

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

1 Tuesday, 14 December 2021

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

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

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I will call appearances.

11 Madam Prosecutor, you have the floor.

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

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

18 Victims' Counsel, you have the floor.

19 MS. ZEGVELD: Thank you. Good morning, Your Honours. Good  
20 morning, everybody. The victims are represented today by  
21 Marie-Pier Barbeau, Senior Legal Associate, and myself,  
22 Liesbeth Zegveld as co-counsel. Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Defence Counsel.

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

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

4 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you,  
5 Defence Counsel.

6 Mr. Mustafa, you can hear me fine?

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

8 PRESIDING JUDGE VELDT-FOGLIA: Very well. Okay. And, for the  
9 record, you are appearing before Trial Panel I.

10 MR. VON BONE: Your Honour, I owe two references.

11 PRESIDING JUDGE VELDT-FOGLIA: I was going to ask for it, so  
12 thank you for that.

13 MR. VON BONE: So the reference that I -- that we referred to  
14 yesterday first was about the issue of the word "arrested," and that  
15 would be page 16, line 19 and 20 of the transcript of yesterday.

16 And the other issue was about the average age, and that was  
17 page 37, line 20 and 21.

18 So I think that concludes the references.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes, yes. In general, it would  
20 be a good practice to do it during the hearing when you put your  
21 questions or, at the latest, in the course of the same hearing. But,  
22 anyway, thank you for this.

23 We can now proceed with the testimony of the witness. It will  
24 be the Panel who will be asking questions.

25 Madam Court Usher, could you please usher the witness into the

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1 courtroom.

2 [The witness entered court]

3 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

4 Mr. Witness, good morning, and welcome back to the  
5 Specialist Chambers. Can you hear me fine?

6 THE INTERPRETER: Microphone, please. Microphone, please.

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, is the  
8 microphone on? Okay. I cannot see it from here, but okay.

9 Can you hear me, Mr. Witness?

10 THE WITNESS: [Interpretation] Yes, I can. Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: Did you have time to rest? Are  
12 you feeling well?

13 THE WITNESS: [Interpretation] A very short time, but I'm fine.  
14 Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well. Mr. Witness, today we  
16 will continue with your testimony. We will -- it's the turn for the  
17 Judges to ask you some questions. We will try to gain some more  
18 clarity, some more details about things you already have given  
19 testimony on.

20 I remind you that you are still under oath and that you need to  
21 continue to tell us the truth.

22 Yes. Due to the nature of my questions, I think it's better  
23 that we go into private session and I foresee that all the questions  
24 will be asked in the private session.

25 Madam Court Officer, could you bring us into private, please.

Witness:W04674 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 2008

Questioned by the Trial Panel

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1                                   ~~[Private session]~~ [Open session]

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

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

4                                   WITNESS: W04674 [Resumed]

5                                   [Witness answered through interpreter]

6                                   Questioned by the Trial Panel:

7           PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, yesterday in the  
8 transcript - and for the reference, page 24, and that's the realtime  
9 transcript, lines 18 and 19 - you told us that some of the prisoners  
10 when they visit [REDACTED] they told in secret, you said, to  
11 your [REDACTED] that they had been mistreated. And could you --

12   A. That's right.

13   PRESIDING JUDGE VELDT-FOGLIA: Could you explain the Panel why  
14 it had to be done in secret.

15   A. They didn't want to hear -- they didn't want the [REDACTED]  
16 [REDACTED] That's  
17 why.

18   PRESIDING JUDGE VELDT-FOGLIA: [REDACTED]  
19 [REDACTED]

20   A. They felt for us, to tell us that [REDACTED] had been mistreated  
21 that  
22 way. The way, in fact, we've all been mistreated.

22   PRESIDING JUDGE VELDT-FOGLIA: But they also shared with  
23 [REDACTED]  
24 that they themselves had been mistreated.

24   A. Yes, they said so. But [REDACTED] had been mistreated a bit -- a  
25 lot  
26 more. [REDACTED] and someone else.

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

2           Now I understand better.

3           Had it also something to do with being afraid to tell it?

4           A. I don't think so. Only that the -- they were reluctant to tell  
5           us that [REDACTED] had been mistreated so badly.

6           PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you. Yesterday also  
7           during your testimony on page 28, lines 5 and 6, you told us that  
8           after -- two months after the Serb offensive, you came back from  
9           Prishtine. And you said that right when the offensive started, the  
10          day when the prisoners came to [REDACTED] you  
11          left for Prishtine.

