24 THE WITNESS: [Interpretation] I want to find the person that has  
25 given the order for my prisoning.

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Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1           PRESIDING JUDGE VELDT-FOGLIA: I'm going interrupt you. We will  
2 now continue with the interrogation by the Prosecution.

3           THE WITNESS: [Interpretation] That's okay.

4           PRESIDING JUDGE VELDT-FOGLIA: I ask you to answer the questions  
5 that the Prosecution is posing to you.

6           MR. DE MINICIS: Thanks, Your Honour. I am grateful for that.

7 Q. Mr. Witness, you told us that you were released, that three  
8 people were released with you, but *Lata and Burmaku* remained in the  
9 stable. Do you remember telling us?

10 A. I've said that, I recall that to this day, and I know that they  
11 were left behind. That's true.

12 Q. Now, once you were released, what did you do? Where did you go?

13 A. After we were released, this person from *Berrnice*, he was  
14 *friends with Lata*, I don't know whether he had gotten to know *Lata* in  
15 *the prison or outside prison*, and he sent us either *Makovc* or *Llukar*,  
16 *because they are close together*. So this person sent us to *Lata's*  
17 *father to have a coffee and to let him know that Lata is following*  
18 *after us*.

19           We were convinced that *Lata* would be released after one hour.  
20 *So we were there for about one hour and the entire family were very*  
21 *happy when they saw us there, although they didn't know us*. I don't  
22 *know who was present*. Probably his mother, his sister. I don't  
23 remember. And from there, we joined the column and we went towards  
24 *Prishtine*. So this is what happened.

25 Q. And how many of you actually attended, *actually went into Lata's*

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Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 *family's house? How many were you?*

2 A. I do not know. I do not know whether it were -- if it were four  
3 or five of us. Probably it was four of us. I don't exactly recall.

4 Q. That's fine.

5 A. So it was the group of people that were released from there.

6 Q. Thanks for that. I understand.

7 *Now, apart from talking, were you offered any refreshment?*

8 A. *We had a coffee. Having a coffee is a tradition in our country.*  
9 *So they asked us to stay for lunch and we didn't want to stay. We*  
10 *wanted to join the column as soon as possible and to leave.*

11 Q. *So you didn't eat any of the food that was offered to you?*

12 A. *I do not know. I cannot say. There is no reason for me to say*  
13 *whether I have eaten something or not. What I know for a fact is*  
14 *that we had a coffee. I don't know whether they gave us some bread*  
15 *and something to eat on our way. I'm not sure.*

16 Q. How did you feel physically when you were released after having  
17 been kept *two weeks* in a stable?

18 A. I was good. I think that from the stress I was tired, but I  
19 could very easily move. I was anxious. I was under a stress and I  
20 was mostly overburdened by the moral experience rather than the  
21 physical one. I didn't have any physical problems. Even though I  
22 was probably tired. However, the distance from there up until  
23 *Prishtine*, it was fine for me. I was not overly tired from that.

24 Q. So you weren't feeling hungry or weak?

25 A. No, no. I was not. Because, like I said yesterday, we had

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Examination by Mr. De Minicis (Continued)

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 enough food to eat there. For me, it was enough.

2 MR. DE MINICIS: Your Honour, could we please have Part 5 of the  
3 witness transcript. For the record 061016-TR-ET, Part 5, page 13.

4 And I'll be reading from line 7 to 13 -- actually, to 14.

5 Q. So again, the Prosecutor was asking you about your release. And  
6 he asked you:

7 "Where did you go first?"

8 And you said:

9 "*Firstly we went to Lata father.*"

10 And then you added:

11 "*Because we were hungry. We were on this crowd, on these people*  
12 *marching.*"

13 And then you added:

14 "*We were really weak. We were very tired. It was very*  
15 *difficult for us to walk.*"

16 *So that is why I'm -- I was asking you that question. Because*  
17 *from the interview, it seemed to me that you were in need for some*  
18 *refreshment and to recoup some strength at the time.*

19 Does this refresh your memory about the state you were in when  
20 you were released, Mr. Witness?

21 A. Mr. Prosecutor, I didn't go to *Lata's father* because I knew him  
22 *or his family. I didn't know either of them, their family, the*  
23 *house. Like I said, it was a person from Berrnice that insisted for*  
24 *us to go there. And this is why we turned to their house. Because*  
25 *we were part of the column. I don't know how long we stayed there*

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Examination by Mr. De Minicis (Continued)

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1 for, about 30 minutes or one hour.

2 Q. Mr. Witness --

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness?

4 *THE WITNESS: [Interpretation] And they were very happy because*  
5 *they got to know that Lata would join them afterwards.*

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, but maybe the  
7 Prosecutor wants to say the same, please answer the question that has  
8 been posed to you by the Prosecutor. It was about --

9 THE WITNESS: [Interpretation] Can you repeat the question once  
10 again, Mr. Prosecutor? Because I'm not listening very well.

11 MR. DE MINICIS:

12 Q. I will. You told us today that, you know, you were in a fine  
13 physical state while, from your interview, it would appear to me that  
14 you were not. You used the words "weak," "very tired." Sorry.  
15 "Really weak," "very tired," "hungry," "it was difficult for us to  
16 walk." And by the way - if we could scroll a bit further down the  
17 thing, the transcript - in line 22 you stated:

18 *"And whilst we were eating food, his sister ... was staying at*  
19 *the window looking for him."*

20 *I believe it was a reference for Lata.*

21 So I was trying to refresh your memory because we have two  
22 different statements about this. Does this refresh your memory as to  
23 the physical state you were in when you were released from that  
24 prison?

25 A. Mr. Prosecutor, the distance from the prison to Llukar is a very

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Examination by Mr. De Minicis (Continued)

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1 long one. *It is about 12 to 13 kilometres.* So if you have to walk  
2 on foot and not being safe, secure, while you are en route, of  
3 course, you would be tired. But physically speaking, I mean, I could  
4 manage walking.

5 *I don't recall that we ate there. I don't know on whether they*  
6 *gave us some food when we left. And it's true that Lata's sister was*  
7 *looking out for him from the window, and they had the impression,*  
8 *like ourselves, that he would come.*

9 *It is true that we were all tired. So -- and the bread that we*  
10 *got, I mean, it was not that it helped us into getting recuperated,*  
11 *because it was like a long journey, like I said, it was 12, 13*  
12 *kilometres. We were tired physically but it was not that we were*  
13 *impossible to walk or to move.*

14 Q. I understand.

15 A. So I mean, we didn't need the assistance of someone else in  
16 order for us to walk.

17 Q. I understand. Thank you very much.

18 Could you tell the Panel what route you walked from the Zllash  
19 stable where you were detained to get to Llukar? Roughly. The  
20 direction, perhaps.

21 A. When we released, first we -- I mean, I got to know, I realised  
22 that I was in Zllash. I don't know that village. *I know different*  
23 *parts of Gollak, but it is interesting for me because I didn't know*  
24 *that village.* And like I said yesterday, I got to know from Rrahim  
25 that we were in Zllash. So when we left the place, we turned on the

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Examination by Mr. De Minicis (Continued)

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1 *right of the building and then we left for Kecekolle. So I followed*  
2 *a curved line, a curved route, and I didn't know the route that I was*  
3 *following, but I was thinking to myself that if I went around that*  
4 *route, that would be the best for us because I was just thinking that*  
5 *probably it was a game. So it was my conviction that that was a game*  
6 *and probably other people would be waiting for us.*

7 Q. Thank you. Thank you, sir.

8 A. I don't know whether I have been saying this to the Prosecutor  
9 or not, because I was recalled of something and if you want to hear  
10 about the route, something else, I mean, I am willing to say  
11 something in addition.

12 Q. Please. Please, please, go ahead.

13 A. On our way, I was unshaved. It was a long period of time since  
14 we cleaned ourselves, and I was intimidated to join the column. But  
15 *fortunately, we saw a building of the KLA, a small yard there, and*  
16 *one of the persons recognised who I was. That person hugged me and*  
17 *they were eating. They were eating pita bread, like -- something*  
18 *like bread. So they provided that to us. And I said, "You know*  
19 *what? I don't need any of that but if possible, I need a razor, a*  
20 *Gillette razor."* And I shaved myself and then I joined the column.

21 So that is something else that I was recalled right now.

22 Because I felt uncomfortable to join the column the way my beard  
23 looked.

24 Q. You felt uncomfortable joining a column of refugees unshaved.

25 A. No, not at all. I was kind of scared because *they knew me*. Not

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Examination by Mr. De Minicis (Continued)

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1     *only the Serbian police but even the collaborators, I mean, would*  
2     *recognise me. So that was my concern.*

3     Q.    Okay. Now, during your interview - and we are at Part 5,  
4     page 14, lines 7 to 10 - you stated, as you told us now, that you  
5     went towards Kecekolle. And you talk about a crossing there, a road  
6     crossing there for Kecekolle and Koliq, and that's where you joined  
7     the column of people.

8             Is that accurate, according to today's recollection?

9     A.    Yes, the column there. Yes, there is -- yes, there's this road  
10    to Kecekolle and Koliq, and there is the road crossing, and then  
11    there is a route to Prishtine on one direction and then to the other  
12    direction in Koliq. And there was this road crossing, and we joined  
13    the column right there.

14    Q.    So is this the main road that leads to Prishtine, so the bigger  
15    road?

16    A.    Yes. That's asphalted, that's paved. It's an old road. It's  
17    not like the streets you've got here in the Netherlands. It's about  
18    a 4- to 5-metres wide road. But, like I said, it's paved. It's a  
19    good road.

20    Q.    And you stated that it's there that you met the column; right?  
21    Not before.

22    A.    No, no. There. There. Because that's the juncture to the main  
23    road from Zllash. When you come from Zllash, it's there that the  
24    main road is. I mean, when we travelled from Zllash, that was a  
25    mountainous route.

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1 Q. Now, you told the Prosecution during your interview that, at  
2 that time, you realised that that column was, in fact, followed by  
3 Serb police. Do you recall stating that? This is again, Part 5,  
4 page 15, lines 14 and 15. Do you recall stating that?

5 A. It is true. The column -- I mean, while we were part of it,  
6 while we were walking, we didn't see any policemen, but they were  
7 escorted continuously by the police. So there were police vehicles  
8 that were moving contrary to our direction. And while we were  
9 entering *Prishtine*, we saw two or three people that were killed by  
10 the Serbian police. So we were at risk by the Serbian police as  
11 well.

12 Q. So you saw people being killed on the road as you were closing  
13 in to *Prishtine*. Is that -- is that -- do I understand you  
14 correctly?

15 A. Mr. Prosecutor, we saw them lying on the ground. They were  
16 killed before. They were executed before. So they were left in that  
17 shape, and we saw them while we were passing by.

18 Q. Yes, I understand. But you stated, you just stated, "And while  
19 we were entering *Prishtine*, we saw two or three people that were  
20 killed by the Serbian police."

21 I believe you. I just wanted to make sure that I understood you  
22 correctly, that that was as you were entering *Prishtine*, as you were  
23 approaching *Prishtine*. Just to get a position, a location there.

24 A. Mr. Prosecutor, I'm being misunderstood here. Just I'm saying  
25 that in the entry of *Prishtine*, so where -- I saw people that were

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1 killed. So they were killed. Probably this is a problem in  
2 interpretation, but I'm just saying that --

3 Q. No, no, no, there's no problem.

4 A. -- we saw people lying. They were killed.

5 Q. There's no problem. It's clear as a bell.

6 A. It was not that they were killed in our eyes. But they were  
7 killed, they were lying, they were executed.

8 Q. It's very clear. Thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] I think  
10 there has been -- at an earlier stage, there has been a  
11 misunderstanding because the words "being killed" were being used and  
12 that gave rise to this discussion.

