

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

1 Wednesday, 17 November 2021

2 [Open session]

3 [The accused appeared via videolink]

4 --- Upon commencing at 12.59 p.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning -- good afternoon.

6 I'm so sorry for that. We were supposed to start in the morning,

7 but, yes, good afternoon.

8 Court Officer, can you please call the case.

9 THE COURT OFFICER: Good afternoon, Your Honours. This is case
10 KSC-BC-2020-05, The Specialist Prosecutor versus Salih Mustafa.

11 PRESIDING JUDGE VELDT-FOGLIA: We had technical hiccups this
12 morning. I'm happy that we can proceed for now and I was assured
13 that it should go well this afternoon, so let's hope for the best.

14 With regard to the time schedule for this afternoon, I propose
15 the following. We will have now a two-hour session from 1.00 till
16 3.00. Half an hour break. Then we have two hours at our disposal.
17 In principle, I would like to use one and a half hour and then see
18 where we stand and then we can decide to continue. But if we would
19 still have a substantial part to work on, then I will adjourn till
20 tomorrow and then we will proceed. If I see that we are getting to
21 the end, I don't know if that will be the case, then we can use that
22 half an hour to finish off.

23 Good. First of all, I will call the appearances. Madam
24 Prosecutor, who is present for the Specialist Prosecutor's Office.

25 MS. D'ASCOLI: The Specialist Prosecutor's Office is today

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1 represented by Cezary Michalczuk, Prosecutor; by Julie Mann, Case
2 Manager; Deborah Osborne, legal intern; and myself, Silvia D'Ascoli,
3 Associate Prosecutor.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 Now the Victims' Counsel, please.

6 MS. PUES: Good afternoon, Your Honours. And good afternoon,
7 everybody. The Victims' Counsel team is represented by
8 Njomza Haxhibeqiri, my Junior Legal Associate; Liesbeth Zegveld as
9 co-counsel; and by myself, Ani Pues, as counsel. Thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victim's counsel.

11 Defence counsel, you have the floor.

12 MR. VON BONE: Your Honour, good afternoon. The Defence is
13 represented by myself, Julius von Bone, lead counsel; my co-counsel
14 is Mr. Betim Shala; Fatmir Pelaj is our interpreter and investigator.
15 And joining via remote is Mr. Mustafa.

16 Thank you very much.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Mr. Mustafa, does the connection work fine?

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

20 PRESIDING JUDGE VELDT-FOGLIA: Very well. For the record, you
21 are appearing in front of Trial Panel I.

22 Before -- oh, Defence counsel, please.

23 MR. VON BONE: Briefly, Your Honour. Last week we have
24 disclosed again disclosure 97. I think it should be appropriate now
25 as it has been once again verified in the correct order as the Panel

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1 wanted.

2 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, I did not completely
3 understand what you were referring to.

4 MR. VON BONE: Last week, Your Honour, we discussed a filing
5 that we did not make in the correct order and we needed to refile
6 that same document with the right numbers.

7 PRESIDING JUDGE VELDT-FOGLIA: Yes.

8 MR. VON BONE: That new document has been filed now under
9 disclosure 97, has been done last week and has been checked. Thank
10 you very much.

11 PRESIDING JUDGE VELDT-FOGLIA: Yes. Yes, yes, yes. We have
12 taken notice of that. Thank you for that.

13 Before we start with the testimony of the witness, who will be
14 testifying today, W04676, I will give an oral order. This is for the
15 Specialist Prosecution Office.

16 The SPO is hereby ordered to file an updated order of testimony
17 including revised estimates for direct examination for the remaining
18 SPO witnesses who will testify in January and February 2022. And
19 this updated order should, if possible, include in the week of the
20 17th till the 21st of January the witness who requires the longest
21 time for direct examination.

22 This concludes my oral order.

23 And this is it for now.

24 Let us now move to the testimony -- please Madam Prosecutor you
25 have the floor.

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1 MS. D'ASCOLI: Yes, Your Honours, before we start, just two
2 brief remarks. First, we have released this morning disclosure
3 number 98 which contains the video of the SPO interview with
4 Mr. Mustafa that Your Honours requested. So that has been taken care
5 of.

6 And then just as a matter of -- you know, just to let the Panel
7 know that we will during this testimony, this witness testimony, make
8 our best efforts, of course, to elicit part of the evidence in public
9 session. However, it might be that due to the specific nature of
10 this witness's evidence, large parts will be held, in fact, in
11 private session. But we will do our best and it was just a warning.

12 Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Prosecutor. It
14 was a consideration with regard to this witness that was also made
15 internally within the Panel that in this case, it could be very
16 challenging to do it in public, a big part of it. It will be in
17 private for a large part. That we have seen too.

18 Good. Then let us now move to the testimony of the witness of
19 the SPO, W04676.

20 Madam Court Usher, could you please bring the witness into the
21 courtroom.

22 [The witness entered court]

23 PRESIDING JUDGE VELDT-FOGLIA: Welcome, Madam Witness. Today we
24 will start with your testimony, but before that, I will have some
25 remarks. And the first of them is that I'm sorry that you had to

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1 wait this morning before we could finally start with your testimony.

2 THE WITNESS: [Interpretation] Thank you. That's okay.

3 PRESIDING JUDGE VELDT-FOGLIA: Let me first explain the
4 protective measures that you have been granted for your testimony,
5 Madam Witness. You have been assigned a pseudonym, and that means
6 that we will never mention your name but we will only refer to you as
7 "Madam Witness" to make sure that the public does not know your name.
8 You will also have face and voice distortion which means that no one
9 outside the courtroom watching the broadcast can see your face or
10 hear your real voice during the testimony.

11 When you will be answering questions that will not reveal your
12 identity, we will do so in open session, which means that the public
13 can hear what is said in the courtroom.

14 When you are asked to describe anything that relates
15 specifically to you, or to mention facts that may identify your
16 identity, we will do so in private session. And that means that
17 there is no broadcast and no one outside the courtroom that can hear
18 what is said in the courtroom.

19 If anything is said during the open session that may identify
20 your -- may identify your identity, we will do everything to remove
21 any of such information from the broadcast that will be seen and
22 heard by the public and also from the public transcript of the
23 proceedings.

24 Are the protective measures that I just explained to you clear?

25 THE WITNESS: [Interpretation] Yes, Your Honour.

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1 PRESIDING JUDGE VELDT-FOGLIA: Okay, very well. Thank you,
2 Madam Witness.

3 I remind the parties and the Victims' Counsel, of course, of the
4 usual courtroom rules, and we already discussed that we will do our
5 utmost to pay attention to the protective measures and that we will
6 try to do as much in open session but that we are aware that part of
7 today's testimony will be conducted in private session.

8 Madam Witness, I turn back to you. You are called to testify
9 before the Specialist Chambers in the case of The Specialist
10 Prosecutor versus Salih Mustafa to assist the Panel of Judges to
11 reach a verdict. After you have taken your solemn declaration to
12 tell the truth, you will be asked questions by the lawyers for the
13 Prosecution, sitting over there; the lawyers representing the victims
14 admitted to participate in the proceedings; and the Defence counsel
15 for Mr. Mustafa; and by us, the Judges. And I would like to provide
16 you with some guidance for answering the questions that you will be
17 asked.

18 Madam Witness, please listen carefully to each question and if
19 you don't understand, feel free to ask a question to be repeated. We
20 want to you tell the truth and to tell us what you saw, experienced
21 heard or sensed yourself. And if you did not see or hear it yourself
22 but found out in some other way, then you should say so and explain
23 us how.

24 You may not remember all details and this is perfectly fine.
25 Please testify on what you remember, and it's perfectly fine to say,

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1 "I don't know."

2 Have you understood all this?

3 THE WITNESS: [Interpretation] Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well. There is also some
5 practical advice I would like to share with you for your testimony,
6 Madam Witness. Everything that we say here is translated and
7 recorded, so it is important to speak into the microphone, to speak
8 clearly, and to speak at a slow pace, to allow the interpreters to
9 translate everything. And you should only start speaking when the
10 person asking you a question has finished. And when the question is
11 asked, please count up in your head till five and only after that
12 start talking because that is essential for us to properly hear,
13 translate, and record what you are saying.

14 And if you have any questions, if you need a break or you need
15 something, please raise your hand and then you will give -- you will
16 be given the opportunity to speak.

17 Very well. Thank you. As we must do with every witness, I will
18 now ask you to read the solemn declaration to tell the truth, and I
19 remind that you it is an offence within the jurisdiction of the
20 Specialist Chambers to give a false statement.

21 Court Clerk, can you please assist the witness with the solemn
22 declaration.

23 THE WITNESS: Should I get up?

24 PRESIDING JUDGE VELDT-FOGLIA: You may remain seated.

25 THE WITNESS: [Interpretation] Thank you. Conscious of the

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1 significance of my testimony and my legal responsibility, I solemnly
2 declare that I will tell the truth, the whole truth, and nothing else
3 but the truth, and that I shall not withhold anything which has come
4 to my knowledge.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Witness. You
6 are now under oath to tell the truth.

7 We can now begin with the testimony of W04676, starting with the
8 questions by the SPO.

9 Madam Prosecutor, you have estimated two hours for your
10 questioning of this witness. Please proceed.

11 MS. D'ASCOLI: Yes, thank you, Your Honours.

12 WITNESS: W04676

13 [Witness answered through interpreter]

14 Examination by Ms. D'Ascoli:

15 Q. Good afternoon, Madam Witness. I am the counsel for the
16 Prosecution who will lead your examination this afternoon. Madam
17 President has already explained to you the protective measures
18 applicable in your case as well the use of private and public
19 session. For my part, whenever I will be asking you questions in
20 public session, I will remind you or caution so you that we are both
21 careful with the answers.

22 MS. D'ASCOLI: And now, Your Honours, since the first part of
23 the questions will concern identifying information, I will ask if we
24 can please go into private session.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well, Madam Prosecutor.

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1 Madam Court Officer, can you please bring us into private
2 session.

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

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

5 PRESIDING JUDGE VELDT-FOGLIA: Please, you have the floor.

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

7 Q. Madam Witness, can you please state your full name for the
8 record.

9 A. I am [REDACTED]

10 Q. Your date of birth, please.

11 A. [REDACTED]

12 Q. Your place of birth, please.

13 A. [REDACTED]

14 Q. Can you tell us whether you understand and speak English?

15 A. [REDACTED]

16 Q. Okay, thank you. Madam Witness, I'm going to ask you some
17 questions about the summer of 1999 and about a specific family. We
18 are in private session so don't be afraid to give out personal or
19 identifying information.