12          A. Yes.

13          PRESIDING JUDGE VELDT-FOGLIA: And my question is: Who left for  
14          Prishtine that evening or that day? Was you and [REDACTED] or was  
15          it also [REDACTED]

16          A. [REDACTED] We travelled together  
17          onboard the tractor.

18          PRESIDING JUDGE VELDT-FOGLIA: And after two months you came  
19          back, you said yesterday, from Prishtine.

20          A. Yes, we returned.

21          PRESIDING JUDGE VELDT-FOGLIA: And did you all come back  
22          together? So including also [REDACTED]

23          A. Yes. [REDACTED]

24          PRESIDING JUDGE VELDT-FOGLIA: And when was that, less or more?

25          A. I really forget the dates but it was immediately upon the entry

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Questioned by the Trial Panel

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1 of NATO soldiers. I really can't remember the dates.

2 PRESIDING JUDGE VELDT-FOGLIA: Okay, very well. Thank you for  
3 clarifying that.

4 Yesterday - and that's the transcript page 82, lines 8 and 9 -  
5 you confirmed that [REDACTED] told you that [REDACTED] had been taken  
6 to the [REDACTED] zone. And you also said - and that's the transcript  
7 page 63, lines 12 and 13 - that [REDACTED] did not want to let you  
8 know that [REDACTED] was in Zllash.

9 And my question now would be: Did you confront [REDACTED] with  
10 what you had heard from the people who came to [REDACTED] and  
11 who had been prisoners, according to them, from the KLA and said that  
12 [REDACTED] was held prisoner with them? Did you confront [REDACTED]  
13 with that?

13 A. I did not.

14 PRESIDING JUDGE VELDT-FOGLIA: And was --

15 A. I didn't ask him about anything else apart from, "Where is  
16 [REDACTED]" And he told me that, "[REDACTED] has been taken to the  
17 [REDACTED] zone."  
18 "Is it true, [REDACTED]" I asked. And he said, "Yes, it is true." In  
19 fact, it turned out not to have been true.

20 PRESIDING JUDGE VELDT-FOGLIA: And did you believe him when he  
21 said that [REDACTED] was in the [REDACTED] zone -- wait, wait. Let me  
22 finish the  
23 question because if not, then the interpreters really cannot do their  
24 job properly.

25 Did you believe him at that time?

A. Yes, I did. Because I wanted -- I would be too happy to know  
that he was there somewhere.

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1           PRESIDING JUDGE VELDT-FOGLIA: But even with the information  
2 that was shared by you, you didn't know if it was true, but the  
3 prisoners had told not you but [REDACTED] that he was kept also  
4 prisoner  
5 somewhere else. So you had information that it could also be not  
6 true what [REDACTED] was telling you.

7 A. I met [REDACTED] after the offensive. After they had left to  
8 Prishtine. After sometime, and I was in the village, that's when I  
9 met [REDACTED] and we went to Prishtine together. That's when I  
10 encountered him for the first time.

11 PRESIDING JUDGE VELDT-FOGLIA: Yes. And you could have said,  
12 "Somebody told me that he has been -- that [REDACTED] has been held  
13 prisoner." But ...

14 A. He told me that he had been in custody but that he had been  
15 taken to the [REDACTED] zone.

16 PRESIDING JUDGE VELDT-FOGLIA: Ah, okay. Okay. Good. Good.  
17 Thank you. Yes.

18 In your SPO statement, and it was also briefly discussed  
19 yesterday, you said - and then we are, and I quote for the record,  
20 076509-TR-ET, Part 1, page 15, lines 9 and 10 - you stated:

21 "[REDACTED] was on his way to [REDACTED] stopped him and said,  
22 'I have an order here to take you.'"

23 And do you know - and I know that you were not there but  
24 [REDACTED]  
25 was there - but do you know if [REDACTED] showed a written order to  
26 [REDACTED]  
27 So on paper.

28 A. I can't remember.

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Questioned by the Trial Panel

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1           PRESIDING JUDGE VELDT-FOGLIA: Very well. And were you told  
2 anything else about this order; for example, who gave the order?

3           A. No, I don't know anything about it.

4           PRESIDING JUDGE VELDT-FOGLIA: Okay, very well.

5           Yes. In your SPO witness statement - and, again, it's the  
6 ERN 076509-TR-ET, Part 2, page 4, and then lines 4 till 6; and I will  
7 also refer to 21 and 22 - you stated, when talking about what you  
8 thought that was the prison where [REDACTED] was held, you said:

9           "It used to be a stable for the cows and they had transformed it  
10 into a prison."