13 But it's clear, you saw them, if I understood, executed. You  
14 saw them executed. You saw that they --

15 THE WITNESS: [Interpretation] They were executed. They were  
16 already killed while we saw them.

17 PRESIDING JUDGE VELDT-FOGLIA: And how could you see that they  
18 were executed?

19 THE WITNESS: [Interpretation] We understood that because we were  
20 part of the column, and the people that were there, part of the  
21 column, had known that because somebody had moved from *Prishtine* to  
22 *Llukar* and somebody had seen that happening. And it is very  
23 interesting because nobody took the courage and dared to go and take  
24 out the dead bodies. And the Serbian column had -- killed them in  
25 distance, had shot them in distance. And we were so much feared that

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Examination by Mr. De Minicis (Continued)

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1 nobody had the courage of going and taking the dead bodies.

2 So this is how we see them. We saw them lying dead on the  
3 ground in the street.

4 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] So you  
5 saw them and you heard from somebody else that they had been  
6 executed.

7 THE INTERPRETER: Microphone for Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: You saw them lying there, and you  
9 have heard from somebody else that they had been executed by the  
10 Serbs.

11 THE WITNESS: [Interpretation] Your Honour, what I'm telling you  
12 is true.

13 PRESIDING JUDGE VELDT-FOGLIA: No, no, is it a yes or a no to my  
14 question?

15 THE WITNESS: [Interpretation] Yes. It is true.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. That is what I want to  
17 hear. Because if I ask a question and you start talking again, then  
18 I don't know if what I said is right. And then we can get these  
19 misunderstandings --

20 THE WITNESS: [Interpretation] Yes, yes, it's true.

21 PRESIDING JUDGE VELDT-FOGLIA: -- and I want to understand you  
22 clearly. Okay.

23 And the other thing is --

24 THE WITNESS: [Interpretation] I apologise.

25 PRESIDING JUDGE VELDT-FOGLIA: -- did you look at the person,

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1 did you see that he was executed? Could you see some harm done to  
2 the person?

3 THE WITNESS: [Interpretation] Are you talking about the ones  
4 that were killed?

5 PRESIDING JUDGE VELDT-FOGLIA: Yes.

6 THE WITNESS: [Interpretation] No, no, I didn't. I saw the  
7 blood, but they were executed probably half an hour ago. So they  
8 were wearing their clothes.

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

10 I give the floor back to Mr. Prosecutor.

11 MR. DE MINICIS: Thank you, Your Honour.

12 Q. Mr. Witness, I wanted to go back briefly to something that you  
13 stated yesterday and that seems to me also emerges from your  
14 testimony as a whole.

15 *Yesterday I asked you whether you felt you were treated*  
16 *differently from the other detainees in that stable. And you told*  
17 *us, yes, that you were.*

18 MR. DE MINICIS: And this would be page 55, Your Honours, of  
19 yesterday's draft transcript, lines 15 to 19.

20 Q. *Is there any reason why you managed to form an opinion as to why*  
21 *you were treated differently from the other victims?*

22 A. *Mr. Prosecutor, probably people from outside knew me. That was*  
23 *my impression. And probably they were respectful towards myself*  
24 *because I've never ever done a malice to anyone, and that was my*  
25 *impression.*

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Examination by Mr. De Minicis (Continued)

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1           *So when they got in the barn to get the buckets to the toilet or*  
2           *when they brought the food there in the barn, they would give me*  
3           *cigarettes. And they brought cigarettes to me only and they told me,*  
4           *"Don't you dare share that with your friends." But I did share that*  
5           *with the friends there because this is who I am. I mean, even if I*  
6           *have just a loaf of bread, I would share that with other people.*

7           And that's why I got the impression that these people were not  
8           guilty. I would not hold them to account, but that was something  
9           that was ordered by someone else. That was what my impression was.  
10          Because there, we were equal. We ate the same amount of food, we  
11          drank the same amount of water. *Whereas for the cigarettes, it was*  
12          *only me that would take the cigarettes. Every day, I mean, in the*  
13          *moment in time they entered the barn, whoever the person was, they*  
14          *would bring cigarettes to me. This is the reality, and I would never*  
15          forget this respect and that's the reality. And that is what I  
16          wanted to say. That was my intention was. So that was my impression  
17          as to why I was treated differently.

18          PRESIDING JUDGE VELDT-FOGLIA: That will do, Mr. Witness,  
19          because now you're repeating yourself. And we are listening  
20          carefully, so you don't have to repeat.

21          THE WITNESS: [Interpretation] Thank you. I apologise.

22          MR. DE MINICIS:

23          Q. Thank you, Mr. Witness.

24          MR. DE MINICIS: Your Honours, I see there's four minutes left  
25          on the clock. I will need to ask to have a little more time when we

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Examination by Mr. De Minicis (Continued)

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1 resume because things -- well, I wasn't able to finish my last topic.  
2 But I will ask for leave to begin my last topic after the recess so  
3 that we don't have to break in the middle of it. I won't need a long  
4 time.

5 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we go  
6 into public.

7 [Open session]

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

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

10 Yes, we are approaching 12.00. What -- we have consulted with  
11 the interpreters, and I can inform that you the sitting schedule for  
12 the remainder of the day will be slightly changed in order to make  
13 effective use of the time we have in court. And what we will do is  
14 we will now have a break, a lunch break, till 1.00, in order to --  
15 also for the interpreters, so that means that we will have a little  
16 bit less time. And then we will have, from this afternoon, two  
17 afternoon sessions from 1.00 till 2.30, and then we will have a  
18 30-minute break, and then we will have another session from 3.00 till  
19 4.00.

20 So I hope that, in that way, we can use our time effectively  
21 today.

22 Madam Court Usher, could you exit Mr. Witness?

23 Mr. Witness, you will now have a break of an hour for the lunch.  
24 I hope you will get some rest for now, and then we will see you back  
25 at 1.00.

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Examination by Mr. De Minicis (Continued)

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1 THE WITNESS: [Interpretation] I understand.

2 PRESIDING JUDGE VELDT-FOGLIA: Good. Bye.

3 [The witness stands down]

4 PRESIDING JUDGE VELDT-FOGLIA: One small remark for the  
5 Prosecution's office. There was still one reference you did not give  
6 at a moment in time. At a later moment, if you could come back to  
7 that, just for the record, that will be fine.

8 MR. DE MINICIS: Yes, Your Honour. Would that be today? Today  
9 I mentioned the reference that I didn't --

10 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes. So I think if you go  
11 through the transcript, you will see that you said you would give it  
12 afterwards.

13 MR. DE MINICIS: We'll do that. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Good.

15 We will resume in 60 minutes. The hearing is adjourned.

16 --- Luncheon recess taken at 12.00 p.m.

17 --- On resuming at 1.00 p.m.

18 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. I will register  
19 appearances. I see the same composition. I see the same  
20 composition. No changes. Mr. Mustafa. Very well. Thank you.

21 We will continue with testimony of Witness W03594.

22 Madam Court Usher, could you please bring the witness back.

23 Thank you.

24 MR. DE MINICIS: Your Honour, just may be helpful for the  
25 parties to know that I won't have more than five, ten minutes left.

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Examination by Mr. De Minicis (Continued)

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1 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good.

2 Would you be able to proceed after that, Victims' Counsel?

3 MS. PUES: Your Honours, we won't be posing any questions to the  
4 witness so that if the Defence is prepared, they may then proceed.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good.

6 Defence counsel, will you be ready then or ...

7 MR. VON BONE: Yeah, I think so, Your Honour. We will proceed.

8 PRESIDING JUDGE VELDT-FOGLIA: Good. We noted that.

9 [The witness takes the stand]

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

11 THE WITNESS: [Interpretation] Thank you.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you can continue  
13 with the examination of the witness. You have the floor.

14 MR. DE MINICIS: Thanks, Your Honour. Before we start, I think  
15 that the reference I owe the Panel is mentioned -- well, when I -- I  
16 failed to give a reference at page 21 of this morning's transcript.  
17 It concerned the witness testimony from yesterday about two masked  
18 people in the stable having told him that -- having explained the  
19 reasons why the other two detainees were there. And this reference  
20 can be found at page 33, lines 12 to 15, of the draft transcript of  
21 yesterday, 12 October 2021.

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

23 MR. DE MINICIS: Your Honour, could we please move to private  
24 session.

25 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you

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Examination by Mr. De Minicis (Continued)

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1 bring us into private session, please.

2 ~~[Private session]~~ [Open session]

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

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

5 Mr. Prosecutor, you have the floor.

6 MR. DE MINICIS:

7 Q. Mr. Witness, did you -- after your release, did you eventually  
8 find out why you were detained for two weeks in Zllash in April 1999?

9 A. No, I did not.

10 Q. Did you form any idea in your mind, even though perhaps not a  
11 conclusive one, as to why you may have been detained at the time?

12 A. After the NATO forces entered Kosovo, at about the end of June,  
13 *I asked for a meeting with Mr. Adem Shehu who, at the time was a*  
14 *commander at Zllash. I was told that he was a commander at Zllash*  
15 *and I heard good words about him. This person was from Albania. He*  
16 *was from Tirana. So I asked for a meeting with him, and he also*  
17 *asked for a meeting with me, and we had this meeting at the military*  
18 *barracks there in Llukar. But after the infantry forces of NATO*  
19 *arrived in Tirana, the -- in -- Llukar was emptied, and so this*  
20 *person was there and we're having this coffee. And I asked*  
21 *Adem Shehu, "Do you know the reason why I was prisoned in Zllash?"*

22 *What he told me was that, "Hamdi, I want to know what happened,*  
23 *I want to know the truth. I heard about this three days ago. I just*  
24 *wanted to ask you and to know on whether a member of Gervalla family*  
25 *was imprisoned there in Zllash." And I told him, "Yes, that was what*

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Examination by Mr. De Minicis (Continued)

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1     happened." And I told him that I had been in Zllash from the 4th up  
2     until the 18th or 19th.

3             *Adem Shehu is alive as we speak and these were the words that he*  
4     *told to me. He told me, me personally, Adem Shehu and Fatmir Sopi.*

5     Q.     Thank you, Mr. Witness. Do you think that the -- your  
6     *membership in the LDK at the time -- and you told us you were also*  
7     *part of a commission of the LDK at the national level. Do you think*  
8     *that your membership in the LDK may have had anything to do with your*  
9     *arrest?*

10    A.     I think, I have some suspicion that probably that is one of the  
11    reasons why I was imprisoned.

12    Q.     *Why would the membership in the LDK be a possible reason for*  
13    *your arrest? If you could explain us and the Panel. What led to you*  
14    *believe that?*

15    A.     Yes. The reason for that is that the organisations that were  
16    outside, such as, for instance, *the People's Movement of Kosovo, LPK,*  
17    *there were many communications and newspapers, newsletters that they*  
18    *would issue against Ibrahim Rugova and the LDK, calling us as*  
19    *pacifists. So that was not one of the reasons that was told to me*  
20    *while I was detained in Zllash, but this may as well be one of the*  
21    *reasons why I was sent there.*

22    Q.     You told us, though, that people who arrested you were people  
23    from the KLA. *Is there any proximity between this People's Movement*  
24    *of Kosovo, the LPK, and the KLA that made you make this association?*

25    A.     No. I made no difference. So they were wearing the KLA

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Examination by Mr. De Minicis (Continued)

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1 clothing, uniforms. I didn't distinguish any of them. I don't know  
2 who they were. Every one was joined with the KLA. *So the LPK, the*  
3 *LDK as well had representatives and had members there at the KLA. So*  
4 *there were members of all the parties that had already joined the*  
5 KLA.

