

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

1 Wednesday, 2 February 2022

2 [Open session]

3 [The accused entered court via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Good morning.

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

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

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
10 Madam Court Officer.

11 First of all, I will call appearances.

12 Please, Mr. Prosecutor, could you tell us who is present for the
13 Specialist Prosecutor's Office?

14 MR. MICHALCZUK: Good morning, Your Honour. Good morning,
15 Your Honours. The Prosecution is represented today by
16 Mr. Alex Whiting, Deputy Specialist Prosecutor; Silvia D'Ascoli,
17 Associate Prosecutor for the SPO; Julie Mann, who is our Case
18 Manager; and also Ryan Marr, who is the SPO intern. And my name is
19 Cezary Michalczuk, I am the SPO Prosecutor.

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
21 Mr. Prosecutor.

22 Victims' Counsel, you have the floor.

23 MS. BARBEAU: Yes, good morning, everyone. Good morning,
24 Your Honours. My name is Marie-Pier Barbeau. I am here representing
25 the victims' team today together with Victims' Counsel herself,

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1 Dr. Anni Pues. Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
3 Victims' Counsel.

4 Defence counsel, you have the floor.

5 MR. VON BONE: Good morning, Your Honour. The Defence is
6 represented by myself, Julius von Bone; Mr. Betim Shala, my
7 co-counsel; Mr. Fatmir Pelaj, investigator; and joining via remote
8 today is Mr. Mustafa.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence
10 counsel.

11 Mr. Mustafa, you can hear everybody in the courtroom fine?

12 THE ACCUSED: [via videolink] [Interpretation] Yes, Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well.

14 And for the record, you are appearing today in front of
15 Trial Panel I, and the Presiding Judge is connected via videolink.

16 Today we will continue with the testimony of Mr. Humolli.
17 However, before that, I need to address the following matter with the
18 parties and the Victims' Counsel.

19 The Panel received an e-mail from the SPO yesterday evening at
20 2002 in which the SPO informed the Panel, the Defence, and the
21 Victims' Counsel that it has updated its presentation queue for
22 Witness 4849 with a set of documents. And I quote the ERN number:
23 104784-104833. And it's in translation into English.

24 And that it would make an oral request today for leave to use
25 such documents during the remainder of the direct examination of

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1 Mr. Humolli.

2 Before I give you the floor, Mr. Prosecutor, the Panel notes
3 that these documents were disclosed shortly prior to your e-mail;
4 notably, at 30 minutes past 6.00 through package 113. In addition,
5 the Panel notes that the material dates back as far as 2015, with the
6 majority of these social media posts and social media articles dated
7 between 2018 and 2021. And the Panel would like to know why you
8 discovered it and disclosed it only at this moment in time, what is
9 the relevance of such material for the purposes of your direct
10 examination.

11 You have the floor, Mr. Prosecutor.

12 MR. MICHALCZUK: Thank you, Your Honour. Thank you.

13 Yesterday during the testimony of Mr. Fatmir Humolli, I believe
14 we managed to highlight several discrepancies between his statements
15 that he gave to the SPO, also to the Defence, and in his statement
16 that he gave yesterday before this Court.

17 And we decided, after the conclusion of yesterday's session,
18 after we have assessed the entirety of the statement in view of other
19 materials that we have in the case, that, indeed, we would like to
20 assist the Panel to assess the credibility of Mr. Fatmir Humolli,
21 this witness. And, therefore, we decided to disclose yesterday -- I
22 agree it was late, but at the first opportunity that we made that
23 assessment that I have just mentioned, we decided to disclose
24 everything, inform the parties about the material that we have.

25 And we don't intend to tender this material into evidence. We

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1 would like to use it today with this witness, as I said, just to
2 assess the credibility of this witness and to shed light on the
3 entirety of his statement in view of these materials and the
4 questions that we will pose today on the basis of those materials.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
6 Mr. Prosecutor.

7 Victims' Counsel, have you any observations to make in this
8 respect?

9 MS. BARBEAU: No, we have no observations on this issue,
10 Your Honour.

11 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.
12 Defence counsel, do you have any observations?

13 MR. VON BONE: Yes, Your Honour. In fact, we do.

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You have the
15 floor.

16 MR. VON BONE: First of all, the request that the Prosecutor,
17 the SPO is making, as far as the Defence is concerned, should be
18 denied. It should not be admitted.

19 The material that is put into this disclosure 113 dates a very
20 long time before the opening of the SPO case. The second part is
21 that the material is completely unrelated to the accused. Then, the
22 material is unrelated to any of the charges. And the material is
23 also unrelated to any factual issues of the indictment.

24 So on top of that, there is no anything related to any of the
25 circumstances of the indictment, and it is not even related to the

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1 testimony that the witness gave.

2 On 1 February, by order of the Panel, it was to be submitted on
3 1 February the final list of exhibits. And to come up at this stage
4 so late with a pile of documents that we can hardly even review, we
5 do think that it is simply too late to admit it. We found, in
6 addition to this, another observation, that the SPO actually does not
7 use any - any - of the exculpatory material for the accused.