11           Can you explain the Panel how you knew that this was -- that was  
12 turned into a prison? Did you see any signs? What was it that it  
13 made you think this used to be a prison?

14           A. It is easy to see that it was a cowshed because you could see,  
15 you know, the place where they ate, the trough, that is, and then you  
16 could see the waste around it.

17           PRESIDING JUDGE VELDT-FOGLIA: But how could you see that it had  
18 been turned into a prison?

19           A. [REDACTED] knew that they were being held at that place. We heard  
20 here and there, in fact, that they had been kept in that cowshed.  
21 Those who came said the same, that they had been kept in a basement.

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

23           And then on the same page, you say to it the SPO:

24           "All these buildings, adjacent buildings around the courtyard,  
25 were filled with projectile holes."



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1           And if you say the word "projectile holes," what do you mean?

2           Shelling holes or bullet holes? So ...

3           A.    Little ones, bullets.

4           PRESIDING JUDGE VELDT-FOGLIA: And were there signs at the  
5           buildings and in the courtyard of a military confrontation on that  
6           site? I mean, did you see abandoned military vehicles or uniforms or  
7           military equipment or something like that?

8           A.    No, there was nothing to see that had been abandoned there. The  
9           only thing we saw had been bullet holes. Because the Serbian army  
10          used to shoot at the homes, at the houses around there, there were  
11          holes in the woodwork.

12          PRESIDING JUDGE VELDT-FOGLIA: Okay. And do I understand you  
13          well that you attribute the bullet holes to the Serbs having been  
14          there?

15          A.    The Serbs usually shot from a distance. They did not come any  
16          closer to the homes.

17          PRESIDING JUDGE VELDT-FOGLIA: And have you heard about the  
18          Serbian offensive reaching this prison area in the last part of  
19          April 1999 or later? Just if it came to your knowledge. If you  
20          don't know, that's also an answer.

21          A.    We heard of it because the refugees left that area and poured  
22          into Prishtine because they were fleeing that offensive.

23          PRESIDING JUDGE VELDT-FOGLIA: But my question was if you heard  
24          that they went to that specific area. If you know that they went to  
25          that specific prison area.

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1 A. They most certainly did. They checked every single house in the  
2 area.

3 PRESIDING JUDGE VELDT-FOGLIA: And how did you get to know that?

4 A. I know of it because there hasn't been a single house that  
5 wasn't set aflame. Wherever the Serbian offensive went through,  
6 that's what they did.

7 PRESIDING JUDGE VELDT-FOGLIA: But in this case, you refer to  
8 the bullet holes you saw. That's where you base it on, that you  
9 think that the Serbians were there, or they shot at the houses.

10 A. You could see the bullet holes and you could see that the  
11 granary, which was woodwork, was all penetrated by bullet holes.

12 PRESIDING JUDGE VELDT-FOGLIA: What I'm just trying to figure  
13 out, how you could know that it were the Serbs who did that and not  
14 somebody else.

15 A. There was no need for the KLA to cause that harm.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you. I would like to ask  
17 you some questions about the exhumation, and I can understand that --  
18 it's not -- it's a complicated topic but I have some specific  
19 questions. Yeah?

20 Yesterday we talked about the body of [REDACTED] and you told us  
that  
21 you were on a certain distance. Do you remember if he was wearing  
22 shoes at the time?

23 A. He was barefoot.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And yesterday in the  
25 transcript - page 75, lines 6 and 10 - you said that some of the

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1 others during the exhumation said that they saw bullet holes. You  
2 said, "I didn't see them. I was too far away." Did --

3 A. I stayed at a distance. They wouldn't allow me to come closer.

4 PRESIDING JUDGE VELDT-FOGLIA: No, I understood that you were  
5 not feeling well.

6 Did you hear somebody say that [REDACTED] arms and legs were  
7 broken? Did somebody mention that?

8 A. Somebody did say so, yes.

9 PRESIDING JUDGE VELDT-FOGLIA: Could you notice that yourself?

10 A. No, they wouldn't allow me to get any closer.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you. In your witness  
12 statement before the SPO, you indicated that when late [REDACTED] was  
13 exhumed, he had been dead for already two months. And it's statement  
14 076509-TR-ET, RED1, Part 2, page 21, lines 13 to 15.