20 Do you know the family of [REDACTED]?

21 A. Yes, I do. [REDACTED]

22 Q. And can you explain [REDACTED]

23 [REDACTED]?

24 A. [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 So this is to say that [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. Thank you for this explanation, Madam Witness. Which village
10 was this family from, [REDACTED]?

11 A. The family [REDACTED] comes from a village in the
12 vicinity [REDACTED]. It's called [REDACTED]. It's the [REDACTED]
13 [REDACTED]. It is in the border-line with the village of
14 [REDACTED]. As a matter of fact, it is one of the [REDACTED]
15 [REDACTED].

16 Q. Okay. So you explained the way you knew the family. Did you
17 know [REDACTED]?

18 A. Yes, I did, [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. Can you tell us their names, [REDACTED].

24 A. Yes, I can. [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. Okay. You mentioned a person that you called [REDACTED]

5 [REDACTED]

6 A. Of course, yes. [REDACTED]

7 Q. Okay. Did you have contacts with the [REDACTED]

8 June/July 1999?

9 A. Yes. I did have contacts in June/July 1999, in the period of
10 time when the war was over and in the period of time when we started
11 to get back from [REDACTED].

12 Q. So you said you had contact with them in June/July. Can you
13 tell us what happened then?

14 A. So probably I will have to go a little bit longer in my
15 explanation.

16 On [REDACTED], for the first time, [REDACTED]. But
17 before this period in time, [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. So was this -- actually, let me put it more openly. When did
24 you first learn that something had happened to [REDACTED]?

25 A. For the first time I learned that something had happened to

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1 [REDACTED]. I don't exactly know
2 the time. I don't know on whether it was the first week of July or
3 whether it was the last time of June. I can't tell. I do not
4 remember it now.

5 In the time that [REDACTED], the police, military,
6 Serbian forces were still there in Prishtine. What it means is that
7 they were dislocated in different parts of Prishtine and the Serbian
8 forces were not fully evacuated. So this was the first time when I
9 was contacted by [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 Q. And what did he ask you to do precisely? You said - I'm reading
14 from line 13 - he invited you to help them because he identified
15 where the body of [REDACTED] was located.

16 What did he ask you to do precisely? In which way your help was
17 needed?

18 A. So I'm talking about these two weeks. I'm talking about my

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. Okay. And what happened then? Did you help him out?

24 A. Yes, I did. I helped him, [REDACTED]

25 [REDACTED]

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1 [REDACTED] we went to the village of Zllash. It was there that I saw
2 and met [REDACTED]. Yes?

3 Q. Let me go back a second. Was this, when you helped him, I mean,
4 was it in the same month, in the same time when he came to see you or
5 later on?

6 A. No. [REDACTED]

7 [REDACTED]. It was the same day that I went with him and
8 helped him [REDACTED]

9 Q. [REDACTED]
10 location of the body?

11 A. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] Because from

15 January 1999 up until 27 March - and I feel this is an obligation to
16 explain to you - Prishtine was in a military siege status from
17 Serbia, and all the exits from Prishtine were blocked. And the

18 [REDACTED]

19 [REDACTED]

20 we could not even talk over phones with anyone because there was no
21 connection running. [REDACTED]

22 [REDACTED].

23 Q. Okay, I understand. Did you assist [REDACTED]

24 [REDACTED]?

25 A. [REDACTED] -- I mean, I have helped them

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. Madam Witness, I will now go into open session for a few
6 questions. When I will ask you questions about the exhumation,
7 please remember not to mention the name of [REDACTED]
8 [REDACTED], and we will go back for more
9 details later when we are in private session again.

10 MS. D'ASCOLI: Your Honours, if we can go back to open session,
11 please.

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

14 [Open session]

15 THE COURT OFFICER: Your Honours, we're in open session.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
17 Please proceed. Madam Prosecutor.

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

19 Q. Let's move to the exhumation itself. Where was the body
20 located? Where did you go to dig it out?

21 A. [REDACTED] came and took me and together we went to the
22 village of Zllash to exhume the body of the victim.

23 Q. Had you ever been to Zllash before then?

24 A. Never before in my life had I been there.

25 Q. And can you tell us how you reached the location? And because

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1 we are in open session, just an answer that describes the means of
2 transport would suffice. Thank you.

3 A. He came and took me. There was a tractor and we got on the
4 tractor. [REDACTED], we went directly at
5 Zllash.

6 Q. And can you describe the area of Zllash where the grave was
7 located. And, of course, we keep in mind that you just said you had
8 never been there, so just what -- just the location where it was
9 located.

10 A. The location we went into was a mountain, so it was a mountain
11 with trees, and somewhere in the depth of the village the tractor
12 itself stopped. It was there that we got off the tractor, and it was
13 there that I met with other people as well. [REDACTED]
14 said, "This is the place where his body is buried and we have to take
15 that body from this burial site."

16 Q. Okay, thank you.

17 MS. D'ASCOLI: Your Honours, can we please go back into private
18 session for some questions that would reveal identifying details,
19 please.

20 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
21 bring us into private session, please.

22 ~~[Private session]~~ [Open session]

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

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

25 Madam Prosecutor, please proceed.

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

2 Q. Madam Witness, you said you went to Zllash [REDACTED]

3 [REDACTED] Who else came to Zllash with you? Who

4 else [REDACTED] if you remember?

5 A. Well, together with me, [REDACTED]

6 [REDACTED] I don't

7 recall their names exactly because about 22 years have passed from

8 that time. But I know that it was [REDACTED].

9 Q. And you mean [REDACTED]; right?

10 A. Yes, I do. Yes.

11 Q. And how did the group know where to go? Who was leading the

12 trip, let's say?

13 A. Given that the village of Zllash is not located [REDACTED]

14 [REDACTED], because all those villages are kind of

15 clustered with one another, [REDACTED]

16 [REDACTED]. So we were led by

17 [REDACTED], to go to Zllash.

18 Q. Can you now describe how the exhumation proceeded. If you can

19 take us through the steps of what happened once you were at the site

20 of the grave. And you can mention names and the role that each of

21 the participants had.

22 A. We got off the tractor, [REDACTED], and it

23 was there that we met with [REDACTED] They were staying

24 at the burial site. They had a coffin with themselves, so they had

25 some plastic bag, a white plastic bag with them. They had the

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1 gloves. They had a shawl as well, because in the exhumation process,
2 I mean, bacteria can pop up, and they just wanted to kind of be
3 cautious as much as they could. It was in that meadow, in that lawn,
4 that everything was green. I mean, there was greenery, there was
5 grass, and the only location that was -- where there was this spot of
6 earth, I mean, there was this place where he was buried. [REDACTED]
7 headed towards the burial site. [REDACTED] again went
8 towards the burial site, and I was after them, whereas the other
9 persons were surrounding the place. [REDACTED] said, "This is the
10 place
11 where he is buried and we have to dig up the earth so that we can
12 take the body of the person." In order for us not to damage the body
13 of the victim, I asked them all, [REDACTED]
14 and -- [REDACTED] who were there. I don't remember their
15 names. I asked them to be careful while they were digging up the
16 grave because they could otherwise damage the body of the victim.

17 They started by removing the earth surrounding the grave, first
18 and foremost, and then I asked to be very careful up until they saw
19 any sign that there was a buried body in there. So what they did is
20 that they did gradually dig the earth away from the body [REDACTED]
21 and they came across a blanket that was covering the body. It was in
22 that moment in time that we identified that there is someone buried
23 here.

23 Q. Do you remember if it the grave was deep or shallow?

24 A. Yes, I remember that well. So the grave was not deep; it was
25 shallow. It was about 30 centimetres. Probably that's even more

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1 than what the fact was. So maximum, it was 30 centimetres where the
2 person was buried.

3 Q. So you said that -- then you identified that there was someone
4 buried here. I'm reading from line 7 of the live transcript.

5 What happened then with the body? What did they do? In brief,
6 because we will look into the photo and go through a detailed
7 analysis of those photos as well.

8 A. They continued to open up the grave and to remove the earth that
9 was covering the body. And we removed the blanket that was covering
10 the body, and it was immediately in that moment in time that the
11 [REDACTED].

12 Q. And how was the body identified and by whom specifically, if
13 there was anyone specifically who did that, who did the
14 identification?

15 A. The identification was done by [REDACTED]

16 [REDACTED]

17 [REDACTED]. It was July. However, there was not a total
18 rotting of the body of the victim, so the remainder of the body
19 except for the head was easily identifiable. So he identified him

20 [REDACTED]

21 [REDACTED].

22 So what convinced him was [REDACTED]

23 [REDACTED]

24 Q. So I understand [REDACTED]

25 [REDACTED]. Do you remember anything else of his

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1 body, physically speaking, I mean, [REDACTED]

2 [REDACTED]

3 A. His overall height. [REDACTED] was quite [REDACTED]. He was wearing a

4 pair of jeans as well as joggers underneath. He had no shoes on. He was barefoot, that is. And the coat which he was wearing.

6 Q. Okay, thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, Madam Prosecutor.

8 Something went wrong with my live feed. And now it's back again.

9 Mr. von Bone, you had the same problem? Do you have the live transcript again on your screen?

11 MR. VON BONE: I have it now, but every once in a while, it seems to ...

13 PRESIDING JUDGE VELDT-FOGLIA: Let's proceed a little bit more and we assess.

15 Excuse me, please, Madam Prosecutor. I will confer with CMU.

16 [Trial Panel and Court Officer confer]

17 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, can we proceed or do you have a problem?

19 MR. VON BONE: No, we can proceed, Your Honour. Just I noticed that every once in a while, it just goes out, and then it goes on again. But we can proceed.

22 PRESIDING JUDGE VELDT-FOGLIA: We will see how it -- how we can proceed at the moment. If there is a real issue, then we adjourn for a while to see if we can resolve it.

25 Madam Prosecutor, you have the floor.

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

2 Q. Madam Witness, I will continue and go back to your last answer.

3 So you said [REDACTED] was quite [REDACTED]. This is at line 12.
4 So do

5 I understand that the size of his body was among the features that
6 allowed [REDACTED] to identify the body -- to identify [REDACTED]?

7 A. That's correct. His body size, the clothes. However, what
8 completely convinced him was the [REDACTED]. And from all of
9 those, he could conclude [REDACTED].

10 Q. And what did you do? What was your role during the exhumation?

11 A. I was assisting during the exhumation in order for the process
12 to be orderly, for the body to be preserved, and to be able to be
13 [REDACTED]

14 [REDACTED] in fact, during the first week after my

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] And, therefore, it was important for him to be
19 identified as a war victim, and his graveyard too.