6 Q. Thanks very much, sir.

7 MR. DE MINICIS: Your Honours, these were all my questions, so I  
8 tender the witness to the Defence.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 Madam Court Officer, could you bring us back into public,  
11 please.

12 [Open session]

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

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

15 Mr. Witness, the Specialist Prosecution Office has finished with  
16 the questioning for their part. I have been informed by the  
17 Victims' Counsel that they don't have any questions for you. And,  
18 therefore, I will now give the floor to the Defence counsel for the  
19 accused to ask questions to you.

20 Defence counsel, you have the floor.

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

22 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I was informed  
23 that you have one and a half hours, 1 hour and 35 minutes, but you  
24 have seen how we deal with it.

25 MR. VON BONE: Yes, thank you very much, Your Honour.

1 Cross-examination by Mr. von Bone:

2 Q. Good afternoon, Mr. Witness.

3 A. Good afternoon.

4 Q. Mr. Witness, I want to ask you, and I will move a little bit  
5 through the entire events as they have unfolded, but for you it  
6 basically started at some point when somebody came to you and said  
7 that somebody wanted to talk to you and then eventually you got on to  
8 a vehicle. That was the very beginning of your route to Zllash.

9 Now, you told about that journey with the vehicle, and at some  
10 point it got stuck and then started moving again. And at some point,  
11 there must have been an arrival, and I want to speak to you about the  
12 arrival at that place.

13 And the first thing is that when the car was eventually parked,  
14 how far was that stable, approximately, from the place where the car  
15 was parked? How long did it take to walk there?

16 A. Three, four minutes.

17 Q. And in your statement, Part 1, that is --

18 MR. VON BONE: I go through the statements of the SPO. It has  
19 always the same reference number. I will say it one time now and  
20 then I will refer to it as Part 1, Part 2, Part 3, Part 4. It's each  
21 time the same statement.

22 So the reference number is --

23 PRESIDING JUDGE VELDT-FOGLIA: Please wait, wait. Excuse me.

24 Madam Court Officer, that will work for you, isn't it? Yes, I  
25 see you nodding.

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1 THE COURT OFFICER: That's fine, Your Honour.

2 MR. VON BONE: That is reference number 061016-TR-ET, Part 1.

3 Q. And in that Part 1, I would like to ask your attention,  
4 Mr. Witness, for something that you stated in that statement. And  
5 I'm at line 18, where at the very end two people came out to the yard  
6 and they said, "*Hamdi, come, come with us.*"

7 THE COURT OFFICER: Counsel, clarify the page number.

8 MR. VON BONE: I am sorry. That was a mistake, Your Honour.

9 PRESIDING JUDGE VELDT-FOGLIA: Tell me, Defence counsel, what --

10 MR. VON BONE: I just mentioned the name of the witness. So I  
11 ask to go into private session and I ask also to scrap obviously that  
12 from the transcript.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes. The good thing is that we  
14 are not broadcasting at the moment --

15 MR. VON BONE: Yeah, there is always a delay.

16 PRESIDING JUDGE VELDT-FOGLIA: -- because there is a technical  
17 problem.

18 MR. VON BONE: Oh.

19 PRESIDING JUDGE VELDT-FOGLIA: But, yes, let us -- Madam Court  
20 Officer, could you bring us into private.

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

22 PRESIDING JUDGE VELDT-FOGLIA: But for your assurance,  
23 Mr. Witness, we have a 45-minute delay so even if it ...

24 THE COURT OFFICER: We're now in private session, Your Honours.

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, for your assurance,

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1 even if something goes out, we have a -- with regard to your personal  
2 identification, today there is no broadcast for the moment, and  
3 secondly, we have a 45-minute delay. So you are protected from that  
4 point of view. And there is nobody in the gallery.

5 THE WITNESS: [Interpretation] I have full confidence in the  
6 Panel. I am sure that my name won't be known.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 MR. VON BONE: Okay.

9 Q. It was the arrival of you there where the car at some point  
10 stopped and then --

11 MR. DE MINICIS: Sorry, Your Honour. Could we ask for a page  
12 reference.

13 MR. VON BONE: Yeah. Page 18.

14 MR. DE MINICIS: Okay. Thank you.

15 MR. VON BONE: That's at line 21. And actually it's line 18 and  
16 I will say it up to line 23, to be exact. Okay?

17 Q. So two people came out and at some point, they said, "Hamdi,  
18 come with us." This is the point where I would like to start. Okay?  
19 And then there was a question asked and the question was:

20 "Q. And can you describe what you saw, this place or yard or  
21 house where you arrived? Can you describe it?"

22 And your answer was the following:

23 "I haven't seen anything because" --

24 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, you want to help  
25 to refresh his memory on this?

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1 MR. VON BONE: Yeah, on this issue and then I have a --

2 PRESIDING JUDGE VELDT-FOGLIA: Maybe you can first ask the  
3 question.

4 MR. VON BONE: I think it is more logic to do it in this way  
5 because it's a step-up question, so to speak. Sometimes --

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. But I don't want you to  
7 read out before he has answered.

8 MR. VON BONE: No. No, no.

9 Q. So at that time you stated:

10 "I haven't seen anything because -- I arrived there, I had no  
11 idea where I was going. It was a big yard. There was an old house  
12 and I went behind there."

13 This is just what you stated there.

14 Now, my question to you is the following: In addition to this  
15 old house that you are speaking about, have you noticed any other  
16 buildings?

17 A. No. No. When I got there, I didn't see anything else. Because  
18 I went straight. I didn't look on my left but I only looked on my  
19 right, and there I distinguished that old house when I entered.

20 Q. So when you entered, to be clear, you distinguish on your right  
21 side an old house and that was not the direction in which you were  
22 going --

23 A. Yes.

24 Q. And that was not the direction in which you were going. You  
25 were going to somewhere else?

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Cross-examination by Mr. Von Bone

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1 A. No. It's true. There is where I was going, because on the  
2 lower part of that house was the basement. So we turned on the  
3 right-hand side and then we got on the stable. So the stable was  
4 beneath the building, the house that I saw.

5 Q. Okay.

6 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I will come back  
7 to my point. I would have preferred to have first an open question:  
8 What did you see when you got out. Then he could have answered. And  
9 if he didn't recall it, then you could have read out "the house."

10 MR. VON BONE: Okay. Okay.

11 PRESIDING JUDGE VELDT-FOGLIA: Because now you have been giving  
12 him a kind of an answer already what he stated then. And I want to  
13 hear him tell what he now recollects and then can you help him.

14 MR. VON BONE: Okay. Okay.

15 Q. You walked on that part towards that stable. And did you see  
16 any civilians there at that time?

17 A. No.

18 Q. And was there any other moment in time during the time that you  
19 stayed in that stable, did you see any civilians who stayed there,  
20 who -- or who lived there?

21 A. No, because we were locked. I didn't see.

22 Q. I understand that. Just -- what I understand is that even upon  
23 your route towards the stable, as I understand, you did not see any  
24 civilians or anything?

25 A. No.

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1 Q. Okay. Thank you very much. Now, that stable that you -- where  
2 you eventually ended up, was that a stable, in your opinion, that was  
3 recently used as a stable or has it not been used for a long time?  
4 What was the condition of that stable?

5 A. In my opinion, it was used by -- for animals. Because opposite  
6 to the stable, there was some hay 10, 15 metres further and we used  
7 that hay to put it on the floor. I asked them to allow to us get  
8 that hay inside and use it to -- for -- to cover the floor. And for  
9 the whole time, there was this smell of manure. So my impression was  
10 that that location was a stable used by -- for animals.

11 Q. And was that stable connected to any other building?

12 A. No. Above there was a ceiling and this house that I described  
13 seeing on my right-hand side. So there was not quite a ceiling but  
14 beams. But above you could hear noises. And I had the impression  
15 that this room where I was brought later on was above us, this room  
16 where I had the coffee.

17 So I went out from the barn when I was taken there on the left,  
18 and then I again went left. That's why I had this impression that  
19 this room was above the barn where we were kept.

20 Q. Yes. And just for a moment that when you were taken out of the  
21 barn going upstairs, was there at that moment a building that was  
22 next to it or was there no building? What did the situation look  
23 like? Can you describe that.

24 A. When I went out, I saw that there was a large yard and that  
25 there was another building that was kind of attached to the yard. I

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1 saw this space and I saw that there were two houses within that  
2 compound. I don't know who was the owner of those houses, but there  
3 were two houses opposite to each other. I saw two houses.

4 Q. Mm-hm. And do I understand well that in the one house is the  
5 house where the stable was and the other house is opposite?

6 A. Yes, opposite the house that contained the barn underneath.

7 Q. I understand.

8 PRESIDING JUDGE VELDT-FOGLIA: I don't. I am now lost what the  
9 witness has said.

10 So from the barn, if you would go out of the barn, what would  
11 you see?

12 MR. VON BONE: Mm-hm, that was the question.

13 THE WITNESS: [Interpretation] If you went out of the barn, you  
14 could see nothing because there was this haystack just opposite the  
15 barn. But if you would go a bit further up, it was an elevated area  
16 where I was taken to have that conversation with that -- when I went  
17 to that elevated area, I saw it was a flat area and that's when I saw  
18 that there was another house.

19 PRESIDING JUDGE VELDT-FOGLIA: One?

20 MR. VON BONE: The question was one, one house.

21 PRESIDING JUDGE VELDT-FOGLIA: One house or two houses  
22 [Microphone not activated].

23 THE INTERPRETER: Microphone for Your Honour.

24 THE WITNESS: [Interpretation] With the house where we were,  
25 there were, in total, two houses.

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

2           Defence counsel, you have the floor.

3           MR. VON BONE:

4           Q. Was there any house or structure attached or nearly attached to  
5 the barn or to the house in which the barn was located?

6           A. I'm not receiving ...

7           No, I didn't see any. I don't know.

8           Q. In the barn where you were staying, was there any electricity?

9           A. No.

10          Q. Could you see daylight in the barn?

11          A. Yes, because there was a window. There were two parts and there  
12 was enough light, daylight, coming in to the room.

13          Q. And could you watch outside from the barn through the window?

14          A. No.

15          Q. Approximately how high would be --

16          A. It wasn't a window with a glass. It was covered with timber,  
17 with wood.

18          Q. But was it an open space where you can look through or was it  
19 closed because of the timber?

20          A. There were enough openings for enough daylight to come in.

21          Those were old wooden planks. You can imagine, it was a window for a  
22 place where animals were kept.

23          Q. Now, you just said that there was one other house opposite the  
24 building in which you were located. And my question was: Was that  
25 the -- that other house, was that the house from where eventually

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1 upon your release you saw the other people coming?

2 A. When I was released, I did not see where they came from, but I  
3 saw civilians near that house. I saw three or four persons in the  
4 courtyard. I don't know from where they came out. But they were  
5 civilians.

6 Q. And you told us that you were standing there at some point, and  
7 somebody came and gave you some cigarettes upon your release?

8 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, we would need to  
9 have a reference to the transcript for that, and if it's not now, at  
10 a later moment.

11 MR. VON BONE: I'll do that at a later moment because I think it  
12 was this morning that we did that. But I can't get it now.

13 Q. But upon your release, you told us this morning that you were  
14 standing there with some people and that somebody came to you and  
15 gave you --

16 PRESIDING JUDGE VELDT-FOGLIA: Wait. Wait, wait, wait.

17 [Trial Panel confers]

18 PRESIDING JUDGE VELDT-FOGLIA: I see the point the colleague is  
19 making. It is important to have, because now it's a little bit  
20 longer. So we would like to have the place where it was cited  
21 because then we can look with you if it has been citing -- yes, to  
22 help also the witness.