15 A. A bit longer.

16 PRESIDING JUDGE VELDT-FOGLIA: How did you know that [REDACTED]  
17 had  
18 already been dead for two months?

19 A. From day that the prisoners came, keeping two behind. So that's  
20 when everything happened. The others went to Prishtine whilst those  
21 left behind were executed. Who by, I don't know. Because everybody  
22 abandoned the place, including the soldiers.

23 PRESIDING JUDGE VELDT-FOGLIA: And who -- this is your -- this  
24 is a conclusion. Did somebody tell you about this?

25 A. Nobody told me, but it is known that everybody was set free with  
the exception of those two. So it is fairly possible that they were

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1 executed by the people who later left for Prishtine.

2 PRESIDING JUDGE VELDT-FOGLIA: And if you say "people who left  
3 for Prishtine," who do you mean?

4 A. The soldiers. Everyone. Nobody stayed behind. Whoever was  
5 there. And I don't know who it was.

6 PRESIDING JUDGE VELDT-FOGLIA: And if you say "the soldiers,"  
7 which soldiers do you mean?

8 A. The KLA.

9 PRESIDING JUDGE VELDT-FOGLIA: I saw here in the transcript that  
10 you said two months, but you also said a little bit longer, yes?

11 A. A bit longer, yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Just for the record. Because I  
13 didn't rephrase you precisely and now I did.

14 Yesterday, page 28, line 12, you said that [REDACTED]  
15 did not want to tell you from who he received the information where  
16 [REDACTED] was buried. Yeah?

17 And in your SPO witness testimony - and then I give again the  
18 reference, I need to do that for the transcript, that is  
19 076509-TR-ET, RED 1, Part 2, lines 11 and 12 - you stated, and you  
20 were talking about [REDACTED] and the information he had received about  
21 where [REDACTED] was buried, that [REDACTED] didn't tell and you could  
22 not ask  
23 [REDACTED] at that time.

24 And my question was: Why was it not possible for you to ask him  
25 at that time about it?

26 A. In fact, I have asked him, but he didn't want to tell. He said

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1 that somebody had told him to look around that prison building.

2 Somebody had told him that the -- his son was not alive but keep  
3 searching around.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. I note what you are  
5 saying, but yesterday you told us that you asked him and he didn't  
6 want to tell you. And when you talked to the SPO, you said that you  
7 could not ask him. But that is not what you meant to say, if I now  
8 quote you rightly?

9 A. No, no, I did ask him but he didn't want to tell me. Because up  
10 to that point, we had been looking for [REDACTED] assuming he was  
alive.

11 On that particular day, we learned that he was not alive anymore.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you for clarifying that,  
13 Mr. Witness.

14 Yesterday - and that's transcript page 22, line 16, and page 22,  
15 line 17, and also page 57, lines 6 till 10 - you said that you and  
16 the others, when being [REDACTED] learned the name of one  
17 of the persons that had been detained together with [REDACTED] and that  
18 was [REDACTED] Yeah?

19 And do you know why [REDACTED] had been detained?

20 A. [REDACTED] for a couple of days, and he told us, he  
21 said that during the war he had bought a Kalashnikov rifle and he  
22 went up into the mountains to try it out. The KLA in -- the KLA took  
23 him to prison because he had shot with his -- the Kalashnikov which  
24 he had bought. He was imprisoned in Zllash for a certain period of  
25 time, which I don't know.

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1           PRESIDING JUDGE VELDT-FOGLIA: But did he say anything about  
2           having shot at somebody or at the KLA?

3           A. No, no, no. He just tried it out to see if it was working.

4           PRESIDING JUDGE VELDT-FOGLIA: Okay. And then he got arrested,  
5           he told you. Not you, but he --

6           A. Yes, that's right. He showed all of us why he was imprisoned.

7           PRESIDING JUDGE VELDT-FOGLIA: So he also told you?

8           A. Yes.

9           PRESIDING JUDGE VELDT-FOGLIA: Yesterday you said that because  
10          late [REDACTED] that he was arrested. And that's the  
11          transcript page 61, lines 13 and 14.

12          And in your SPO witness statement - and that's 076509-TR-ET,  
13          RED1, Part 2, page 25, lines 7 till 13 - you stated the following --  
14          the question was asked to you:

15          "Did any of the former detainees say why it was that [REDACTED]  
16          was  
17          detained?"