20 Q. And is it correct that [REDACTED] during the
21 exhumation?

22 A. Yes, that's right. [REDACTED]

23 [REDACTED].

24 Q. And what did you do [REDACTED]? What
25 happened with [REDACTED]?

26 A. [REDACTED] upon the conclusion of the

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1 reburial ceremony, [REDACTED]

2 [REDACTED]. And I

3 asked him to report the case to the UNMIK authorities. They were the
4 administration in power at the time. And in particular, the justice
5 department of UNMIK. I asked him for the case to be reported as a
6 case of a victim of war. And this wasn't the only case. All such
7 cases were, in fact, reported to the UNMIK administration.

8 Q. Okay. [REDACTED].

9 MS. D'ASCOLI: Can Madam Court Officer bring up the document
10 marked with ERN 076512 to 076539, RED1, which is listed at tab 4 in
11 the list of materials for this witness. And if we can please have on
12 the screens page 3. I understand that even when we will be in open
13 session these photos will not be broadcast.

14 Can I also ask Madam Court Usher to please give to the witness
15 the hard copy of this set of photographs. And, Your Honours, this
16 was previously inspected by the parties and the Registry.

17 PRESIDING JUDGE VELDT-FOGLIA: It was also inspected by the
18 Panel.

19 MS. D'ASCOLI:

20 Q. Madam Witness, can you please look at this set of photos that
21 has just been given to you. You can flip through the pages. And my
22 question is whether you recognise these photos. Please look at the
23 hard copy first that you have in your hands and then we will go
24 through each photo on the screens.

25 A. Yes, Madam Prosecutor, they are all known to me. [REDACTED]

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1 [REDACTED].

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. Yes. Yes, I do.

11 Q. One such example of those photos is the one that we have here on
12 our screens. Can I ask you to look at it and tell us whether you

13 [REDACTED]

14 A. I can only see one photograph. Are you referring to this one?

15 Yes, I do.

16 Q. Yes. We will go one by one. This is the first photograph. Do

17 [REDACTED]

18 [REDACTED]

19 A. Yes.

20 Q. Okay.

21 A. Yes.

22 [REDACTED]

23 [REDACTED]

24 A. Yes.

25 Q. Madam Witness, do you remember [REDACTED]

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1 [REDACTED]?

2 A. If I'm not mistaken, [REDACTED].

3 Q. Do you remember anything else about it? If you don't, it's
4 fine.

5 A. No, I don't.

6 Q. Do you remember [REDACTED]

7 [REDACTED]?

8 A. [REDACTED].

9 Q. [REDACTED]?

10 A. No.

11 Q. You have inspected the hard copies and, as we will see, there is
12 a body appearing in these hard copies. I will ask you the question
13 now so that we don't have to mention it later when we are in public
14 session. Can you tell us whose body is the one depicted in the
15 photos?

16 A. It's [REDACTED] corpse.

17 Q. Okay. Madam Witness, I will now ask to go into public session
18 for your descriptive comments on the photos. As we said before,
19 these photos will not be shown to the public even if we are in public
20 session. And I will only ask for your comments and, please, once
21 again, a reminder, not to mention the name of [REDACTED] or of
22 [REDACTED], as well as the
23 [REDACTED]

24 PRESIDING JUDGE VELDT-FOGLIA: Did you understand that,
25 Madam Witness? I see you nodding.

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

2 MS. D'ASCOLI: Okay, Your Honours, with these cautions we can
3 try to do this in open session.

4 May we please go back into open session.

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

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

8 [Open session]

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

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Madam Prosecutor, please proceed.

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

13 Q. Madam Witness, we were discussing a certain set of photos. Now
14 we will go one by one so that you will have the opportunity to
15 comment upon them. Can we please look at this first photograph on
16 the screens. For the transcript it's pages marked with the ERN
17 076514 corresponding to SPOE00209313.

18 Can you please describe to us what this photo depicts?

19 A. This is the first of the pictures where that grave was
20 identified, the location of the grave.

21 Q. Can you tell us at what point of the process was this photo
22 taken?

23 A. This picture was taken at the very start of the process. Soon
24 when we arrived, then we were told that this is allegedly the burial
25 site of the victim.

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1 Q. Okay. So I understand this photo showed the area as you found
2 it when arriving at the location of the grave; correct?

3 A. Yes.

4 Q. Before the site was dug up and the body uncovered; right?

5 A. Yes.

6 Q. Let's move to the next photo. This is the second photo marked
7 with the ERN 076515 corresponding to SPOE00209314.

8 Again, can you please describe for us what this photo shows.

9 A. We can see the burial site in this photograph. The picture,
10 however, was taken from the right-hand side, and it shows the two
11 branches above. So this is a picture taken from the right-hand side,
12 from the right angle, that is.

13 Q. So I understand, it's the same location that we saw in the first
14 photo; correct?

15 A. It's the same place. It's just the picture has been taken from
16 the opposite direction.

17 Q. Okay. Can we please move to the next page, third photo. This
18 is marked with ERN 076516 corresponding to SPOE00209315.

19 Again, can you please describe what this photo shows.

20 A. It is the same burial site, now in the process of the grave
21 being dug up.

22 Q. So is it the depth of the grave that we can see in this photo?

23 A. It's easy to see how deep that grave was. It can't be more than
24 20 centimetres deep. It's easily identifiable as such. You can
25 easily see it from the light that shines directly onto it. And you

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1 can see that it's not a grave like the ones that you would find
2 opened under normal circumstances, that is.

3 Q. There seems to be some textile appearing from the soil in the
4 top part of the grave. Can you describe what that is, please.

5 A. That's the blanket the victim was covered with. This is the
6 very start of the process. It's what a body can be identified with,
7 first and foremost, what materials and other things you might find
8 around the body. So this is the initial identification of the victim
9 on this occasion, what he was covered with.

10 Q. So do you mean that when digging out the soil, you found out
11 that the body was covered or wrapped in a textile, in a blanket? Is
12 that -- is my summary correct? Can you please give your answer --

13 A. Yes.

14 Q. Let's move to the next page, please, fourth photo. ERN 076517
15 corresponding to SPOE00209316. And, again, I will ask for your
16 comments on this photo, please.

17 A. It's the same burial site, within the same process of
18 exhumation. This shows the site after the removal of the blanket
19 from the body of that victim.

20 Q. And is the blanket visible as that, let's say, blueish textile
21 that we see appearing under the body's left arm?

22 A. Yes. This is the navy blue blanket with which the victim was
23 covered. When the blanket was being removed, it came out in pieces
24 as it was decaying there.

25 Q. One more question about this photo. If you look at the

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1 left-hand side arm of the body --

2 A. On the right?

3 Q. -- it looks like it is resting on something. Can you explain
4 that position and what was on the left-hand side of the body, if
5 anything?

6 A. Can you please repeat the question?

7 Q. Of course. Can you please look at the bottom part of the photo,
8 the left arm of the body, the one that is not along the side but it
9 appears as a bit high up. Is that resting on something, the left arm
10 of the body?

11 A. No, it wasn't resting anywhere. The body, in fact, was just
12 lying directly onto the soil. There was nothing underneath.

13 Q. And was anything on the left side of the body where we see the
14 blanket? Was there anything else, I mean?

15 A. When the victim was identified, we asked for the process not to
16 continue because there was a second person buried nearby.

17 Q. And where, if looking at this photo, where would that second
18 body be, on what side of the body that is uncovered and visible? If
19 you can tell.

20 A. From the discussion carried out by the people who were carrying
21 out the exhumation and from the picture here - I'm referring to the
22 picture - it would be on the right-hand side because the remaining
23 bit of the blanket was dug up, was dug into the ground. We were
24 unable to pull it out entirely because it was buried in the ground.
25 Others insisted for the digging not to continue on the side because

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1 there was a possibility that the second body was there.

2 MS. D'ASCOLI: If I can ask Madam Court Officer to rotate one
3 anticlockwise the photo so that the body appears vertically. Thank
4 you.

5 Q. Is it easier to understand the positioning of the blanket and
6 the second body you said when looking at the photo in this way?

7 A. Yes, it is easier to identify. So we -- it wasn't possible to
8 remove the blanket entirely. The others who were taking part in the
9 exhumation insisted for the digging to stop because of the
10 possibility of another corpse being right next to the victim.

11 Q. And so I do understand correctly that where we see on the
12 right-hand side of the photo, let's say closer to the SPOE label on
13 the right-hand side of the photo, is it on that part where the blue
14 blanket is that this second body was located? Is it correct?

15 A. Yes.

16 MS. D'ASCOLI: Can we move to the next page, please. The fifth
17 photo marked with the ERN 076518 corresponding to SPOE00209317.

18 Q. Again, can you please describe what this photo shows.

19 A. It is the same burial site, within the same process of
20 exhumation of the body of the victim. And this is the initial
21 identification of the victim and a statement of in what state the
22 corpse was in.

23 Q. And so I understand, was the blanket covering the second body
24 and the second body was not uncovered; correct?

25 A. No, it wasn't uncovered on that particular day. I'm not aware

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1 of what might have happened later. We did not know who that person
2 might be.

3 Q. Okay. That's clear.

4 MS. D'ASCOLI: Let's please move to the next page, the sixth
5 photo. ERN 076519 corresponding to SPOE00209318.

6 Q. If, again, you can please tell us what this photo shows and at
7 what stage of the process it was taken. And, again, a reminder not
8 to mention names, please.

9 A. It is the same burial site, within the same exhumation process.
10 This is when the body of the victim was removed from the grave and
11 was put on that plastic sheet that had been prepared beforehand.

12 Q. We see that the torso of the body has been uncovered in part
13 with what appears the clothes being pulled up. Can you explain that?
14 Without mentioning names, please.

15 A. This is the identification process for the victim and the people
16 who carried out the identification through the clothes that the
17 victim had been wearing.

18 Q. Is there anything in particular that is visible on this side of
19 the torso of the victim?

20 A. You can see a hole, but no one has been able to say what it was
21 caused by. But the state of the body of the victim is what can you
22 see here.

23 Q. So I understand, the body was not forensically analysed or
24 examined?

25 A. No, there has never been a post-mortem examination of the -- of

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1 this corpse, that is.

2 Q. So we see a circle, a line and a word on the photo. Can you
3 just explain what that indicates? And if you can read what it says
4 so that we have the translation of it, please.