23 MR. VON BONE: It's the *100 Deutschmark* moment, so to speak.

24 PRESIDING JUDGE VELDT-FOGLIA: Excuse me?

25 MR. VON BONE: I call it the *100 Deutschmark* moment. That is

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1 the moment that I'm looking for. My colleague will take a look at  
2 it. But maybe it refreshes all our mind that it is --

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

4 MR. DE MINICIS: Your Honour, if I may assist the Panel. I  
5 think *100 Deutschmark* was mentioned at page 29 of this morning's  
6 draft transcript.

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

8 MR. VON BONE: Thank you very much, counsel.

9 Yes, okay.

10 Q. I'm speaking about the moment on which you received the  
11 *100 Deutschmarks*, that moment that was upon your release.

12 And my question was about that, that person who eventually gave  
13 that to you, did he come from that other building?

14 A. No. He was opposite from where we were and he was wearing a KLA  
15 uniform. He was not a civilian. He was not wearing a mask. And he  
16 addressed me with my name and he said, "Here is the money. Buy  
17 yourself cigarettes." And I'm thankful to him for the rest of my  
18 life.

19 The only person who was there when we were released opposite the  
20 building where we were was this person. Maybe there were others, but  
21 I didn't see any other persons with KLA uniforms.

22 Q. Okay. I remain at the same moment. You were released at that  
23 moment, the *100 Deutschmark* moment, so to speak. Do you know or did  
24 you see any KLA soldiers bring a man with *hands that were tied*?

25 A. No.

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1 Q. And the place where you were, was there a fence around it?

2 A. I don't remember. I don't think so. I didn't look. If there  
3 was one, then maybe behind the house. In the opposite side of the  
4 house. That is, behind the house. In front, I didn't notice any.

5 PRESIDING JUDGE VELDT-FOGLIA: I don't see the -- Mr. Mustafa  
6 anymore. Did we lose the connection?

7 MR. VON BONE: I think it's our lucky day today, Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: What can I tell you?

9 [Trial Panel and Court Officer confer]

10 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] I was  
11 informed that we lost the connection but that's [Microphone not  
12 activated].

13 THE INTERPRETER: Microphone for Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we lost the  
15 connection with Mr. Mustafa, and we are trying to reconnect.

16 [Trial Panel and Court Officer confer]

17 PRESIDING JUDGE VELDT-FOGLIA: I was informed that we -- if it  
18 is our lucky day, we only need two minutes more in order to reconnect  
19 with Mr. Mustafa. Let us see.

20 Okay. Welcome back, Mr. Mustafa. We are seeing you again. Do  
21 you hear us? Or me.

22 THE ACCUSED: [Via videolink] [Interpretation] Now I can hear  
23 you, but there was a technical problem earlier on, and I could not  
24 follow what was going on.

25 PRESIDING JUDGE VELDT-FOGLIA: Indeed, Mr. Mustafa, we noticed

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1 that, but we didn't continue with the hearing. So you did not miss  
2 anything. So we will now proceed. And you are hearing us fine?

3 THE ACCUSED: [Via videolink] [Interpretation] Yes. For the  
4 moment, yes. Thank you.

5 PRESIDING JUDGE VELDT-FOGLIA: Very well.

6 Defence counsel, you may proceed.

7 MR. VON BONE: Thank you, Your Honour.

8 THE ACCUSED: [Via videolink] It doesn't work. This computer  
9 doesn't work.

10 MR. VON BONE: Can we maybe verify if Mr. Mustafa --

11 PRESIDING JUDGE VELDT-FOGLIA: It's clear the -- it's better  
12 that you don't proceed.

13 Mr. Mustafa, is something not working at your side?

14 THE ACCUSED: [Via videolink] [Interpretation] Yes. The computer  
15 where the transcript is shown is not working.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. We will wait till we get a  
17 signal that it works.

18 THE ACCUSED: [Via videolink] [Interpretation] Now it's fine.  
19 It's come up again. Thank you, Your Honour.

20 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please raise your hand if  
21 something is not working. Okay. I think we can proceed now.

22 THE ACCUSED: [Via videolink] [Interpretation] Now we understand  
23 each other, Your Honour. We can continue.

24 PRESIDING JUDGE VELDT-FOGLIA: Very well.

25 Defence counsel, I hope -- you have the floor.

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1 MR. VON BONE: I was just wondering whether Mr. Mustafa was  
2 alone or not. I just have the feeling he's not. I'm not sure.

3 PRESIDING JUDGE VELDT-FOGLIA: Excuse me? I didn't --

4 MR. VON BONE: Is Mr. Mustafa alone there?

5 PRESIDING JUDGE VELDT-FOGLIA: Alone. Oh, I didn't hear you.

6 MR. VON BONE: Alone, yeah.

7 PRESIDING JUDGE VELDT-FOGLIA: Mr. Mustafa, are you alone in the  
8 room?

9 THE ACCUSED: [Via videolink] [Interpretation] Yes. At this  
10 moment, yes. The technical staff was here fixing the problem, and  
11 now they left.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you for that  
13 information.

14 Defence counsel, I think you may proceed now.

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

16 Q. Upon leaving the place where you were, Mr. Witness, did you have  
17 to go through a particular gate or ...

18 A. I don't remember. I don't remember.

19 Q. Did you have any sense of direction, in which direction you  
20 would need to go or ...

21 A. This person told us, "Go" -- this person who gave me the  
22 *100 Deutschmark*. He said, "Keep going towards this road. Don't take  
23 the road to *Mramor* but, rather, the one going to *Kecekolle*, *Bunari i*  
24 *Hajratit*, the location is called, that junction that I mentioned  
25 earlier, so as to avoid the Serbian forces. So he said, "Don't go

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1 left because the Serb forces have already entered. They are  
2 *somewhere near Mramor.*" So this is the direction that he gave us,  
3 and that's what we did. We followed that direction.

4 Q. And upon following that direction, Mr. Witness, did you pass any  
5 particular buildings?

6 A. No. As I said, during our journey, there was a small KLA  
7 check-point, a courtyard, and that's where they brought us food.  
8 This person who knew me, he brought this pie. We call it krelan. We  
9 all ate. And he brought these two razors so that I could shave.  
10 This was -- this was it.

11 Q. Mr. Witness, can you tell us who was that person who knew you?

12 A. I didn't know them. 70, 80 may know me, but I don't know them.  
13 *I had many pupils and students while I was working in the secondary*  
14 *school.* I did not ask for his name. I didn't ask who he was, but he  
15 called by my name and he offered us to eat. So before we went to  
16 *Llukar,* they offered what they had to eat for themselves, this pie,  
17 and they brought it to the meadow and we all ate there. They shared  
18 their food with us.

19 Q. Okay. I just remain one moment at that *100 Deutschmark* moment  
20 while you were in that yard. How long did it take to you reach that  
21 road that you eventually took?

22 A. I do not remember. We had no idea how long it would take us. I  
23 don't remember at all. We only knew the direction. That was all.

24 Q. Okay. Mr. Witness, I stay in the place where you were kept.  
25 That is where I want to speak about with you. At some point, you

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1 told us that you were taken upstairs and there were a number of  
2 people there with whom you had a conversation. Is that correct?

3 A. It is true.

4 PRESIDING JUDGE VELDT-FOGLIA: Please, your mic.

5 MR. VON BONE:

6 Q. Among these people, were there any women?

7 A. No.

8 Q. Was there, in that place, any electricity?

9 A. Yes.

10 Q. And where did that come from?

11 A. I do not know. I saw the lamp in the ceiling, above.

12 Q. Okay. And that ceiling, how high was that, approximately?

13 A. I do not know. That was not something that I was impressed by.  
14 It was not very high. And I had no intention to see the ceiling when  
15 I entered the room. They offered a chair for me to sit and I sat.  
16 It was like a village house. There were the old houses, I mean the  
17 houses that were built in the past, and usually their ceilings are  
18 not very tall.

19 Q. Mr. Witness, I understand that. And if you compare that to the  
20 stable where you were, could you give an approximate idea about how  
21 high this ceiling was in that stable where they were keeping you?

22 A. I think it was the same. I don't think the ceiling in the upper  
23 floor was higher.

24 Q. Was there any water coming through any place in that stable?

25 A. No. No, not at all. Only when it was raining. But even if it

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1 was raining, there was no water coming there. So it was not cold  
2 either. It was warm.

3 Q. Okay. With how many people, approximately, were you at the  
4 maximum in that stable?

5 A. Are you asking how many people could stay there, in the stable?  
6 Is that correct? Is that the question?

7 Q. No, sorry. My question is: With how many people in total were  
8 you, you included, in that stable?

9 A. So once we were five persons and then it was six of us there.

10 MR. VON BONE: I take it, Your Honour, that we're still in  
11 private session.

12 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] we are.

13 MR. VON BONE: That is?

14 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] we are  
15 in private session. There's no red light.

16 MR. VON BONE: So -- no, there's no red light but I --

17 Q. And later on that younger person came into the stable. That is  
18 correct, isn't it?

19 A. Yes.

20 Q. Okay. For the six of the people that you were together with in  
21 that stable --

22 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, you say "younger  
23 people."

24 MR. VON BONE: Younger person.

25 PRESIDING JUDGE VELDT-FOGLIA: Younger person.

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1 MR. VON BONE: I can say his name --

2 PRESIDING JUDGE VELDT-FOGLIA: It's better to specify because --

3 MR. VON BONE: I'll just --

4 PRESIDING JUDGE VELDT-FOGLIA: Because I don't think it's  
5 specific enough, because we could have a confusion on this point.

6 MR. VON BONE: Okay.

7 Q. Six when another person came into the stable. And what was his  
8 name?

9 A. I do not know what his name was, but I heard others call him  
10 *Burmak* there.

11 Q. Thank you very much. When you were together with -- including  
12 that person - so six people - was the food that was being brought to  
13 that group of people enough?

14 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel --

15 THE WITNESS: [Interpretation] Yes, it was enough.

16 PRESIDING JUDGE VELDT-FOGLIA: -- I think that we have touched  
17 upon that this morning about -- I think that we touched upon that  
18 there was enough food this morning. Or is it a step-up for something  
19 else?

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

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. Because --

22 MR. VON BONE: [Microphone not activated] Yes, there is some  
23 other issues that we want to speak about.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. Because I would prefer not  
25 to repeat it.

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1 MR. VON BONE: Well, Your Honour, every once in a while, I can't  
2 avoid being repetitive if I want to go a little bit faster through  
3 the issues. So -- and there is also issues that we might have a  
4 difference of opinion on or a different angle for. So, in that case,  
5 we touch upon the same topic and maybe even on the same event.

6 PRESIDING JUDGE VELDT-FOGLIA: Yes. And sometimes we will allow  
7 it and sometimes not. And please proceed now.

8 MR. VON BONE: Yes, fair enough.

9 Q. *During the period that you stayed there, was there any person*  
10 *whose hands were tied?*

11 A. No. No one had their hands tied.

12 Q. Was there any person during the entire period that you were  
13 there who needed to be fed, who was unable to feed himself but who  
14 needed to be fed?

15 A. No, no one. All could eat by themselves.

16 Q. In that room was also *Rrahim Gashi*; correct?

17 A. Yes.

18 Q. Have you noticed that *Rrahim Gashi* had a broken arm or a broken  
19 hand?

20 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, could you first  
21 make an open question and then go --

22 MR. VON BONE: [Microphone not activated] It is an open question.

23 PRESIDING JUDGE VELDT-FOGLIA: I don't -- you're already asking  
24 him what he's having. Maybe you could first ask him what he has. Or  
25 if he was harmed.