18          And your answer was:

19          "I don't need them telling me anything in this regard, because  
20          I'm telling you, [REDACTED] was detained because before the war he beat  
21          up  
22          a lot of people, and some of those men he beat up before was then in  
23          a high position within -- up there, and he arrested him and declared  
24          him to be [REDACTED]"

25          When you spoke about men he beat up "in a high position within  
26          -- up there," what kind of high position did you mean?

27          A. I think I must have been misunderstood. I don't know about

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1 positions. I thought that someone who [REDACTED] might have beaten up  
may

2 have had some high position, but I can't say what high position that  
3 might have been.

4 PRESIDING JUDGE VELDT-FOGLIA: Did you want to refer to politics  
5 or to the KLA or ...

6 A. No, no, I meant the KLA. Someone had a spite against him when  
7 he was in the KLA and wanted to take revenge.

8 PRESIDING JUDGE VELDT-FOGLIA: And do you have any names of the  
9 persons had he been beaten up, according to you?

10 A. No, no. There were many people he got into fights with. So he  
11 had many problems.

12 PRESIDING JUDGE VELDT-FOGLIA: So if I rephrase it - and please  
13 correct me if I don't rephrase it well - you say that you think that  
14 he might have beaten up people within the KLA, and this was a kind of  
15 revenge and that they --

16 A. I believe so. I believe so.

17 PRESIDING JUDGE VELDT-FOGLIA: And do you have any more specific  
18 reasons why you thought so? Do you know about persons he got into  
19 fights with that were from the KLA?

20 A. There were many that he had problems with, but I can't give you  
21 any names. But I thought, I presume that one of them, you know, has  
22 taken [REDACTED]

23 PRESIDING JUDGE VELDT-FOGLIA: And do you know the nature or the  
24 reason of the -- why he would get into these kind of fights?

25 A. He had bad company, I think. He had -- was powerfully built and

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1 was very quick-tempered, got into fights. You know, somebody else  
2 might start a fight and then he got involved.

3 PRESIDING JUDGE VELDT-FOGLIA: But do you know the reason? Was  
4 there disagreement about money or about political views, about --

5 A. No, I don't think for political views. For example, a friend of  
6 his might have a problem and [REDACTED] undertook it to resolve it his  
7 way.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes. Good. Are you afraid of  
9 anybody because you are giving this testimony?

10 A. I am not afraid of anyone because I am only telling the truth.  
11 I would never tell any untruths.

12 PRESIDING JUDGE VELDT-FOGLIA: And have you, up till now, ever  
13 been threatened with the view of your cooperation with the  
14 Specialist Chambers or with the SPO or the KSC, as such?

15 A. I had a suspicion once, but no, I don't have any facts to prove  
16 it. I can't say for sure.

17 PRESIDING JUDGE VELDT-FOGLIA: And what was your suspicion? Do  
18 you want to share that.

19 A. An unknown person called me, wanted to meet me. But recently he  
20 left me alone. I had a suspicion but that was it.

21 PRESIDING JUDGE VELDT-FOGLIA: That person -- did you know that  
22 person?

23 A. No, no, I didn't know him, never. He contacted me and I kept  
24 away from him.

25 PRESIDING JUDGE VELDT-FOGLIA: Did he say why he wanted to meet  
you?



Witness:W04674 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 2021

Questioned by the Trial Panel

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

1 A. Irrelevant things he said. He just wanted to contact me, to  
2 know me. I didn't want to have anything to do with him and then he  
3 left me alone.

4 PRESIDING JUDGE VELDT-FOGLIA: And did -- he left you alone. He  
5 left you alone and there was no follow-up anymore on that.

6 A. No, no.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well. Is there something  
8 you would -- we have been asking you a lot of questions. Is there  
9 something that you would like to say to the Panel about what happened  
10 to you [REDACTED]?

11 A. You're asking me about the war?

12 PRESIDING JUDGE VELDT-FOGLIA: In general. We have been asking  
13 you a lot of questions, everybody. So maybe there is still something  
14 that you said we have not touched upon and "I find it important to  
15 tell you."

16 A. No, I don't think so. I don't know what to say.

17 PRESIDING JUDGE VELDT-FOGLIA: That's also good. I will now  
18 look at my colleagues to see if there's a question remaining that we  
19 would like to pose to you.