5 A. It's a hole. It's a hole which was observed and marked up as
6 being suspicious, as being something unusual in the corpse. The
7 corpse had started its decomposing process, so it is very difficult
8 to -- to conclude what this hole, in fact, is.

9 Q. Did anyone check whether there were other similar holes on other
10 parts of the body? The front, the back, other sides.

11 A. No, we didn't continue with controlling the corpse any further.
12 So this was the process of identification of the clothes that the
13 person was wearing, and the description was enough for us to
14 ascertain that that's the body of the late victim.

15 Q. So I understand the clothes were lifted, as we see in the photo.
16 What we see the part where does this hole appearing, is that flesh
17 directly or was there any other garment on the body? Because it
18 looks like there's something else.

19 A. No, it is directly in the skin.

20 Q. Okay. And from what you observed, did there appear to be any
21 other signs on the body?

22 A. I have not managed to identify any other sign. Because, like I
23 said, the corpse was in the process of being decomposed and it's
24 very, very difficult to identify other marks on the corpse in this
25 point in time. Because the pathological process of the corpse goes

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1 through different stages.

2 Q. Okay. So it was not further analysed?

3 A. No.

4 MS. D'ASCOLI: Your Honours, can we please now go into private
5 session for some questions that concern a few identifying details.

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

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

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

10 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, please proceed.

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

12 Q. Madam Witness, can you describe what clothes you saw on the body
13 of [REDACTED]?

14 A. He was wearing jeans. There was a sports blouse. There was a
15 jacket. So like I said before, he had this vest wearing [as
16 interpreted] and there was a tracksuit that he was wearing as well.
17 He was wearing quite many clothes, according to the description that
18 we saw and according to the different layers of clothing that the
19 victim was wearing.

20 Q. And you said earlier today that [REDACTED]

21 [REDACTED]; correct?

22 Actually, sorry. Let me rephrase it.

23 You said that [REDACTED]?

24 A. Yes. [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 Q. Any shoes?

3 A. No, he was barefooted.

4 MS. D'ASCOLI: Can we please move to the next photo, the
5 seventh. ERN 076520 corresponding to SPOE00209319.

6 Q. Can you please describe what this photo shows, the stage of the
7 process and what happened afterwards, please.

8 A. This is the same burial site. This is the exhumation process.
9 And here we are at the phase of preparing the corpse to be wrapped up
10 in the plastic sheet after the identification of the corpse by the

11 [REDACTED]

12 Q. So what [REDACTED] after the corpse was put onto
13 this plastic sheeting?

14 A. Well, that was the process of preparing the corpse, of covering
15 up the different parts of the body of the victim. So they first
16 removed the clothes in order to see the body of the victim, and then
17 they were preparing the corpse in order for it to be wrapped up in
18 the plastic sheet and to put it in the coffin.

19 MS. D'ASCOLI: Can we move to the next photo which is the last
20 one. ERN 076520 corresponding to SPOE00209320.

21 Again, Madam Witness, can you please tell us what this photo
22 shows and what happened after that?

23 A. [REDACTED]. This is the process of closing the
24 shooting process as well the process for identification of the corpse
25 [REDACTED] So we were preparing to put him in the coffin and to

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1 afterwards continue with the ceremony of his burial the same day that
2 he got taken from this place.

3 Q. And where was [REDACTED] buried?

4 A. [REDACTED] was buried in the graveyards of [REDACTED]
5 [REDACTED]

6 Q. Was this at [REDACTED] or elsewhere?

7 A. The traditions of villages are somehow different when it comes
8 to the funerals. [REDACTED]

9 [REDACTED]

10 [REDACTED] So they are located [REDACTED]

11 [REDACTED].

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. Yes, I was. From the beginning, up until the end of the funeral
16 ceremony.

17 Q. We see on this photograph on the bottom right-hand side part,
18 but the same is present and probably better visible on other photos
19 too, we see a timestamp. Are you able to read it?

20 A. [REDACTED]. I'm not sure. [REDACTED]

21 [REDACTED].

22 Q. It says [REDACTED]; correct?

23 A. Yes, correct. It might as well be the day when the corpse of
24 the deceased victim was exhumed and the date that he got buried at

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 Q. Of course. So you don't remember the date when the exhumation
4 took place?

5 A. No, I don't.

6 Q. And does the month of July sound reasonable to you?

7 A. Yes, it was July. I think it was the hottest day of the year.
8 And, at the same time, it was a very serious, a very grave day for

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. I understand.

15 MS. D'ASCOLI: Your Honour, I will move to the last few
16 questions on my direct examination. However, since we are in private
17 session, I just want to make sure that there's nothing left for
18 private before moving back into open. So, if you don't mind, I'll
19 consult quickly with my colleague.

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

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

22 [Specialist Prosecutor confers]

23 MS. D'ASCOLI: Yes, Your Honours, just two additional questions
24 while we are in private and then I will move back to open for the end
25 of the examination.

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1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

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

3 Q. Madam Witness, just two additional questions to clarify certain
4 aspects.

5 First of all, the position of the body. When you uncover the
6 body, can you tell us in which position it was found? In which
7 position the body was lying in the ground, I mean.

8 A. When he was identified or when all the soil was removed from the
9 corpse, the corpse was lying with his back, the hands and legs were
10 close. I mean, he was not placed in a disorderly manner [REDACTED]
11 [REDACTED]

12 Q. Okay. So you're saying the body was found lying on his back and
13 the hands and legs were close. Were the body's arms lying on the two
14 sides of the body; do you remember that?

15 A. The arms were lying on both sides of the body, but not in
16 parallel position with the legs. I mean, the arms were somehow a bit
17 widened up, but it was not like in parallel to the legs, [REDACTED]
18 [REDACTED] Because the arms, the palms of the doors go in the
19 legs [as interpreted] and they are in a way in a straight line.

20 So if you want we can have a look at the picture when we
21 identify the corpse and we will see that the position of the arms was
22 not completely parallel to the legs but it was somehow elevated on
23 the side.

24 Q. Okay. Thank you. No, I think that suffices. I was interested
25 in the position of the body, whether it was found on his back or

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1 other. You clarified that. Thank you.

2 I don't have the live -- okay, I think now it's catching up.

3 Yes.

4 MS. D'ASCOLI: Sorry, I wasn't seeing the transcript reflecting
5 what I was saying.

6 Q. Then one last clarifying question and this regards the reasons
7 why the torso of the body had been uncovered, in part.

8 And, of course, you know, I understand you're not a forensic
9 expert, but in the interview to the SPO, I will be reading from
10 transcript marked with ERN 076539-TR-ET, Part 2, RED1, page 22, lines
11 2 to 5.

12 MS. D'ASCOLI: And Your Honours, it's just to ask a
13 clarification. If you prefer, I can call up the transcript or I can
14 read the portion I have and just put the question to the witness.

15 PRESIDING JUDGE VELDT-FOGLIA: As long as it is clear for
16 Madam Witness, we can proceed as you have proposed. And, if not, we
17 bring it up.

18 Please proceed.

19 MS. D'ASCOLI: Yes, it's actually only four lines, so I think it
20 should it be clear enough.

21 Q. So I will be reading from, as I said, page 22, lines 2 to 5. I
22 see the transcript reflects the correct ERN so I leave it.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 Do you remember that? And can you clarify this part of your
4 prior evidence?

5 A. Yes, I can explain this part very well.

6 The identification or the observation in order to know something
7 more about the corpse [REDACTED] as well as its ongoing
8 insisting [as interpreted], was to uncover the different parts of the
9 body, and his assumption was that in this [REDACTED] there is something
10 related to it because there might be possible that [REDACTED]
11 [REDACTED]. However, in those
12 circumstances, it was difficult to identify whether there was
13 [REDACTED], because we were not forensic
14 expert. No pathologist was there or no other types of experts was
15 there in order to identify what the origin of the hole was. But like
16 [REDACTED] insisted to see every part of
17 the body, to observe every part of body, but it was impossible
18 because the corpse would get damaged because of being moved several
19 times.

20 Q. Okay. That's clear. Thank you very much.

21 MS. D'ASCOLI: Your Honours, we can go back to public session
22 and I will just be addressing the last few questions.

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

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

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1 [Open session]

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

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 Madam Prosecutor, please proceed.

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

6 Can I please ask Madam Court Officer to move to page 12 of the
7 document now on the screen, page 076523.

8 Q. Witness, can you see the photo on the screen?

9 A. Yes, I can.

10 MS. D'ASCOLI: Can we please move to the next page. To the next
11 page. And to the following one, please.

12 Q. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 Q. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. Thank you. Witness, can you describe how the grave was left
6 once the body was removed and transported away from Zllash?

7 A. After the process of conclusion of the exhumation, so there was
8 this request to put the soil back in its own place and we left the
9 place as we found it when we went there.

10 Q. So you put back -- you covered again the area? That's what you
11 mean.

12 A. Yes, yes.

13 Q. And in the area, the second body, you said, was left there in
14 the soil; correct?

15 A. That day, at the end of the discovery of the corpse, we left the
16 other corpse there. I don't have any other information. [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. Of course, that's clear. And the body, I understand, was
20 transported away and buried; correct? Without mentioning locations
21 or any specifics.

22 A. Yes.

23 Q. Okay. Thank you, Madam Witness.

24 MS. D'ASCOLI: Your Honours, those were my questions. I don't
25 have further questions for this witness.

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Questioned by Victims' Counsel

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

2 I look at the clock. It's 20 minutes to 3.00.

3 Victims' Counsel, would you like to proceed now or would you
4 prefer that we take a break in order for you to consult with your
5 co-counsel and the rest of the team? I leave it up to you.

6 MS. PUES: Thank you, Your Honours. We would be ready to pose
7 our questions now.

8 PRESIDING JUDGE VELDT-FOGLIA: Very well, Victims' Counsel.

9 Madam Witness, I will now give the floor to the Victims' Counsel
10 to pose some questions to you.

11 Victims' Counsel, please proceed.

12 MS. PUES: Thank you very much, Your Honours.

13 Questioned by Victims' Counsel:

14 Q. Good afternoon, Madam Witness. I have a few questions for you,
15 two or a couple of questions that follow up on the testimony that you
16 have given just now where I would just want to explore in a little
17 bit more detail two things you described to us this afternoon. Both
18 of them are linked to the photographs that we have seen this
19 afternoon, and I believe that it is possible to discuss this in open
20 session, as we are at the moment. Just beware of not mentioning any
21 names.

22 You did mention -- you did mention a couple of branches lying on
23 the patch of earth that was identified and visible in the photo as
24 the burial site. These branches, did you have any explanation for
25 yourself, any impression on why they might have been there? Could

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1 they, for example, have been branches to cover up that patch of
2 earth?