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1 MR. VON BONE:

2 Q. Did *Rrahim Gashi* tell you that he had been harmed in a  
3 particular way?

4 A. I can tell you with full conviction that *he had no arm broken*.  
5 There was no mark. It was only the back. So the back that I could  
6 see when the clothes were put off. *Whereas for the arm or for -- I*  
7 *mean, there was no broken arm*. Everybody was normal. Neither him  
8 nor anyone else had any of their limbs broken. And I'm not only  
9 talking here with regards to *Rrahim Gashi* but I'm talking about  
10 everyone. Like I said yesterday, they had no markings in faces, in  
11 their heads. They had no signs whatsoever.

12 I said also that two or three persons had their back red and  
13 there were some lines as well. There were no holes so -- like the  
14 Prosecutor said yesterday. I said that there were some lines, some  
15 marks, in the back. But otherwise there was no marking, no lines, no  
16 bruises in their heads, in their limbs. Because I have been  
17 imprisoned myself and I know what the pain is. I know what the marks  
18 are, what the lines are, and I know that very well.

19 So whereas for 17, 18 days that I was there, all those people  
20 were there. They could very freely move. I mean, they were training  
21 themselves. And like I said, there were no injuries. There were no  
22 broken arms or legs. And I can say that with full responsibility.  
23 I'm willing --

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you. Now  
25 you're repeating yourself. Thank you.

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1 THE WITNESS: [Interpretation] Okay.

2 MR. VON BONE:

3 Q. And on this point, to be a little bit more specific then. I  
4 understand what you said, Mr. Witness. Just one more thing. Did  
5 anybody complain about broken teeth?

6 A. No. There was no need for anyone to complain. If that were to  
7 happen, I would have seen that myself. Because if the teeth would be  
8 broken, then there would be blood in that person. No. No. How is  
9 it possible for me to be there, to be staying there for *17 or 18 days*  
10 and not to see somebody if their teeth were broken?

11 Q. It is clear. [Microphone not activated].

12 THE INTERPRETER: Microphone, please.

13 MR. VON BONE:

14 Q. You spoke at some point that -- somebody hit your hands at some  
15 point.

16 PRESIDING JUDGE VELDT-FOGLIA: Shall we bring in the reference?

17 MR. VON BONE: Yes. That is Part 4, page 2, line 19.

18 Q. You said in your statement they had a rubber stick. Could you  
19 describe that rubber stick?

20 A. I do not know whether there was a wooden stick or not. And to  
21 tell you the truth, it was insignificant. He was a young man and he  
22 seemed to be *like my kids*. I was apologised to. So those people  
23 that would bring food to us and that would bring water to us, they  
24 apologised for that gesture of the young man. They told me that that  
25 was done without their permission. So they did ask for pardoning

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1 themselves to me.

2 I did not react because, otherwise, if he was an adult, I would  
3 have reacted differently.

4 Q. I understand. Upon your release, could you tell us with which  
5 of the prisoners *you went to the Lata family?*

6 A. I said it before, that I didn't even know *who Lata was*. Because  
7 I was worried about myself. But *the person from Berrnice* -- so I  
8 told you that there was four of us that it were released, but this  
9 *person from Berrnice, he had become friends with Lata. And it was*  
10 *his proposal that we stopped at Lata's family and tell them that Lata*  
11 *is going to come afterwards, after us. So it was the four of us.*  
12 The four of us that were released more or less at the same time.

13 Q. So it's the *person from Berrnice*, yourself and the other two  
14 which were -- who were they?

15 A. *Rrahim and someone else, the one that was dealing with*  
16 *cigarettes. The one that I said was selling cigarettes.* I don't  
17 know him and I haven't known any of these persons from before.

18 Q. Thank you very much. Upon your release, can you describe *Lata's*  
19 physical condition?

20 A. He was very well. He was the one to train the more. So *Lata*  
21 was jumping, he was training. So physically speaking, he was the  
22 strongest out of us all.

23 Q. And that physical condition, was that during the entire time  
24 that you have stayed there?

25 A. During the entire time I was there, from day one.

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1 Q. And what was the condition of *Rrahim* upon his release?

2 A. In the moment when I met him and at the moment that we were  
3 released, he was just like myself. He was fit. He was okay. So  
4 there was no pain, no injury.

5 Q. Okay. I want to get back to the release moment again at what I  
6 call the *100 Deutschmark* moment. For how long have you approximately  
7 been standing there before you eventually left the area where you had  
8 been kept?

9 A. We were waiting for the other group, the second group, to join.  
10 So approximately five, six minutes. Because it was the two of us  
11 first and then after five or six minutes, the two others were  
12 released as well. It was about 15 to 16 minutes in total.

13 Q. And if you think back about that moment and you think about the  
14 area where you were standing, could you describe that area around a  
15 little bit.

16 A. I explained this before. I only saw two houses. I saw three,  
17 four civilians. And that was all. So the person that was wearing  
18 the KLA clothing was only one person and he told us where to go.  
19 There was no other person that I saw there. I'm talking about this  
20 person that gave me the *100 Deutschmarks*. This person was wearing  
21 the KLA clothes but without a mask. He was not wearing a mask.

22 Q. I understand. I just want to have a description of the nature  
23 of the area around you. Can you describe that?

24 A. It was green. It was April, so the yard was full of greenery.  
25 That's the natural nature of spring-time. That area is full of

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1 greenery. That is a mountainous area, so it has torrents. It is a  
2 greenery area. And in the place where I was staying, there was this  
3 meadow. The grass was green. It was very beautiful.

4 Q. Were there many trees around you?

5 A. I do not remember.

6 Q. Because you speak about greenery. I just wonder what you mean.

7 A. A very long time has passed and I don't remember that. And my  
8 attention was not to see the surrounding. My attention was going on  
9 the right direction and getting home.

10 Q. I understand. I want to go back to the moment that you had a  
11 conversation with the people upstairs in that building where you were  
12 downstairs kept.

13 Did anybody ever mention to you any name while you were there?  
14 Or did they call each other a name?

15 A. No. They only called me by my name.

16 Q. And when you were in the barn downstairs, did you ever hear  
17 upstairs? Could you actually hear upstairs people calling each  
18 other's names?

19 A. No. I did not hear voices of the people, but I could hear some  
20 music when the tone was high, the voice was high. But people's  
21 voices was not something that we heard. We were downstairs. But if  
22 they were playing some music, that is something that we would hear.  
23 About the voices, no, we didn't hear any voice.

24 Q. And while you were staying in the barn, did anybody who was  
25 being kept there with you mention any name of somebody who had

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1 mistreated him?

2 A. No. They said that they were brought someplace where it was  
3 very dark and they could not identify the people.

4 Q. Did *Rrahim Gashi* ever mention the name of Tabut or Tabuti to  
5 you?

6 A. No, never. This is the first time that I'm hearing this name.

7 Q. Was *Rrahim Gashi* talking with you or other people while he was  
8 in the barn while you were there?

9 A. No, there was no need for that. Because, to tell you the truth,  
10 in the moment in time when I was told that he *was a collaborator, a*  
11 *spy*, I didn't even want to see him, let alone to talk to him. And so  
12 I didn't enter into a conversation with anyone there. I didn't enter  
13 into a conversation with *Rrahim* either. So -- and this is the first  
14 time I'm listening the name of Tabut. So I am aware of this  
15 statement and I'm telling you that I have not heard that name before.

16 Q. Did anyone in the barn ever mention to you that he had been  
17 maltreated with an iron? I mean an iron with which you iron clothes.

18 A. No. They only said that they were beaten up but nobody  
19 mentioned what it was that they were beaten with. Although, to tell  
20 you the truth, I didn't believe them because they were okay, they  
21 were fine when I joined them.

22 Q. Did anybody [microphone not activated].

23 THE INTERPRETER: Microphone, please.

24 MR. VON BONE: Yeah.

25 Q. Did anybody ever mention -- anybody in the barn with whom you

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1 were kept during the entire time, ever mention the name of Dardan or  
2 Afrim?

3 A. No, never.

4 Q. Did anybody ever mention the name Bahria?

5 A. No.

6 Q. Did anybody ever mention the name Bimi?

7 A. No, no one. No. I have not heard this name.

8 Q. Did you ever see anybody who was with you in the barn after the  
9 war was over?

10 A. No. Only when we were released, *Rrahim Gashi* and the person  
11 from *Berrnice*. *Rrahim* came and stood over for one night because he  
12 couldn't go to his village. And the *person from Berrnice*, he was --  
13 remained *with my family* for about two to three days, and I never saw  
14 them again. No, I have not met any of them again.

15 Q. Were you never approached by somebody who said, "Don't you  
16 recognise me? I was with you in the barn"?

17 A. No.

18 Q. And when you have left the *family of Lata*, did you leave all  
19 together or did somebody stay?

20 A. No, we left all together.

21 Q. During your meeting with your -- the people upstairs in the  
22 building in which you were held, did anybody during that meeting  
23 speak about the *LDK*?

24 A. No, no one.

25 Q. Did anybody say that *you had become wealthy*?

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1 A. No, no one.

2 Q. Did anybody speak about the *Mother Teresa organisation* while you  
3 were in the barn?

4 A. No. No, no one mentioned that. Because I was no *Mother Teresa*.  
5 There was no point for anyone *to mention her*.

6 Q. Yeah, I understand *Mother Teresa as a person, but the*  
7 *Mother Teresa organisation is what I'm speaking about*.

8 A. *I understand that. The Mother Teresa organisation was a*  
9 *different thing. I mean, that was providing aid as well, but I had*  
10 *nothing to do with it*.

11 Q. Did you ever say in the barn that people had taken money from  
12 you away?

13 A. No, never.

14 Q. Did *Rrahim Gashi* tell you how he actually came there in the  
15 barn?

16 A. No.

17 Q. And upon your arrival in the barn, did he ever tell you how long  
18 he had been there?

19 A. No, I did not ask him. I don't know anything of that nature for  
20 any of them because I didn't ask any of them. Because I did not feel  
21 good to ask them how long they were there for. So I had my own  
22 worry, my family's worry, and I was not interested in anyone's  
23 problems. I had enough of mine already.

24 Q. I understand that, but my question was not so much whether you  
25 asked but whether somebody told you that by his own initiative.

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1 A. No. No, they didn't say anything.

2 Q. Have you noticed if *Rrahim Gashi* had any wounds on the head?

3 A. No, not at all. I would have seen that because he was only  
4 30 centimetres away from me. So if he had an injury in the head or  
5 in the arm or in the leg, I would have seen that. There was no  
6 injury on him.

7 I can tell that with full responsibility. I don't want to blame  
8 someone, but I don't want to say something which is not true. So  
9 there was no injury that he had.

10 Q. At some point you were released and you were on your way where  
11 you eventually went to the *house of the family of Lata*. My question  
12 is: Did you meet -- no. That place where you were able to shave  
13 yourself, what kind of place was that?

14 A. It's the place before you went to the juncture. So from Zllash,  
15 it was closer to that road juncture where we joined the column of  
16 people.

17 Q. Do you know Fatmir Humolli?

18 A. Who?

19 Q. Do you know Fatmir Humolli?

20 A. No. No, I do not know him. I know -- I've heard of the name,  
21 but I don't know him.

22 Q. Okay. And the people where you could shave, that place, what  
23 kind of -- what kind of place was it? What was it used for?

24 A. So there was this point of the KLA there. It was a very small  
25 area of the KLA.

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1198  
Cross-examination by Mr. Von Bone

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1 Q. And approximately how many people were in that place, that small  
2 place?

3 A. Four, five persons. This is how many people we met.

4 Q. And these people, were they KLA soldiers?

5 A. Yes.

6 Q. Did they have any particular insignia that you recall?

7 A. Yes, they had insignia. And I knew them because we have been  
8 together, you know, from the beginning of the war. So they had the  
9 uniforms of the KLA, the usual uniforms of the KLA, but they were not  
10 wearing any masks.