20 [Trial Panel confers]

21 JUDGE BITTI: Mr. Witness, one very short question.

22 Today, page 13 of the transcript, lines 14, 15, you were  
23 referring to somebody called [REDACTED] Could you tell us if it was a  
24 [REDACTED]

25 A. [REDACTED] I would say.

Witness:W04674 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 2022

Questioned by the Trial Panel

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

1 JUDGE BITTI: Okay. So at that time he was [REDACTED]

2 A. Yes.

3 JUDGE BITTI: Okay. Thank you very much.

4 [Trial Panel confers]

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

6 Madam Court Officer, could you bring us back into public,  
7 please.

8 [Open session]

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

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

11 Mr. Witness, we have reached the end of your testimony, and I  
12 can understand that it has been very demanding. I would like to  
13 thank you for your efforts you gave -- put into giving your  
14 testimony, and I will -- I believe that it will help us in our  
15 efforts to find the truth. Thank you.

16 THE WITNESS: [Interpretation] Thank you very much. Thank you,  
17 too, and I am fully confident in the justice you'll render.

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

19 We wish you a safe journey home, and I remind you that you shall  
20 not discuss anything you have talked about in this courtroom with  
21 anybody. And you will now be assisted by Madam Court Usher out of  
22 the courtroom. Thank you.

23 THE WITNESS: [Interpretation] Thank you very much.

24 [The witness withdrew]

25 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, is there

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1 something you would like to raise at this moment in time?

2 MS. D'ASCOLI: Yes, Your Honours. Thank you. Just brief  
3 procedural matters.

4 Yesterday the Trial Chamber requested the SPO to inform the  
5 Panel and the parties of a tentative week when the SPO anticipates to  
6 be able to conclude the case, pursuant to Rule 129 of the Rules.

7 Your Honours, as you are aware, on 23 November we filed the  
8 notification regarding the last three witnesses expected to testify  
9 within the Prosecution case. This is filing F00268. And therefore,  
10 we will have W04485 scheduled for the week of 17 January,  
11 Witness W04484 scheduled for the week of the 24th; and then the last  
12 witness, W04849, scheduled for the week of 31 January to 4 February.

13 So this will be the last witness, after whom the SPO does not  
14 expect to have additional witnesses. Similarly we don't expect to  
15 have additional evidentiary material to be adduced after the  
16 testimony of the last witness. Therefore, we should be able to file  
17 a notification pursuant to Rule 129 either that day, same week, that  
18 is, by Friday, 4 February, or at the latest the Monday after that.

19 So this was just to answer Your Honours' question with regard to  
20 these scheduling matters.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay.

22 MS. D'ASCOLI: Monday, 7 February, I think. Yes, anyway, either  
23 that weekend or --

24 PRESIDING JUDGE VELDT-FOGLIA: The 7th --

25 MS. D'ASCOLI: Yes, the 7th.

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1 PRESIDING JUDGE VELDT-FOGLIA: Because Friday is the 4th.

2 MS. D'ASCOLI: Friday is the 4th, yes.

3 PRESIDING JUDGE VELDT-FOGLIA: There will be, of course, still  
4 the request to tender evidence used with the last witness, because  
5 then we will already have entered February and there's still a  
6 decision coming with regard to 4712. But, yes, that gives us some  
7 more clarity as to where we stand in the month of February.

8 MS. D'ASCOLI: Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Good.

10 Anything else to raise, Madam Prosecutor?

11 MS. D'ASCOLI: No, not at this stage. Thank you.

12 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, is there  
13 something that you would like to raise at this moment in time?

14 MS. ZEGVELD: No, thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well.

16 Defence Counsel, is there something you would like to raise now?

17 MR. VON BONE: No. Just that we will file the revised document  
18 either today or tomorrow, the document --

19 PRESIDING JUDGE VELDT-FOGLIA: With the clerical -- -

20 MR. VON BONE: Yeah. It's just --

21 PRESIDING JUDGE VELDT-FOGLIA: There may be a clerical error  
22 made by CMU or --

23 MR. VON BONE: Yes, exactly. Yeah, that's --

24 PRESIDING JUDGE VELDT-FOGLIA: -- additions you --

25 MR. VON BONE: [Overlapping speakers] ... maybe line this or line

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1 that, but that's basically it.

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

3 If the parties and the Victims' Counsel do not have anything  
4 else to raise with the Panel, we will resume on Tuesday, 18 January,  
5 9.30, with the testimony of Witness W04485. We are now entering the  
6 winter recess.

7 I thank you the parties and the Victims' Counsel and the people  
8 in the audio-visual booth and the interpreters and the security for  
9 their attendance and assistance.

10 And the hearing is adjourned.

11 --- Whereupon the hearing adjourned at 10.16 a.m.

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