3 What was your impression there?

4 A. My initial impression on those two branches put on top of each
5 other was for -- was as a means of identification. They are not
6 there to conceal something or to conceal a grave in any shape or
7 form. There are other ways and means of trying to conceal all
8 traces, erase all traces of a burial site. So this is the meaning of
9 those two branches on top of that burial site.

10 Q. Thank you. The second question relates to the navy blue blanket
11 that was visible in the photographs and that you described. Was
12 this, from what was left to be seen, because I understand that
13 whatever was discovered was in a state of decay, was this an ordinary
14 blanket? Would you have -- what kind of context would such a blanket
15 normally be used in? Would you have any idea?

16 A. Let me take a bit of time to explain this, the significance of
17 that blanket and the circumstances under which it is used for burying
18 corpse which would mean drawing a differentiation between a grave in
19 times of war and under normal circumstances. On these occasions, the
20 corpse is covered so soil would not fall directly onto the face. If
21 under -- in normal circumstances -- this happens in normal
22 circumstances if you have enough time to bury the victim. In
23 extraordinary circumstances, that is, where time is of the essence
24 and have to complete a burial in record time, then you open a grave
25 with no -- with no need for a covering sheet, which is what has

Questioned by Victims' Counsel

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

1 happened throughout the war in Kosovo.

2 This is my impression, that is. It is not a statement of fact.

3 It is an impression that stays with me that -- that the burial has

4 been conducted by someone and the corpse has been covered and put

5 under -- in this very, very shallow grave. As I said earlier, it's

6 no more than half a metre -- metre's depth.

7 Under normal circumstances, it's easy to identify the depth of a

8 grave depending on whether the victim is a male or female, with --

9 these are some old wives' tales, as it were, that have to do with the

10 height for men. It's their shoulder height, and for women it's

11 different. [REDACTED]

12 [REDACTED]

13 [REDACTED] let me explain, that on these occasions the blanket

14 is only used for the purpose of protecting the face of the corpse

15 from direct contact with the soil.

16 Q. Thank you.

17 MS. PUES: Could we now move into private session, please.

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

19 bring us into private session.

20 ~~[Private session]~~ [Open session]

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

22 MS. PUES: Thank you, Your Honours. First of all, could I

23 request a redaction in the transcript [REDACTED]

24 [REDACTED]

25 Q. And Madam Witness --

Questioned by Victims' Counsel

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1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

2 MS. PUES: Thank you.

3 Q. -- may I now move on with my questions to explore some of the
4 [REDACTED] and the unknown circumstances
5 had.

6 Let me first ask you what [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Questioned by Victims' Counsel

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 I cannot speak on behalf of the victims, not being one, but we
6 owe it to them. It's an obligation. It's a duty for all of us to
7 reveal the truth and to find justice. Regardless of who was the
8 victim, justice needs to prevail, and that would satisfy those who
9 seek truth and justice. There is no award on the face of the earth
10 that return the loved ones. They no longer exist among us, but truth
11 and justice are the overriding words that should lead us, and we
12 should defend them as a matter of principle.

13 MS. PUES:

14 Q. Thank you, Madam Witness. Now, I understand that [REDACTED]

15 [REDACTED] and it

16 would -- if you can, I would please invite you to also try to

17 describe how [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED] In particular, [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED] I am the kind of person who wants to help others. I am
5 someone who does their utmost for them. I have inherited this
6 virtue, but it also -- [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED] She was -- she'd always ask me if I knew anyone, if I knew
10 anything, if I knew anyone who could help them, but it was all in
11 vain. It was impossible.

12 They are now close together, [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. Thank you, Madam Witness, for sharing this with us.

17 MS. PUES: Those were my questions. And I think it's probably
18 also a good time to have a break. Thank you very much.

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

20 Thank you, Madam Witness. We will have a break now. It's 3.00.
21 We will adjourn the hearing for 30 minutes. [Microphone not
22 activated].

23 THE INTERPRETER: Microphone, please.

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can you
25 bring us into public session.

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1 [Open session]

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

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

4 Thank you, Victims' Counsel.

5 Thank you, Madam Witness.

6 We will now take a break for 30 minutes till half past 4.00 --
7 half past 3.00. Thank you. Half past 3.00. I will ask Madam Court
8 Usher to usher you out of the courtroom, and then we see you back in
9 half an hour.

10 THE WITNESS: Thank you, Your Honour.

11 [The witness stands down]

12 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] We will
13 break and we will resume in 30 minutes.

14 The hearing is adjourned.

15 --- Recess taken at 2.59 p.m.

16 --- On resuming at 3.29 p.m.

17 PRESIDING JUDGE VELDT-FOGLIA: We will proceed with the
18 questioning of Witness W04676 by the Defence counsel. We have
19 completed the testimony by -- the questioning by the SPO and the
20 Victims' Counsel.

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

22 And while I'm doing that, I will call appearances. I see that
23 for the SPO we are in the same composition.

24 And the same goes for the Victims' Counsel team.

25 And also for the Defence team.

Cross-examination by Mr. Von Bone

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1 And Mr. Mustafa is linked via video connection. Good.

2 [The witness takes the stand]

3 PRESIDING JUDGE VELDT-FOGLIA: Welcome, Madam Witness. It's now
4 the moment for the Defence counsel to start with the questioning.

5 Defence counsel, you have the floor.

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

7 Cross-examination by Mr. von Bone:

8 Q. Ms. Witness, good afternoon.

9 MR. VON BONE: Your Honour, I think it would be best to go into
10 private session. That would be the best for these particular
11 questions that I want to pose.

12 PRESIDING JUDGE VELDT-FOGLIA: Very well, Defence counsel.

13 Madam Court Officer, could you please bring us into private
14 session.

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

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

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Defence counsel, you have the floor.

19 MR. VON BONE:

20 Q. Ms. Witness, good afternoon. Ms. Witness, what was the name of
21 your father?

22 A. [REDACTED]

23 Q. [Microphone not activated] Could you spell that for us, please.

24 A. Once again, please?

25 Q. Excuse me. Would you please spell that for us, the name of your

Cross-examination by Mr. Von Bone

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

1 father.

2 A. Do you want me to do that [REDACTED]

3 Q. [REDACTED]

4 A. [REDACTED] The name of

5 my father is [REDACTED]

6 Q. Thank you very much. Okay. [REDACTED]

7 [REDACTED] What was the name of [REDACTED]

8 A. [REDACTED]

9 Q. [REDACTED]

10 A. [REDACTED]

11 Q. [REDACTED]

12 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, could you please
13 switch off the microphone as Madam Witness is talking because if not,
14 we could have a leakage issue.

15 MR. VON BONE:

16 Q. [Microphone not activated].

17 A. [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Mr. Counsel, one clarification on [REDACTED] In the
21 register, [REDACTED]

22 [REDACTED]

23 Q. Thank you. And lastly, what was the name your mother?

24 A. [REDACTED]

25 Q. If I understood well, [REDACTED]

Cross-examination by Mr. Von Bone

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

1 is that correct?

2 A. Whose?

3 Q. I didn't catch that?

4 A. You mentioned [REDACTED]

5 [REDACTED]

6 Q. [REDACTED]

7 A. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. [REDACTED]

11 A. [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. Thank you very much. Did you know [REDACTED]

17 [REDACTED]?

18 PRESIDING JUDGE VELDT-FOGLIA: Please switch off the mic.

19 THE WITNESS: [Interpretation] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. And was [REDACTED]?

25 A. [REDACTED]

Cross-examination by Mr. Von Bone

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

1 Q. [REDACTED]

2 A. [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. And do you know the name of [REDACTED]?

11 A. No.

12 Q. Thank you very much. We spoke about the moment -- you spoke
13 about the moment that you were -- became aware that apparently
[REDACTED]

14 [REDACTED]

15 [REDACTED] Did he come alone?

16 A. He was alone, yes.

17 Q. And did he come with [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 Q. And did you go together with him all the way to Zllash?

25 A. Yes.

Cross-examination by Mr. Von Bone

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

1 Q. And just before leaving it was that he told you [REDACTED]

2 [REDACTED]

3 PRESIDING JUDGE VELDT-FOGLIA: Can you rephrase it more open or
4 refer to the transcript --

5 MR. VON BONE: [Overlapping speakers] ...

6 PRESIDING JUDGE VELDT-FOGLIA: -- where she said that. I want
7 to have an open question, because you are now rephrasing it in a way
8 that I don't remind having heard it.

9 MR. VON BONE:

10 Q. Was it on that day that [REDACTED]
11 that he told you that [REDACTED] had died?

12 A. On that particular day, [REDACTED]
13 [REDACTED]

14 burial site, and I want your assistance to exhume him." And from
15 that -- and it's at that point that we both left.

16 Q. [REDACTED]
17 How long did that take --

18 A. Yes.

19 Q. -- that trip to Zllash [REDACTED]

20 A. [REDACTED], I think, because Zllash is [REDACTED]
21 [REDACTED]

22 It's -- I cannot give you an exact time because I didn't time it, but
23 [REDACTED]

24 Q. [REDACTED]

25 [REDACTED]?

Cross-examination by Mr. Von Bone

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

1 A. It was our first meeting [REDACTED], and we
2 did not talk about anything. We had just gone through the experience
3 of war. And, in fact, that was not the appropriate moment to ask
4 why, who and why. All I know is that he came to ask for my
5 assistance and the two of us went to carry out the exhumation.

6 It was that silence, [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. And I understand, so it's clear, you did not also ask anything
10 about the death [REDACTED]?

11 A. [REDACTED]

12 [REDACTED] I

13 did not ask why and how. What -- those were times of war and at that
14 time I could have easily imagined that the war had had its impact. I

15 [REDACTED]

16 [REDACTED] That's all we talked

17 about.

18 Q. [REDACTED]

19 [REDACTED]

20 A. Yes. [REDACTED]

21 Q. [REDACTED]

22 [REDACTED]

23 A. [REDACTED]

24 [REDACTED]

25 Q. Did he tell you upon your departure [REDACTED] that there

Cross-examination by Mr. Von Bone

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

1 was going to be an exhumation [REDACTED]

2 A. Yes, he did.

3 Q. And what else did he tell you in the conversation that you had
4 with him?

5 A. There was no conversation. [REDACTED]

6 [REDACTED] All I was able to observe

7 was that [REDACTED]

8 site. And I'm -- and [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. Do you recall which road you took to Zllash? How you got there,
12 through which route?