11 Q. And if we go back to the meeting that you had with the people  
12 upstairs from the building in which you were held, the people with  
13 whom you had that conversation, did they have any insignia?

14 A. They had KLA uniforms. They were not wearing masks.

15 Q. And what colour is that uniform?

16 A. Like the colour of the KLA. Green colour. That was the colour.

17 Q. Is that entirely green?

18 A. There was the eagle here as well. So there were the insignia,  
19 the emblem of the KLA as well.

20 Q. And were there any particular letters on the clothes of these  
21 people that you met in that conversation?

22 A. No, no. No. They were all the same.

23 Q. Do you know if they were from any particular unit?

24 A. How could I know? I do not know. I don't think so.

25 Q. Did you have at the time any idea how the KLA was organised in

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1199  
Cross-examination by Mr. Von Bone

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 that area?

2 A. Yes.

3 Q. And what can you tell us about that?

4 A. I knew that the KLA was present in that area as well. So the  
5 KLA General Staff was there at Zllash.

6 Q. Now, if I'm -- correct me if I'm wrong, but I think the  
7 *organisation of you gave previously some aid in that area; is that*  
8 *correct?*

9 A. *Not only in that area. That area was the poorest area in the*  
10 *region of Prishtine. Gollak, Mramor, Kecekolle, I mean, they were*  
11 *the poorest areas. So every village had their own commission and*  
12 *they took aid from the centre, and this is how that area was*  
13 *assisted. Because they could not even secure their bread for one*  
14 *month. This is how poor they were.*

15 Q. And who was your point of contact there? Or did you have any  
16 point of contact there?

17 A. Where? I'm not understanding. There was no need for that  
18 because they would approach us. *They had their own commissions. So*  
19 *they would file a request at us and we would give them their aid. So*  
20 *we were coordinating at the level of Kosovo. So we had 37*  
21 *municipalities and every municipality had their own commission. So*  
22 *it's not that we would go and approach them, but they would bring*  
23 *their requests at the headquarters, at our headquarters.*

24 Q. And was there any particular person from that area who would  
25 contact your organisation to receive aid?

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1200  
Cross-examination by Mr. Von Bone

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 A. Yes, it was the LDK commission at Mramor. So that was kind of a  
2 centre for Zllash and for other areas.

3 Q. And was there any particular person who was connected to that?

4 A. It was mostly *Shefki Gashi and Agim Gashi*. So these were the  
5 two persons there. These were mainly in contact with us.

6 Q. At the meeting in *Lata's father's house or Lata's family house*,  
7 could you tell us who actually from the family were there?

8 A. I do not remember. I remember that it was his father that was  
9 present and his sister. About others, I don't remember. About his  
10 father and sister, I know they were there. Probably someone else was  
11 there as well, but I don't remember.

12 Q. And that someone else, was that a female or a male?

13 A. I do not remember. I'm frankly telling you, I do not remember.  
14 A very long period of time has passed by and I don't remember.

15 Q. *Maybe a long shot, but do you recall what was the first name of*  
16 *the father of Lata?*

17 A. No.

18 Q. And did *Rrahim*, did he discuss what had happened to himself at  
19 that meeting?

20 A. No, because there was no time there to discuss about what  
21 happened to anyone. So we went there because we wanted to.

22 Q. Did *Rrahim* give any information to the father about *Lata*?

23 A. No, nothing.

24 Q. Did anybody of the family gave aid in the form of -- in the form  
25 of a kind of medical aid to any of the -- any of the group of four

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Cross-examination by Mr. Von Bone

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1 from which you were -- in which you were participating?

2 A. *We didn't go there to ask for medical assistance. We already*  
3 *had eaten one hour ago. And I already explained the situation to*  
4 *you. We ate something there at the point of the KLA. So this was --*  
5 *this person in the group that insisted to turn to their house. They*  
6 *didn't have facilities themselves, let alone providing medical*  
7 *assistance to someone else.*

8 Q. Okay. But just --

9 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, Defence counsel, just  
10 for planning, I want to indicate that in five minutes, less or more,  
11 we would like to go into a break.

12 MR. VON BONE: Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: But it depends on your line of  
14 questioning, if --

15 MR. VON BONE: Yes, I'll finish this part --

16 PRESIDING JUDGE VELDT-FOGLIA: But then we can -- we can proceed  
17 afterwards.

18 MR. VON BONE: Yes, yes.

19 Q. Just to be more specific, Mr. Witness, was any of the group of  
20 four, of the four prisoners, so to speak, *who were arriving at the*  
21 *house of Lata, the family Lata, was anybody of that group helped in*  
22 *order to clean blood-stains that they had?*

23 A. It is not clear to me, Mr. Lawyer, how would that be necessary  
24 for us to travel *for two hours, two hours and a half, and ask for*  
25 *someone to clean the blood-stains?* Because we were all together. If

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1202  
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1 there was a need for that, we would have been able to provide that  
2 assistance. We walked for *one hour and a half* in a mountainous area.  
3 There was no point in going *to his house, to Lata's house, and ask*  
4 *for cleaning the blood-stain out of the body of someone.* This is  
5 totally inaccurate.

6 MR. VON BONE: Then this is the most natural moment to stop,  
7 Your Honour.

8 Q. Thank you very much for this moment, Mr. Witness.

9 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we go  
10 into public, please.

11 [Open session]

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

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

14 Mr. Witness, as announced earlier, we will now have a break of  
15 30 minutes. The Court Usher will assist you in leaving the  
16 courtroom, and we will see each other back at 3.00. Okay?

17 THE WITNESS: [Interpretation] Okay.

18 [The witness stands down]

19 PRESIDING JUDGE VELDT-FOGLIA: Good. Half an hour break till  
20 3.00.

21 The hearing is adjourned.

22 --- Recess taken at 2.29 p.m.

23 --- On resuming at 3.01 p.m.

24 PRESIDING JUDGE VELDT-FOGLIA: Welcome. Let us start with  
25 appearances. I see everybody the same. Yes, noted, no changes.

Witness: W03594 (Resumed) (Open Session)

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1 I will ask Madam Court Usher to bring in the witness, please.

2 Thank you.

3 Defence counsel, I note here you have been using one hour and  
4 ten minutes.

5 [Trial Panel and Court Officer confer]

6 PRESIDING JUDGE VELDT-FOGLIA: I was informed that the external  
7 web stream is working again, so that means that finally we can be  
8 broadcasted again.

9 Please.

10 [The witness takes the stand]

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

12 THE WITNESS: [Interpretation] Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, we continue with the  
14 testimony by the Defence counsel.

15 You have the floor.

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

17 I would like to have a point of clarification of the witness on  
18 a part of his statement, which is Part 5, page 22, and I will go from  
19 line 10 to line 20.

20 Q. Mr. Witness, you had an interview with the Prosecutor on  
21 27 June, and at some point in that interview the question --

22 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, excuse me. Are  
23 you aware that we are in public? Just to be sure.

24 MR. VON BONE: May I briefly go into private session.

25 PRESIDING JUDGE VELDT-FOGLIA: Of course.

Witness: W03594 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 1204

Cross-examination by Mr. Von Bone

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1 MR. VON BONE: Because I would like to have some guidance.

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

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

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

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

7 MR. VON BONE: I note that in line 17 there is a person  
8 mentioned. However, that person is deceased. I do not think that it  
9 is somebody who is falling into any particular part. But for the  
10 sake of, you know --

11 PRESIDING JUDGE VELDT-FOGLIA: I see -- I would say in case of  
12 doubt, let us stay in private session.

13 MR. VON BONE: Okay. So we go in private session.

14 PRESIDING JUDGE VELDT-FOGLIA: If that is it okay with the  
15 Prosecutor.

16 MR. DE MINICIS: That would be our preference, Your Honour.  
17 Thanks.

18 MR. VON BONE: Okay.

19 Q. So, Mr. Witness, that was a statement that you made on 27 June.  
20 And I would like to read you something, just to give you an idea, and  
21 then I would like to ask you a question for clarification on this --  
22 on an issue.

23 The question was asked to you:

24 "All right. So you are still looking for justice?"

25 And then your answer is:

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1205

Cross-examination by Mr. Von Bone

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 "Do you know these people that were -- they were killed from  
2 KLA. People are sending me words. They are saying that, 'The person  
3 that's given the order for you to be imprisoned, he's dead now.'"

4 And then the question was asked:

5 "And which persons is that?"

6 And your answer is:

7 "Sometimes they tell me about *Isa Kastrati who was my friend*, he  
8 is [sic] dead now. He's been killed. Because now the dead person,  
9 he's not able to talk, he's not able to speak, so they're putting  
10 that on him. They are blaming him."

11 Do you recall this, that you were asked this question and that  
12 you gave this answer?

13 A. Yes, it's true.

14 Q. Thank you. Just -- just -- let me -- let me give you my  
15 question.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, you should wait  
17 to talk --

18 MR. VON BONE: Oh, sorry, Your Honour. Sorry.

19 PRESIDING JUDGE VELDT-FOGLIA: -- because if not, I don't get --  
20 I haven't heard the answer of the witness.

21 MR. VON BONE: Okay. So I'll do it again.

22 PRESIDING JUDGE VELDT-FOGLIA: For the interpretation, could you  
23 repeat the answer, please, of Mr. Witness.

24 THE INTERPRETER: Could the witness repeat his answer, because  
25 there is this overlapping.

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1206

Cross-examination by Mr. Von Bone

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1           PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] There  
2 was overlapping. So --

3           MR. VON BONE: So I'll ask the question -- yes.

4           PRESIDING JUDGE VELDT-FOGLIA: Please repeat the question and  
5 [Microphone not activated].

6           MR. VON BONE: Yeah.

7 Q. I just cited from a part of your testimony, and my first  
8 question was: Do you recall that this was asked and that you  
9 answered this?

10 A. It's true that I said this in the Prosecution and I'm saying  
11 this today.

12 Q. Yes. Now, my question is the following: In the last part you  
13 are saying:

14 "He's been killed." And "he" is *Isa Kastrati*. "Because now the  
15 dead person, he is not able talk, he is not able to speak, so they're  
16 putting that on him. They are blaming him."

17 And my question is who do you mean with "they"?

18 A. I don't know. X persons. I don't know them. They came to a  
19 table where I was sitting, told me that, "The person who gave order  
20 to imprison you was *Isa Kastrati*." *Isa Kastrati* was a close friend  
21 of mine, a friend of my cause. And when I said that the dead people  
22 don't speak, it's true. The dead people don't speak. So it is easy  
23 to blame the dead. I don't really think that *Isa Kastrati* was that  
24 person because he was *my friend in cause*. That's the truth. I mean,  
25 that's what I did say to the Prosecution.

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1207

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1           *If Isa was alive, he would speak today and they wouldn't be able*  
2           to blame him if he were alive today. Nobody would dare to blame him,  
3           to say that he did that. But that's why I said that the dead don't  
4           speak. *And Isa cannot come out of his grave and oppose to this*  
5           blaming.

6           Q. Thank you. I just am not sure whether I got your answer  
7           correct. Because my question was: Who are these "they"? They  
8           are --

9           PRESIDING JUDGE VELDT-FOGLIA: Defence counsel -- no, wait. I  
10          thought he --

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

12          PRESIDING JUDGE VELDT-FOGLIA: I think they were the people that  
13          came to his table.

14          MR. VON BONE: So who -- who -- sorry.

15          PRESIDING JUDGE VELDT-FOGLIA: You can go on with that question.  
16          Yeah, that you can. But --

17          MR. VON BONE: Sorry.

18          Q. So people that came to your table, who are these people that  
19          came to your table?

20          A. Mr. Lawyer, I don't know them. I stood up and left the table  
21          myself, because I told them to either leave or I would leave. And  
22          perhaps maybe they included, that group of people included that  
23          person who gave the order to imprison me. That's the impression that  
24          they left me.