13 A. [REDACTED] to Zllash. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. [REDACTED]

21 [REDACTED]

22 A. [REDACTED]

23 [REDACTED]

24 Q. And upon your arrival at the location where the eventual --

25 [REDACTED], so to speak, could you describe what you

Cross-examination by Mr. Von Bone

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

1 saw around you?

2 A. It was a hilly area of not very dense forest, and a bit -- a
3 very small meadow in the midst of this forest. The road we followed
4 was mountainous, but it was easy enough for vehicles to pass through.
5 We stopped at that meadow. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. And at that arrival point, taking that point in time, was there
9 any building nearby or anything that you could see? Was there
10 anything that could you see?

11 A. Let me repeat. Where we stopped, it was a smallish forest. No
12 object around it. No building around it. It was not very dense
13 forest, in the middle of which there was a meadow. And the road
14 leading up to it was mountainous, but wide enough for vehicles to get
15 through. I have not seen any other buildings.

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 with the meadow in the midst, in the middle. But it was neither near
22 the road nor where the village itself begins, but slightly deeper.

23 Q. And you say where the village begins. Which village is that
24 that you're talking about?

25 A. The village of [REDACTED]

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. And when you speak about the village of Zllash, can you tell us
10 how many inhabitants has that village?

11 PRESIDING JUDGE VELDT-FOGLIA: When?

12 MR. VON BONE: [Microphone not activated] At the time.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay.

14 THE WITNESS: [Interpretation] I don't know. I had never been to
15 Zllash before. [REDACTED]

16 [REDACTED] I have never been to Zllash and
17 to this day I have no idea how many inhabitants it has. I certainly
18 wouldn't know how many people lived there at the time. I don't know.

19 MR. VON BONE:

20 Q. And was the village from the location of the burial site
21 visible?

22 A. No, it was deeper. It couldn't be seen from the main road. You
23 had to go way into the village to reach the burial site. It is not a
24 flat village where the eye can see. There are big, biggish hills in
25 that area. It's a hilly to mountainous region.

Cross-examination by Mr. Von Bone

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

1 Q. I understand. I understood also that there upon -- just one
2 more question. Did you know [REDACTED]?

3 A. I really can't recall at this point. I just can't remember.
4 [REDACTED]. I can't remember who it was.

5 I'm sorry. I just can't remember the name now. I can't turn back
6 the movie. [REDACTED]

7 [REDACTED]

8 [REDACTED] that is, to Zllash.

9 Q. Thank you. Upon your arrival, who were there? Upon your
10 arrival [REDACTED] to the burial
11 site, who were there that you met?

12 PRESIDING JUDGE VELDT-FOGLIA: Excuse me. Didn't we have that
13 question already?

14 MR. VON BONE: [Microphone not activated] I just want to go
15 through a number of them --

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. I will allow it. Thank
17 you.

18 THE WITNESS: [Interpretation] [REDACTED]

19 [REDACTED]

20 [REDACTED] It wasn't a large number. 20 to 30 all together -- seven
21 or

22 eight people all together. In fact, not even seven or eight, but a
23 handful, a very few. [REDACTED].

23 Q. Excuse me, I did not catch -- I did not understand your answer
24 well. Were there 20 or 30 people, or were there about seven people,
25 or eight?

Cross-examination by Mr. Von Bone

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

1 A. It wasn't a large number at the burial site. It's a very small
2 number. Maximum of seven or eight. Even were you minded to call 20
3 or 30 people, it would have been difficult because the majority of
4 the people at the time were refugees in different countries.

5 Q. [REDACTED] I understand, were there. [REDACTED]

6 [REDACTED] Please say the answer so that it's --

7 A. [REDACTED] No.

8 Q. To be clear, the name of [REDACTED] what is the name?

9 A. [REDACTED]

10 Q. Do you know [REDACTED]?

11 A. Yes.

12 Q. [REDACTED]

13 A. [REDACTED]

14 Q. [REDACTED]

15 A. [REDACTED]

16 Q. [REDACTED]

17 A. He might have been there because he is [REDACTED] He
18 is [REDACTED] He might have been there. But like I
19 said, I mean, there were [REDACTED]

20 [REDACTED] and I was present

21 as well in this process.

22 So there are [REDACTED] but

23 they are not living now. So they are dead.

24 Q. And what are their names?

25 A. I don't remember. I can't remember.

Cross-examination by Mr. Von Bone

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

1 Q. Could that be [REDACTED]?

2 A. No, I don't know. I simply can't remember.

3 Q. Do you know [REDACTED]?

4 A. [REDACTED] is deceased now. He is [REDACTED] And
5 I used to know him, but like I said, he is deceased now.

6 Q. I understand that he is deceased now, but was he at that time
7 there?

8 A. I do not know. For a fact that were present there were
[REDACTED]

9 [REDACTED] myself, as well as [REDACTED]

10 Now, about the names and last names, I can't remember them all,
11 because [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Q. I just give you two more names for that. Do you know a person
15 called [REDACTED] and was that person there?

16 A. From what I remember, [REDACTED]

17 like I said, [REDACTED] I

18 think that we are talking about one of the persons who is deceased
19 now.

20 Q. And one more name. [REDACTED] do you know that person, and was
that

21 person there?

22 A. I don't remember. I don't know.

23 Q. Okay. Thank you very much.

24 Upon your arrival on that site, you went to that place where
25 eventually the exhumation would take place; is that correct?

Cross-examination by Mr. Von Bone

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

1 A. Yes.

2 Q. When you saw that place, can you explain what was the soil like?

3 A. The soil of that place -- I mean, there are different types of
4 soils. I mean, there are different types of coloured soils as well.
5 The soil was neither black nor red. It was brownish in colour or in
6 a honey colour, so that was the feature of the soil. And this was
7 the kind of the colour of the soil at that place.

8 Q. And when -- yes.

9 A. I'm talking about the upper surface of soil. Because when you
10 dig further down, I mean, there is a distinct -- another colour of
11 soil.

12 Q. Now, how long -- no, let me rephrase that. Was it difficult to
13 dig the soil away from that earth?

14 A. No, no. It wasn't difficult to dig the soil away, because that
15 was a soil that was pressed and, therefore, it was easy for us to dig
16 it up.

17 Q. Do you know how [REDACTED] that that was the actual
18 burial location?

19 A. I don't know. He never discussed that with me. [REDACTED]
20 [REDACTED]
21 grave.

22 Q. And did anybody else ever talk about that, tell you that, or did
23 you ask for that?

24 A. No. Never. Because in the moment in time [REDACTED]
25 [REDACTED]

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 Q. When -- we spoke about whether that was a deep grave or a
4 shallow grave. It was, as you explained, rather shallow. Now my
5 question is: Apparently there were two bodies in that grave. And
6 when you speak about shallow, do you mean shallow in order to reach
7 the first body?

8 MS. D'ASCOLI: Your Honours --

9 PRESIDING JUDGE VELDT-FOGLIA: Yes, I see Madam Prosecutor
10 standing. Please, a moment, Defence counsel.

11 Madam Prosecutor, you have the floor.

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

13 If Defence counsel can either refer back to the transcript where
14 Madam Witness spoke about the two bodies, because my recollection is
15 that -- let's say their position was not characterised in the way
16 that the counsel is now putting it.

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

18 Defence counsel, the same question was coming to my mind and I
19 was reflecting on it, and then Madam Prosecutor stood up. So I give
20 you the floor to give the reference and to rephrase as it was said
21 there. And then, of course, you can continue your examination --

22 MR. VON BONE: I'll just take a different angle from this
23 question.

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

25 MR. VON BONE:

Cross-examination by Mr. Von Bone

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

1 Q. Who started actually digging? One person? Two persons? Can
2 you name them?

3 A. About the names, I don't know. I don't know who was the first
4 one to start the digging process and who ended it. But there were
5 two or three persons that took part in the exhumation of him, of the
6 victim. Exactly who started the digging process, who followed that
7 process, I don't know. I don't remember.

8 Q. And did they need to dig deep or was it quite quick to reach the
9 eventual body of [REDACTED]?

10 A. No. There was no need to dig for a long period of time to find
11 the corpse [REDACTED] It's not a traditional grave like we usually
12 have them. That was a flat grave. And, therefore, it was very easy,
13 very simple, to dig down, to remove the soil, and to find [REDACTED]
14 corpse. It was a shallow grave.

15 Q. From the position where you were at the time, could you have an
16 indication where was north, east, south or west?

17 A. Just a moment, please. Just let me wire myself and give you an
18 answer.

19 It might have been about the west, the western part. I'm just
20 thinking of myself in this position and I'm just thinking of the
21 grave-site being in front of me. I am thinking of the road, the path
22 that we went through, the entry to the forest, and I think the
23 location was east -- westwards. North-west probably. Something like
24 that. I'm just telling you now, I'm not accurate. This is what I'm
25 thinking now because we didn't have any GPSs. We couldn't exactly

Cross-examination by Mr. Von Bone

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

1 know where we were located, the scale there. But, approximately, I
2 think that it was north-west, as a position.

3 Q. And taken from that position, in which direction was the head of
4 [REDACTED] pointing?

5 A. Northwards.

6 Q. Thank you very much. At some point, the body was found, seen.

7 MR. VON BONE: I would like to get a picture on the screen, if
8 that is okay.

9 PRESIDING JUDGE VELDT-FOGLIA: If you give Madam Court Officer
10 the reference, then --

11 MR. VON BONE: Yes. That would be 076519 or the SPOE number is
12 00209318.

13 Q. Ms. Witness, can you see it?

14 A. Yes.

15 Q. I see on this picture a hand. Whose hand is that?

16 PRESIDING JUDGE VELDT-FOGLIA: I see several hands.

17 THE WITNESS: [Interpretation] There are two hands in this photo.

18 MR. VON BONE:

19 Q. Yes. Would you please indicate whose hands you see on the
20 photo.

21 A. [REDACTED]

22 [REDACTED] But exactly who these persons were, I
23 don't know. I don't remember.

24 Q. Do you know if it was [REDACTED]?

25 A. No, it was not [REDACTED]

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. Thank you. And when the body was uncovered at some point --

6 MR. VON BONE: May we get the other picture on the screen. That
7 is 316.

8 Q. Ms. Witness, [REDACTED]

9 [Microphone not activated].

10 PRESIDING JUDGE VELDT-FOGLIA: Please, microphone.

11 MR. VON BONE:

12 Q. [REDACTED]

13 [REDACTED]

14 A. Yes.

15 Q. Were you at that moment, [REDACTED]

16 [REDACTED]?