25          Q. And where did this happen?

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1 A. *In Prishtine.*

2 Q. And where in particular *in Prishtine*?

3 A. *In the Grand Hotel, on the terrace.* It was summer time. I was  
4 sitting there. Three people came over and asked if they could join  
5 me. I didn't know them. I said yes. And they told me if I was  
6 interested in knowing who the person who gave orders to imprison me  
7 was and they said it was *Isa Kastrati*. And when they told me that, I  
8 told them to leave the table. I didn't explain to them that he was  
9 *my friend*. So they didn't leave the table, so I stood up and left  
10 the table. That's the truth.

11 Q. I understand.

12 A. So, Mr. Lawyer, I received such provocations in the past 20  
13 years at numerous times. Unknown persons have approached me, and I  
14 did mention this at the Prosecution. They, for example, offered,  
15 have offered to me to give a name and so that they -- so that revenge  
16 could be taken. But it's unknown people, and I received such  
17 provocations on numerous occasions in the past 20 years, but I didn't  
18 fall in that trap.

19 Q. Thank you very much. Now that is clear.

20 Now, you were trying to find out who was responsible for your  
21 imprisonment, so to speak, *and at some point you had a meeting with*  
22 *Adem Shehu*?

23 A. Yes, it's true.

24 Q. What was exactly *the position of Adem Shehu* in the area where  
25 you would have been detained?

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Cross-examination by Mr. Von Bone

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1     A.     *I will speak in Adem Shehu's words, so I'm quoting him. He told*  
2     *me, "Fatmir Sopi and I were commanders in the area of Zllash.*  
3     *Without my permission and Fatmir Sopi's permission, nobody could be*  
4     *imprisoned or detained in Zllash. I give my word by my family that*  
5     *this was not the case." He even -- and he told me that I could sue*  
6     *him in any court. He told me under oath by his family that he had*  
7     *learned only three days before that I had been detained in Zllash.*  
8     *And he told me that only Fatmir Sopi and he were commanders in the*  
9     *area of Zllash, and without their permission, nobody could be*  
10    *imprisoned in the area of Zllash.*

11           He is alive, that person I'm talking about. I'm not inventing  
12 things. I am quoting him. And I'm grateful to him. I'm publicly  
13 grateful to him because he did give me an explanation.

14           Even today I'm not sure. I told the Prosecutor that we - that  
15 is, our family - are always trying to find the person. Because it  
16 was only one person who gave the order, not 20 or 30 persons.

17           This is my conversation with *Adem Shehu*. And these were his  
18 words. And he told me -- and he is alive today. He told me that I  
19 could sue him everywhere, anywhere, because he would respond to that  
20 in any national or international court. He told me, "I assure you  
21 that you I learned about it only three days ago. I didn't know that  
22 I was" --

23     Q.     *I understand. Now, you did not have any meeting with*  
24     *Fatmir Sopi; is that correct?*

25     A.     *No, I didn't have any meeting because he didn't deem it*

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1210

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*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1     *reasonable to have a meeting with me. He might have had some coffee*  
2     *with me. I don't know him. I'm not sure. But given the fact that*  
3     *he was a commander in that zone, he should have had a meeting with*  
4     *me, like Adem Shehu did, so that he could purge his figure [as*  
5     *interpreted]. And I would forgive the person who gave the order*  
6     *today. My family and I. That is, the person who gave orders for me*  
7     *to be imprisoned. He did not approach me. Even if I see him today,*  
8     *I don't know him. I cannot recognise him. It is 20 years.*

9     Q.     [Microphone not activated] thank you very much.

10            I go back to the barn and the moment that you were staying there  
11     with the other people. Did anybody in that barn ever speak about  
12     Salih Mustafa or Cali?

13     A.     Mr. Lawyer, I know Salih Mustafa personally. I know him  
14     personally. Had anyone mentioned his name, I would say yes, but  
15     nobody mentioned him.

16     Q.     And did you ever hear upstairs, possible or not possible,  
17     anybody speak about Salih Mustafa or Cali?

18     A.     When I went upstairs, I saw everybody who was there. Had I seen  
19     Salih there, I would have recognised him, but I didn't see him there.  
20     As long as I was in Zllash, I never saw him there.

21            When I got out, I received information from other people that he  
22     was not there in that area. He was in another area called Majac.  
23     Had I seen him there, I would not have defended him, even if he were  
24     my brother. But I didn't see him there. And I would have seen him  
25     upstairs when I went upstairs, but I didn't see him there.

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Cross-examination by Mr. Von Bone

*Italicized text REDACTED from Public version pursuant to F493, F509 and CRSPD107*

1 Q. I understand. Thank you very much.

2 Then you spoke earlier about that you were *a member of the LDK*.

3 PRESIDING JUDGE VELDT-FOGLIA: Do we have a reference for that?

4 MR. VON BONE: [Microphone not activated] I think it's in the  
5 transcript somewhere today.

6 PRESIDING JUDGE VELDT-FOGLIA: Yes.

7 MR. VON BONE: It was just before. I'm not sure what it is.

8 PRESIDING JUDGE VELDT-FOGLIA: Later on you provide it to us,  
9 because I remember it too --

10 MR. VON BONE: I will, yeah.

11 PRESIDING JUDGE VELDT-FOGLIA: -- but it would be helpful for  
12 all.

13 MR. VON BONE:

14 Q. Did anybody at any time during your imprisonment or even  
15 afterwards ever tell you that *your membership of the LDK was -- might*  
16 *have been a reason to detain you?*

17 A. Mr. Lawyer, I already declared to the Prosecution no one ever  
18 told me why I was imprisoned, *neither the LDK nor any other reason*  
19 *why*. I said it today, I said it yesterday, I had no explanation from  
20 anyone why I was detained. This is the truth. Nobody mentioned  
21 anything.

22 Q. I understand. However, the Prosecution also asked you is there  
23 was a possibility regarding that. Do you think that is a clear  
24 possibility or is that just your opinion or speculation?

25 A. No, it is not speculation. *I spoke about LDK in general, not*

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1212

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1 about myself as a person.

2 Q. So I do not completely understand your answer.

3 A. I already explained. *There were also LDK members and other*  
4 *party or group members in the KLA. Earlier, the LDK was -- along*  
5 *with Ibrahim Rugova as pacifists. But when the war started, we all*  
6 *joined in it. I myself from the very beginning of the war in Drenica*  
7 *was engaged on a daily basis. I was -- I went to the war zones. I*  
8 *was a member of the LDK. And nobody ever asked me what party I*  
9 *belonged to. In the war, nobody asked you what party you*  
10 *represented. That is the reality.*

11 And when I was in Zllash, too, nobody ever explained to me. And  
12 I swear before this Court, I don't know why I was held there when no  
13 explanation was ever given to me. This is the truth. If anybody  
14 told me anything, I would have said it here.

15 Q. Thank you. Just a minute.

16 MR. VON BONE: The reference is page 52, line 10, of today's  
17 transcript --

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

19 MR. VON BONE: -- in which that issue is.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, what did you  
21 answer?

22 MR. VON BONE: Sorry.

23 PRESIDING JUDGE VELDT-FOGLIA: What you did answer when I told  
24 -- because there's kind of overlapping. I see that the interpreter  
25 could not write down what you said to me.

Witness: W03594 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1213

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1 MR. VON BONE: The page number is 52 and it is line 10 for the  
2 reference regarding the issue of *the LDK today*.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. It was something you said  
4 after my "thank you, Defence counsel." But apparently it was not  
5 something you recall, so okay. We should be careful not to overlap  
6 each other.

7 MR. VON BONE: Sorry.

8 Q. Have you ever heard of a unit called BIA?

9 A. No.

10 Q. Have you ever heard of a unit called Skifterat?

11 A. No, never.

12 Q. Was the word "Skifterat" ever mentioned while you were in the  
13 barn?

14 A. No.

15 Q. Was the word "BIA" ever mentioned while you were in the barn?

16 A. No, Mr. Lawyer, never. If it was mentioned, I would have said  
17 that I heard it. But I never heard it.

18 Q. Okay. The people that you had the conversation with upstairs,  
19 you described them, you described their attire, the clothes that they  
20 were wearing. Is it -- was it your observation that these people  
21 were from one and the same group?

22 A. I knew that they were KLA members. That's how I looked at them.  
23 I didn't know there was any difference among them. Now that I hear  
24 you asking me BIA, Skifteri, as far as I know, that was a KLA zone,  
25 and to me, I looked upon them as members of the KLA.

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Cross-examination by Mr. Von Bone

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1 Q. Mr. Witness, your organisation was distributing humanitarian  
2 aid. Would you go sometimes also yourself to rural areas where you  
3 would visit any place or person who was receiving that aid? Not  
4 necessarily during -- shortly before or after your detention, but  
5 even longer before, for example.

6 A. We visit all the war zones. When the war broke out in Drenica,  
7 in Malisheve, in Polac, Prekaz, Rahovec, I have visited them to  
8 coordinate the distribution of aid among various municipalities. So  
9 there was only one line of communication, let's say, because all  
10 other lines were blocked by the police. There was only one route  
11 through which we could distribute aid. So we saw to it that  
12 humanitarian aid was distributed to every communes. Gjilan, for  
13 example, transported the aid to the war zones we told them to. So we  
14 did visit these war zones. We were in constant contact with those  
15 zones. Because we didn't help only the KLA soldiers but the  
16 population at large. They were hungry, they were barefoot, so we had  
17 to provide aid to them. We did that also to -- Macedonia diaspora  
18 have helped the war zones too. Not only us. But I visited all of  
19 them.

20 Q. Thank you very much. You were describing the structure in which  
21 you were. There was a barn apparently downstairs and upstairs there  
22 were some other rooms, at least one. And this type of building, you  
23 call it a stable downstairs, and upstairs in whatever kind of space  
24 that was, is that a regular structure that you would see in the  
25 areas? Is it regular to see a barn downstairs and upstairs some

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Cross-examination by Mr. Von Bone

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1 other rooms?

2 A. No. It was not in other zones. I'm not talking about Zllash at  
3 large. I'm talking only about that particular house where I was  
4 detained. I don't know about other places where other commanders  
5 might have stayed. I'm talking only about the house where I was  
6 detained. Not all the zones had houses with barns below. Every KLA  
7 staff was housed in private homes, which means -- because the other  
8 premise -- facilities in Kosovo, vital facilities were occupied by  
9 Serb forces. But the KLA was housed, accommodated in private homes,  
10 as the one that I was detained.

11 Q. Okay.

12 MR. VON BONE: Your Honour, at this point we have no further  
13 questions.

14 Q. I thank you very much, Mr. Witness.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence counsel.  
16 Madam Court Officer, could you bring us into public session.

17 [Open session]

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

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

20 Mr. Prosecutor, do you want to continue with redirect  
21 examination?

22 MR. DE MINICIS: Your Honour, we do have a bit of re-direct. I  
23 trust we will be able to finish within this session.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. My question would be that  
25 we finish really some minutes or -- before 4.00. That I agreed with

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1 the interpretation that we really would not go over 4.00, but  
2 tomorrow we still have a whole day so ...

3 MR. DE MINICIS: Your Honour, I think I might be able to  
4 conclude before 4.00.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay, good. We will see.  
6 You have the floor and we are now in public.

7 Mr. Witness, the Prosecution will now continue with some further  
8 questions. Bear with us a little bit more.

9 Re-examination by Mr. De Minicis:

10 Q. Mr. Witness, I don't have a whole lot -- don't worry, I just  
11 have a few questions and I hope I will be finished pretty soon.