17 A. From the size, the way how the body was built, the physiognomy
18 of the body, as well as the black vest, as well as the coat that he
19 was wearing for a very long period of time, I would say yes. But it

20 [REDACTED]

21 [REDACTED]

22 Q. I understand that. [REDACTED] And

23 [REDACTED]

24 [REDACTED]

25 A. Yes. In particular, [REDACTED].

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Now, from the picture, all of you looking at the picture, it
8 might seem impossible to identify who this corpse belonged to.

9 However, in the site, the physical presence in an exhumation, in

10 [REDACTED]

11 [REDACTED]

12 Q. Before there moment, [REDACTED]

13 [REDACTED]

14 A. Before this moment, the exhumation moment, the [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 Q. [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, for our use of
2 the transcript it is very important that you make the reference. I
3 know about [REDACTED]
4 witness statement. So now we only have the transcript --

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

6 PRESIDING JUDGE VELDT-FOGLIA: Yes, but please do it always
7 because --

8 MR. VON BONE: [Microphone not activated]. I will do it, but it
9 was an open question and I just wanted to only say that in order
10 to -- if not, then afterwards we can refresh the memory of the
11 witness. So there was nothing --

12 PRESIDING JUDGE VELDT-FOGLIA: No, but you didn't give any
13 introduction [REDACTED].

14 MR. VON BONE: No. That is correct. It is just an open
15 question in that sense. But I can give the reference number.

16 PRESIDING JUDGE VELDT-FOGLIA: You should.

17 MR. VON BONE: It is the statement of the witness 076539-TR-ET,
18 Part 2, and it's on page 18.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, to come back on
12 our remark [REDACTED], I would say that the first question
13 should have been: [REDACTED] And then you can ask, if
14 the answer is yes, [REDACTED]. But in this way, it
15 is not a real open question.

16 So please proceed.

17 MR. VON BONE: I would like to ask to show the next photograph,
18 which is 317 at the end, so SPOE00209317. And let's rotate it and --
19 counter-clockwise. Yes.

20 Q. Now, I am speaking -- I want to discuss with you the left hand
21 [REDACTED] So with the left hand, I mean the hand which is
22 near the label SPOE, and so on that hand. It's on the right-hand
23 side of the photo, but it's the victim's left hand.

24 Do you know where that hand is leaning on?

25 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, didn't we have

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1 that question before?

2 MR. VON BONE: I don't think it has -- it will be covered in
3 this manner, Your Honour.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. I will give --

5 MR. VON BONE: Because we can see something, but I just want to
6 clarify this issue with the witness.

7 PRESIDING JUDGE VELDT-FOGLIA: Okay. Let's continue to see
8 where we go.

9 THE WITNESS: [Interpretation] Beneath the hand, the door [as
10 interpreted] is curved. It's bended. So before that is the blanket
11 and beneath the blanket is the soil, and there is nothing else.

12 MR. VON BONE:

13 Q. This blanket that I see under the left hand of the victim, was
14 that initially laying over the victim?

15 A. When we removed the soil from [REDACTED] body, he was covered by
16 a
17 blanket, and it's the same blanket that the arm is leaning upon which
18 is beneath the hand [REDACTED] Beneath the blanket is soil. When we
19 removed the blanket, it got into pieces because it was decayed. It
20 was made of textile which decayed in the time that the blanket was
21 below the soil. So you could see pieces of blankets all over the
22 place.

23 Q. Thank you very much.

24 MR. VON BONE: I would like to go to the next photograph. So
25 it's SPOE00209318.

Ms. Witness, this photograph is taken from a particular angle

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

1 towards the victim. Now, did you actually see the chest of the
2 victim bare like that, [REDACTED]

3 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, could you please
4 -- thank you.

5 THE WITNESS: [Interpretation] This picture shows no bare chest,
6 just -- this is the -- this is what they -- what I'd call, you know,
7 a bare chest. The only thing that is bare there is you can see there
8 is the hand. What is being shown over there is only the torso. This
9 is what I understand by a chest. Whilst the position of the picture
10 show -- position of the picture is -- comes after a request by the
11 [REDACTED]. The face was damaged because it was
12 in contact with the soil, and the first -- as a Defence lawyer you
13 should know that -- which bits of the body decompose first, and they
14 were the eyes and the nose. The rest of the body, however, was in a
15 state that could be easily identifiable.

16 But let's not forget at the same time that it was in the process
17 of decomposition, which is [REDACTED]
18 [REDACTED]. We
19 weren't experts. We weren't pathologists or forensic specialists and
20 we had no other way of making sure. The only thing we could make
21 sure was that the said person was dead.

22 Q. I understand. But what we are seeing on this picture as far as
23 the torso is concerned, that is his bodily flesh?

24 A. Just like you're seeing it and that's what I saw, and what can
25 be seen on the picture is the midriff. It is the fat and muscly bit

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1 of the body. As I explained earlier, and let me reiterate, I'm not a
2 forensic specialist or a pathologist or anthropologist or any other
3 profession that can help analyse different parts of the body.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. Were there any other marks [REDACTED]

9 that were -- had to be paid attention to?

10 A. No, there weren't.

11 Q. You said that --

12 MR. VON BONE: I don't have the reference, Your Honour, but I
13 want to speak about [REDACTED] I ...

14 PRESIDING JUDGE VELDT-FOGLIA: You might ask your --

15 MR. VON BONE: I -- I don't know what is the reference here.

16 PRESIDING JUDGE VELDT-FOGLIA: The colleagues. We will give you
17 a minute to ask your colleagues to assist you in that.

18 And as we are here, I can share with you something else.

19 We don't have any public now in the public gallery. But I was
20 just wondering if when people are sitting in the public gallery, they
21 could not look into your notes. Now there is nobody so it is not a
22 problem and I told the audio-visual booth if they are filming in
23 publish session, which we are not now, to be careful, but it is just
24 a general remark.

25 MR. VON BONE: Apparently it's page 18, line 5, Your Honour,

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1 where we were --

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

3 MR. VON BONE: -- speaking about [REDACTED]

4 PRESIDING JUDGE VELDT-FOGLIA: And it's part -- or is the
5 transcript?

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

7 PRESIDING JUDGE VELDT-FOGLIA: Very well. Very well.

8 MR. VON BONE:

9 Q. Could you tell us what was it with [REDACTED] that
10 was remarked or ...

11 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, the
12 Victims' Counsel is standing and I think that she -- that I know what
13 she's going to say.

14 Victims' Counsel, you have the floor.

15 MS. PUES: Yes, thank you, Your Honour.

16 Indeed, I am objecting to this question which -- I've been
17 sitting here for a long time listening and hearing a lot of
18 repetition. We were basically going through most of what the
19 Prosecution has established, maybe worded slightly differently, and
20 the same here with [REDACTED].

21 This is a way of questioning that is neither effective for the
22 ascertainment of the truth -- I have been genuinely trying to find
23 which approach which may help us here to further understand what is
24 going on. And we should bear in mind also that this is not an easy
25 testimony. And going over and over again the same pictures that can

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1 have a re-traumatizing effect I think is something that needs to be
2 taken into consideration.

3 Thank you.

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

5 Defence counsel, we have been discussing [REDACTED] so
6 if it's a step-up question, you know that I will allow that. On the
7 same hand, I have seen some repetition and -- so please be careful
8 with the repetitions.

9 And I'm giving, based on our calculation, more time to do the
10 interrogation because I want to give the Defence enough space to do
11 its question, but not with repeating questions.

12 So please proceed, bearing in mind what I said.

13 MR. VON BONE: Yes, Your Honour, I do.

14 Q. [REDACTED]

15 A. [REDACTED] I'm trying to

16 remember exactly [REDACTED]

17 [REDACTED] If I recall correctly, [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 In addition to other identification, this was the biggest clue
21 to help us identify him from a skeletal point of view, as it were. I
22 know [REDACTED]

23 [REDACTED]

24 [REDACTED] But what

25 I'm saying is [REDACTED]

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1 It's -- there is a difference trying to describe things from a
2 photograph from what we were able to ascertain when we were at the
3 site, but it was easily identifiable.

4 Q. And you identified that yourself too, [REDACTED]?

5 A. Yes.

6 Q. [REDACTED]?

7 A. [REDACTED]

8 [REDACTED]

9 [REDACTED] In order to identify a
10 person, you don't need to rely on [REDACTED] You have tattoos
11 or the birthmarks, and so on and so forth, and other features that
12 help you identify someone. [REDACTED]

13 [REDACTED]

14 Q. But my question is a different one. When you saw that skeleton,
15 when you saw that face, when you saw [REDACTED] did you see if
16 [REDACTED]?

17 A. Dear counsel, I did not [REDACTED]

18 [REDACTED] It's what I was able to see at face value. I saw
19 [REDACTED]

20 [REDACTED].

21 [REDACTED].

22 Let me repeat again: We did not do a detailed examination of
23 every bit of [REDACTED], but at face value, at first sight, we --
24 or people look at what they know ought to be there. [REDACTED]
25 [REDACTED]. Did he have [REDACTED]
26 [REDACTED]? I don't know. [REDACTED]

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1 Q. No, but visibly on face value, [REDACTED]

2 [REDACTED]? If you could see that.

3 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, Defence counsel. I
4 see Madam Prosecutor standing. What is what you want to bring
5 forward?

6 MS. D'ASCOLI: Yes, thank you, Your Honours. Just to say that I
7 think the witness has answered the question two times by now.

8 PRESIDING JUDGE VELDT-FOGLIA: Madam Prosecutor, I think that I
9 here agree with the Defence counsel. I think that it might be that
10 the question is not completely understood, but I see that it is from
11 a different angle. And I also see that by asking the questions the
12 Defence counsel put [REDACTED], [REDACTED], I
13 see that he has an elicited some extra points what were not said
14 before.

15 So I will permit it, but you might try, Defence counsel, to ask
16 it in a different way, because I am under the impression that the
17 witness doesn't understand -- but maybe there is -- doesn't
18 understand what you are asking. Maybe I can also try to ask it. But
19 please proceed, if you want.

20 MR. VON BONE:

21 Q. Apart from [REDACTED], that you saw, on face
22 value, watching him, [REDACTED]
23 [REDACTED]?

24 A. No, I did not. I did not see. With the exception of [REDACTED]
25 [REDACTED]

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1 [REDACTED]

2 Q. As far as you could see, was the skull of the victim intact?

3 A. Can you kindly rephrase the question?

4 Q. Was the skull of the victim, as far as you could see, was that
5 intact? Was it --

6 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, that's not
7 rephrasing. That's repeating.

8 MR. VON BONE: Yes, but I can hardly ...

9 [Trial Panel confers]

10 MR. VON BONE:

11 Q. As far as you could see, was the skull of the victim complete?

12 A. I don't know. I can't answer this question because we did not
13 clean the corpse up. We did not remove the soil. We were quite
14 careful not to damage the corpse which was in the process of being
15 decomposed. I did not notice anything unusual as far as the skull is
16 concerned. We did not touch the skull. We did not go into a
17 detailed analysis of the skull, the face, the hands, feet, the chest,
18 or the back. I am sorry I'm not able to give you an answer because
19 we had not gone there to carry out a detailed examination of the
20 victim's body. We went there to exhume him and in order to rebury
21 him. That's it.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, how much time do
23 you think that you will be still be needing? Because according to
24 our calculation it was - wait, wait, wait - it was 40 minutes. We
25 are far over that. And I'm looking at the time, if we are continuing

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1 till 5.00 or later on, just to -- for planning purposes.

2 MR. VON BONE: I try to finish it at 5.00, Your Honour. I think
3 that -- then I think we have covered the topics probably that we
4 wanted to cover.

5 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

6 MR. VON BONE:

7 Q. On face value, what you saw there, was there any indication on
8 the torso that might seem that the ribs or so would be broken?

9 A. Honourable Defence counsel, we weren't a pathologist team on
10 site there. We went there to exhume the body, take it away for
11 reburial. We were extremely careful not to damage any part of the
12 body. The body was in the process of being decomposed. So none of
13 us was engaged in analysing parts of the body and finding out whether
14 there were any broken bones, on whether there were any bits of the
15 skull were damaged, or on whether the body was full of holes, on
16 whether the legs were in place, on whether the knees were broken. So
17 we did not carry out a single superficial examination. It was not
18 part of our mission to carry out an initial examination.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]. We did not go
22 there to carry out the forensic examination so I do not know on
23 whether there was any internal bodily damage.

24 PRESIDING JUDGE VELDT-FOGLIA: I think your answer has been very
25 clear. So I think that will do.

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1 MR. VON BONE:

2 Q. I understand that you go not there for that mission, but was it
3 mentioned by anybody, this --

4 PRESIDING JUDGE VELDT-FOGLIA: The question has been answered, I
5 think, for now. That she had not -- she cannot give an answer to
6 your question. So I think I would go to the next question now.

7 MR. VON BONE: Okay.

8 Q. When this exhumation took place, were there any other people,
9 from surrounding areas maybe, noticing this exhumation?

10 A. I haven't seen a single person with the exception of those seven
11 or eight people. I haven't seen a single one, no.

12 Q. Thank you. When you speak -- [REDACTED]
13 [REDACTED].

14 MR. VON BONE: I don't know the reference number, Your Honour, I
15 will get it. But I have this in mind that -- there we have it. It's
16 page 49, lines 5 and 6 in today's transcript.

17 Q. When -- what do you mean by [REDACTED]

18 A. It's a very simple answer. We are a patriarchal society, very
19 conservative, where traditions are preserved quite a lot. So as far
20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Again, it's due to the -- to our mode of life, to our traditions and
5 the patriarchal, conservative society which has got a particular take
6 on traditions, [REDACTED] And there's nothing else I
7 have to add.

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

9 PRESIDING JUDGE VELDT-FOGLIA: Mic, please.

10 MR. VON BONE: The reference for my following question is Part 1
11 of the statement, reference 076539-TR-ET, and that is from line 15 --
12 it's on page 13, from line 15, until the next page, line 7, I would
13 say.

14 Q. Now, in your statement, Ms. Witness, you spoke about a period in

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. Can you please repeat the question because I cannot understand
19 what it is related to.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 It is an answer to the question that you gave. And the answer
24 is:

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Does that refresh your mind?

7 A. I remember what I stated. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 On the other hand, however, we were aware of the economic
13 situation at the time. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED] due to what I said was being a patriarchal,

19 conservative society. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04676 (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1669

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. My last question then is: [REDACTED]

19 [REDACTED]

20 PRESIDING JUDGE VELDT-FOGLIA: Madam Witness, we must stop.

21 Madam Witness, please don't continue.

22 Madam Prosecutor, you have the floor.

23 MS. D'ASCOLI: Yes, Your Honours. The question should be put in

24 more specific terms, and Defence counsel should specify [REDACTED]

25 [REDACTED] Because

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1 no other basis has been established up to this moment.

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

3 MR. VON BONE: In the statement --

4 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I see a

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 sense -- so please be more specific. So I think that Madam

12 Prosecutor has made a point.

13 Please continue.

14 MR. VON BONE: Your Honour, it is in the same reference as I

15 just gave. So I will just refresh the -- that is the --

16 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, Defence counsel,

17 this reference is not in front of the witness, so she cannot see it,

18 and we are not going to ask her without having read it completely

19 that she will remind. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 So please continue.

23 MR. VON BONE: Okay.

24 Q. So just in your statement - it is the same reference as I gave

25 earlier, Part 1, page 13 - you stated:

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [Microphone not activated].

6 PRESIDING JUDGE VELDT-FOGLIA: Mic, please.

7 MR. VON BONE:

8 Q. [REDACTED] this is what I'm talking

9 about, Ms. Witness. Do you know [REDACTED]

10 [REDACTED]

11 THE INTERPRETER: Interpreter's note: Could all extra
12 microphones be switched off, please.

13 THE WITNESS: [Interpretation] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED] It was a time of big demonstrations in the
3 country.

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 It might be 1996, but I don't know for a fact. Probably 1996,
15 1997. Again, it's 22 years from that time now and it is very
16 difficult for me to remember, [REDACTED]

17 [REDACTED]

18 [REDACTED] That is not the case.

19 Q. Thank you very much.

20 MR. VON BONE: Just one minute, Your Honour.

21 PRESIDING JUDGE VELDT-FOGLIA: We are now ten minutes past 5.00,
22 Defence counsel.

23 [Specialist Counsel confer]

24 MR. VON BONE: We have no other questions, Your Honour.

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

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1 We are now -- please, Madam Court Officer, can you bring us now
2 back into public session.

3 [Open session]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 Pursuant to the Rules of Procedure and our Decision on the
7 Conduct of Proceedings, we may allow for redirect examination as
8 deemed necessary.

9 Madam Prosecutor, do you wish to proceed with redirect
10 examination of the witness; and, if so, how much time you will need?

11 MS. D'ASCOLI: Yes, Your Honour, thank you. I only have one
12 question.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please, you have the
14 floor.

15 And at the latest, we will finish at 5.30.

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

17 Can we please go into private session for this question.

18 PRESIDING JUDGE VELDT-FOGLIA: We can.

19 Madam Court Officer, can you bring us into private session,
20 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 Madam Prosecutor, you have the floor.

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

Re-examination by Ms. D'Ascoli

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

1 Re-examination by Ms. D'Ascoli:

2 Q. Madam Witness, just one clarification with regard to something
3 you mentioned while answering the questions of Defence counsel. This
4 is at page 76, lines 22 to 23. You refer to -- you said:

5 "... we were aware of the economic situation at the time."

6 Can you clarify what you meant by that and whose economic
7 situation also you were talking about?

8 A. From 1992 up until 1999, as a country, the economic situation
9 was broken and that situation was broken by the Milosevic-led regime.
10 We were all expelled from our jobs. We were all expelled from
11 schools and universities, and all of us were suppressed by the strict
12 measures of the Milosevic time. I'm talking here about the period
13 from 1989 up until the end of 1999.

14 And this is why the economic situation was very serious. It was
15 very difficult for each and every one of us. As a consequence of
16 this economic situation, but at the same time as a consequence of
17 other measures that were undertaken by the Milosevic-led regime, a
18 considerable part of the population, in particular the youth, were
19 driven to leave the country and to go to European countries. In
20 particular, I'm talking about the period that the youth left en masse
21 because of the invitations to serve military service in the Yugoslav
22 army.

23 In the same period in time, we had our young people being
24 brought back us to in coffins and the allegations were suicide.

25 And this is why I'm telling you that we were in a very difficult

Re-examination by Ms. D'Ascoli

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

1 economic situation as a society and as a country at large.

2 Everything was destroyed, economically speaking.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 So, fortunately so, [REDACTED]

12 [REDACTED] At the same

13 time, even as we speak, [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. And when you say that, you're talking about the period pre-war,

20 you're talking about those three years, before 1999 or -- I mean, if

21 you can collocate that in time, if possible, [REDACTED]

22 [REDACTED]

23 A. I'm talking about the period of 1967 or the 1970s and up until

24 the end of 1999. [REDACTED]

25 [REDACTED]

Re-examination by Ms. D'Ascoli

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. Okay. Thank you very much.

12 MS. D'ASCOLI: We can go back into open session, Your Honours.

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

14 Madam Court Officer, can you bring us into public session,
15 please.

16 [Open session]

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

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 I now turn to the Victims' Counsel. Do you wish to re-examine
20 the witness?

21 MS. PUES: No, thank you, Your Honours. No questions.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 And Defence counsel, there has been only one question. Do you
24 want to have a rejoinder examination?

25 MR. VON BONE: No, Your Honour, we're fine.

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

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 I look at the clock, and I think this is a natural moment to
3 adjourn the hearing.

4 So Madam Witness, we will break and we will adjourn now and we
5 will see each other back at 9.30 tomorrow. I hope you will get some
6 rest this evening. I remind you not to talk to anybody about the
7 testimony you have given up till now. And I will ask Madam Court
8 Usher to accompany you outside the courtroom. That is it for today.
9 We see each other at 9.30 tomorrow. Thank you.

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

11 [The witness stands down]

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 Madam Prosecutor, is there anything else you would like to raise
14 with the Panel?

15 MS. D'ASCOLI: No, Your Honours.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 And the Victims' Counsel? No.

18 Defence counsel, do you want to raise anything?

19 MR. VON BONE: Nothing, Your Honour.

20 PRESIDING JUDGE VELDT-FOGLIA: No? Good. Now, then I thank the
21 parties and the Victims' Counsel for their attendances. I thank the
22 interpreters for their flexibility -- both for the parties and the
23 Victims' Counsel, but especially also for the interpreters for this
24 afternoon, the stenographer, and the audio-visual booth. I hope we
25 can continue tomorrow without any technical hiccups.

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

1 The hearing is adjourned until tomorrow morning at 9.30.

2 --- Whereupon the hearing adjourned at 5.19 p.m.

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