12 Now, Defence -- during the cross-examination by Defence  
13 counsel --

14 MR. DE MINICIS: Your Honour, I'm sorry. We're going to need to  
15 go to private session.

16 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] it's  
17 the way it is today.

18 Madam Court Officer, could we please go into private session.

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

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

21 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Prosecutor.

22 MR. DE MINICIS:

23 Q. During the examination of -- by Defence, cross-examination by  
24 Defence counsel, you discussed -- you were asked questions about  
25 being approached by people who suggested a dead person may have been

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1 responsible for what happened to you. And now -- do you recall that  
2 just happened?

3 MR. DE MINICIS: Your Honour, I don't have the reference readily  
4 available, but it happened a few pages ago.

5 Q. Now, I just want to ask you if this is the same -- these were  
6 the same people about -- in an episode or a number of episodes that  
7 you told the Prosecution about during your interview.

8 MR. DE MINICIS: And, Your Honour, could I please have Part 6 of  
9 the witness's interview with the SPO, so it would have been  
10 061016-TR-ET, Part 6, on the screen, page 8. And towards the end of  
11 the page. Yes, that will do.

12 Q. The Prosecution told you:

13 "When were you contacted?"

14 And you answered:

15 "*If they approached me, they would approach me at the cafe and*  
16 *they would say, 'How is it possible that you were in Zllash? And we*  
17 *are trying to find out about you. Is it possible that someone would*  
18 *put you in prison in Zllash?'"*

19 And if we could move on page 9 lines 3 to 6, you answered:

20 "*Is it possible for me to stand up and leave the table now? I*  
21 *haven't called you.'* And they said, '*No, we were concerned about*  
22 *you.'* And they were saying that."

23 Now, these people approached you there at the time. Would they  
24 be the same people that had approached you, suggesting that -- that  
25 that person may have been responsible for your incarceration?

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1 A. No, Mr. Prosecutor. There were three, four instances, when  
2 various different people, different faces approached me. Not the  
3 same persons.

4 Q. So you were approached several -- on a number of occasions by  
5 people. And were you alone or with other people when this happened?

6 A. No. When I was with someone else, this didn't occur. Only when  
7 I was alone. Otherwise, nobody dared approach me. When I was alone  
8 having a coffee, this happened. And I always took it as a  
9 provocation. I didn't fall in this trap. And I didn't say I was  
10 detained. I either stood up or they stood up and left. I told them,  
11 "Either go away" -- if they didn't stand up and leave, I left. And I  
12 had similar provocations on three or four instances.

13 Q. And do you recall, by and large, what period of time these  
14 provocations took place? I don't want the months but perhaps the  
15 year.

16 A. Usually it was after one or about two years after what happened  
17 that this happened. Then after the first two years, I did not have  
18 any more such provocations. So from 2000, 2001 or 2002, one and a  
19 half or two years, this happened, when I had such provocations.

20 Q. During this time, did you form an opinion as to what these  
21 people -- as to what the motive behind these people approaching you  
22 was?

23 A. The motive, in my opinion, is that among them there might have  
24 been even the person who has ordered this. To know for sure that I  
25 didn't recognise him. Or he might have sent them to find out whether

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1 I had any suspicions. I didn't give any names. I didn't want to  
2 talk with them. This is why and this is my personal opinion.  
3 Because I'd never asked them to come over to my table. I never asked  
4 any help from them. I never asked any explanation from anyone during  
5 these 20 years as to who did that. If I find out, I have declared  
6 also to the Prosecution that I am interested, along with my family,  
7 to find out who was the person who ordered my imprisonment.

8 Q. I understand. Thank you, sir. Now, if I understand you  
9 correctly, the impression that you formed over these couple of years  
10 where these two or three meetings happened where people were asking  
11 you these questions was that there -- they were trying to test  
12 whether you had -- you had somebody in mind, you had any suspicion  
13 about who could have been behind that and you were perhaps ready to  
14 accuse somebody about that. Is that the opinion that you formed?

15 A. Yes, but they were searching for that name. I mean, that was  
16 the impression that I was left with. So at every occasion, they  
17 asked me, "Tell us who the person was because we are ready to go and  
18 take revenge on your behalf. Just tell us who the person was."

19 Q. Thanks, Mr. Witness. That's clear.

20 MR. WITNESS, do you recall being interviewed by UNMIK  
21 investigators *in the year 2006*?

22 A. Yes.

23 MR. DE MINICIS: And, Your Honours, for reference, the  
24 statement, the record of that meeting, it's ERN is SPOE00130584 to  
25 00130587. And that would be tab 3 in our exhibit list for this

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1 witness.

2 Just a second, Your Honours, I'm getting to -- in the statement.

3 Q. Now, you told, Mr. Witness, that these people approaching you at  
4 the time, that happened two to three years after your imprisonment,  
5 so that would be 2002, 2003, give or take?

6 A. Yes, more or less that period of time.

7 Q. And the interview with UNMIK - according to the record, as we  
8 can see from, for instance, SPOE00130584, Your Honours, for reference  
9 - took place on 30 April 2006. Do you recall this interview taking  
10 place on that date or around that date?

11 A. I do not remember the date, but I know that I was invited by  
12 UNMIK.

13 Q. And what did the UNMIK investigator -- why did they invite you  
14 there? What did they want your cooperation for?

15 A. To tell you the truth, they invited me a couple of times and  
16 they threatened me. They told me that I would be brought by the  
17 police to give the testimony. And I'm telling you publicly, I didn't  
18 have any trust in the investigators of UNMIK. I went and I gave the  
19 statement. So given that it was true and given that I do not know  
20 anyone and that is part of the statement. So I don't know any of  
21 those persons who have imprisoned me at Zllash. I've told them that,  
22 "I don't want you to call me any more about the subject matter." So  
23 they gave -- they showed a series of photographs to me and I told  
24 them that I don't know those people. I very sincerely said that we  
25 don't know -- I don't know those people and I told them not call me

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1 again. And they agreed with that. And that's what happened. That's  
2 the truth.

3 So they asked me for as long as I was there, so I told them that  
4 I was at Zllash from this date up until this date, but I don't want  
5 to accuse any person because I don't know any of them. And given  
6 that I don't want to accuse anyone, I told them that I don't want to  
7 give any further testimony.

8 MR. DE MINICIS: And, Your Honours, if I could please have --  
9 may provided the ERN for a slightly different document that I wanted  
10 to bring up. If we could have SPOE00130588 to SPOE00130589, which I  
11 believe to be tab number 2. And my apologies for that.

12 Could we please scroll, Madam Court Officer, to the second page  
13 of that interview. A bit further down.

14 Q. So in the English version, it states:

15 *"I don't want to testify in court because I don't want anyone, I*  
16 *don't know anyone whom I can blame or accuse."*

17 Mr. Witness, is that what you told the UNMIK investigators at  
18 the time?

19 A. Yes, that's true. So I have signed that declaration myself.

20 MR. VON BONE: Your Honour, I would like to intervene for a  
21 moment.

22 It is for me not clear what is the re-examination of this issue.  
23 Is this concerning to any topic that we have discussed here or not?

24 PRESIDING JUDGE VELDT-FOGLIA: I have an answer to that. But I  
25 can have the SPO respond to that.

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1 MR. DE MINICIS: Well, yes, Your Honour. First of all, there is  
2 a general reason here which concerns the -- Your Honours, may I  
3 please ask for the witness to remove his --

4 PRESIDING JUDGE VELDT-FOGLIA: That seems to me a good idea.

5 Mr. Witness, can you put off your headphones, please.

6 Please proceed.

7 MR. DE MINICIS: First off, there is a general issue of  
8 credibility of the evidence given by the witness today who has, in  
9 our view, tried -- today and yesterday, tried consistently to  
10 downplay and belittle the experience that he and the other victims  
11 suffered during this period in detention and which is in stark  
12 contrast with what he stated to the Prosecution at the time. We  
13 believe that this may have -- maybe the consequence of fear and  
14 threats received by the witness.

15 Now, Defence counsel opened that box, so to speak, when he went  
16 into the *Isa Kastrati* is the one to blame line of cross-examination.  
17 These were the same -- then I went there. These were the same  
18 people -- I mean, not the same people, but within the same string of  
19 episodes that the witness experienced during these two years. And  
20 frankly, after -- the chronology of the events I think is interesting  
21 because the UNMIK episode happened after he had received these --  
22 what somebody might perceive as veiled or not-so-veiled threats, so I  
23 think it is entirely appropriate to explore that in my re-direct.

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

25 Would you like to react, Defence counsel.

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1 MR. VON BONE: I think actually it is beyond the scope of the  
2 re-examination, Your Honour. It is really -- the issue of  
3 *Isa Kastrati* was covered, who are the "they." The gentleman clearly  
4 stated how and what, and there is nothing further to it. There is  
5 not an issue of threats or whatever. That is what the Prosecution  
6 making of it and, in particular, I think that the Prosecution just  
7 wants to use the opportunity to say, Well, we want to have something  
8 about the credibility of this witness. And I think that is really --  
9 they should have done it in the first place, not now.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you Defence counsel.

11 Thank you, Mr. Prosecutor.

12 I see a line of questioning here which is starting with  
13 something you came up with.

14 Secondly, I find this an important issue to raise so -- and also  
15 I would like the Prosecutor to continue.

16 So my first answer to you is: I don't see it outside the scope.  
17 And secondly, I think it's important enough to continue.

18 Please continue, Mr. Prosecutor.

19 [Microphone not activated] Thank you, Madam Court Usher for  
20 helping the witness.

21 MR. DE MINICIS:

22 Q. So essentially, Mr. Witness, by the time UNMIK called you, you  
23 *did not want to testify about your case, did you?*

24 A. This is true.

25 MR. DE MINICIS: Your Honour, Your Honours, that was my last

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1 question. I don't have any further questions for this witness.

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

3 Madam Court Officer, can we go into public, please.

4 [Open session]

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

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

7 It's now the end of the day in court. We will continue with the  
8 questioning of the witness tomorrow at 9.30.

9 Defence counsel, could you inform the Panel how your client will  
10 be participating tomorrow?

11 MR. VON BONE: He will be participate remotely, so via the  
12 videolink.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you for that information.  
14 That is noted.

15 Mr. Witness, thank you very much for your time today. Tomorrow,  
16 we will continue some more, but I foresee that we will be finished  
17 tomorrow with your questioning. Let me remind you that you should  
18 not discuss your testimony with anybody. Do you understand that?

19 THE WITNESS: [Interpretation] Totally.

20 PRESIDING JUDGE VELDT-FOGLIA: Yes. Try to rest and we will see  
21 you again tomorrow. Is that clear?

22 THE WITNESS: [Interpretation] Thank you very much.

23 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you  
24 please accompany the witness out of the courtroom.

25 [The witness stands down]

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1           PRESIDING JUDGE VELDT-FOGLIA: Good. I look at the SPO, the  
2           Victims' Counsel, and the Defence consecutively to see if there is  
3           anything else you would like to raise with the Panel for now.

4           MR. DE MINICIS: Nothing, Your Honour. Thank you.

5           PRESIDING JUDGE VELDT-FOGLIA: No. I see the Victims' Counsel  
6           nodding.

7           Defence counsel.

8           MR. VON BONE: Thank you, Your Honour. We have nothing further.

9           PRESIDING JUDGE VELDT-FOGLIA: Good. This is very good timing.  
10          Thank you for that.

11          I thank the parties and the Victims' Counsel for their  
12          attendance. I thank the interpreters, the stenographer, and security  
13          for assistance today.

14          The hearing is adjourned. We see each other tomorrow at 9.30.

15                               --- Whereupon the hearing adjourned at 3.55 p.m.

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