8 When it comes to the dates, for example, the SPO does not use
9 documents that are related to the events even though they know very
10 well that these dates that they claim -- the Prosecution is making a
11 claim that there is discrepancies. It's a claim. It's not a fact.
12 They believe it is without saying what actually is the actual
13 discrepancy. And if the witness is actually stating about certain
14 events, we notice that the SPO does not use the documentation that
15 they have put into the case file themselves while very much - while
16 very much aware - of the fact that this material exists; while very
17 much aware that these events that take place are not only reported in
18 the case file itself but also in other open sources.

19 And, for example, the OSCE report that is listed in ERN
20 IT-05-87.1P01029. And we do believe, actually, that if the SPO comes
21 up with material, then it should balance its -- especially regarding
22 the position that the SPO has.

23 And in this particular material, we find, as I said, no material
24 that is related to the charges, the facts, the circumstances, the
25 testimony. It is apparently only to characterise the witness

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1 whatsoever of documentation that dates from a very, very long back
2 day ago. And whatever the opinion of people might be, that is
3 outside of the scope of this trial.

4 And, therefore, we believe that these kind of documents that are
5 entered at this very, very late stage should not be admitted to
6 tender in as evidence or usage during this examination of the
7 witness.

8 Thank you very much, Your Honour.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence
10 counsel.

11 Yes, I see the Prosecutor standing. Mr. Prosecutor, you have
12 the floor.

13 MR. MICHALCZUK: I would like to very briefly respond to the
14 submission of my learned colleague.

15 So first of all, he said that this material is not related to
16 the testimony of yesterday. It is. Yesterday, the witness testified
17 himself that he respects this court. If Your Honours remember, we
18 had an exchange about his strategy during the war to forget things,
19 but at the same time, in one breath, he said that but it does not
20 deal with this court which he respects. So that's why we would like
21 to relay the materials that we disclosed yesterday to that part of
22 the testimony. This is my first remark.

23 The second remark is that we have all the obligation to assist
24 the Panel to assess the credibility of this witness and his bias, if
25 any, in relation to this court and this case, and also any bias, if

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1 any, in relation to the accused in this case.

2 Speaking about the material and the late disclosure, it was not
3 the case that the SPO was simply holding this material forever. We
4 were making searches just two days ago, actually, and we found
5 things. And the moment we realised that there might be a potential
6 bias and that his attitude toward this court might have influence on
7 this case and his testimony, only then we decided to do it. So we
8 are talking about the materials that we had in our possession just
9 for a little bit more than a day, not as the Defence claims.

10 So when it comes to using the materials, yesterday, during our
11 examination, the most pertinent material that we used were
12 statements, prior statements of this witness - SPO statements, the
13 statements of the Defence. So this is the most pertinent stuff that
14 we used yesterday.

15 So when it comes to the opportunity of the Defence to challenge
16 this evidence, they could always ask questions in their
17 cross-examination to the witness. They could clarify things. And
18 this is the most proper way, the cross-examination by the Defence, to
19 check whether what we are saying is correct in the eyes of this
20 witness. Of course, as we discussed yesterday, if need be, the
21 Defence will have the opportunity also to re-call the witness during
22 their Defence case.

23 So in sum, I believe that there are reasons for getting the
24 leave from the Honourable Panel and use the materials that we
25 disclosed yesterday in the remainder of the examination of this

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1 witness.

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
3 Mr. Prosecutor.

4 Victims' Counsel, would you like to make an additional
5 observation?

6 MS. BARBEAU: No. No, Your Honour. We won't.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

8 Defence counsel, would you like to make an observation in
9 addition to what the SPO has said?

10 MR. VON BONE: Yes, Your Honour.

11 The issue of whether the witness would be biased in whatever
12 manner is absolutely -- has nothing to do with the charges of the
13 indictment. First of all, it is a presumption of the Prosecution
14 that the witness would be biased. In all fairness, the witness
15 stated simply his testimony about his whereabouts, what he did, when
16 he did that, where he did that, and so on. It has nothing to do with
17 any opinion that might have been obsolete. It's not even -- we
18 cannot even put it properly in context.

19 And, therefore, I do not think that it would be of any use for
20 the Panel, nor for this trial, nor for the accused, or for anybody to
21 get into a kind of a debate about political issues that are
22 completely unrelated, as I said, to the charges, to the indictment,
23 to the facts of the case, to the whereabouts of the witness, and to
24 what he has stated.

25 So, therefore, we believe that the motion or the request of the

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1 SPO, apart from the fact that it was simply too late, as dictated by
2 the Rule 102(1)(b), should be not admitted.

3 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence
4 counsel.

5 I see nobody standing anymore, so I will continue with rendering
6 an oral order on this request.

7 The Panel notes that disclosure of the requested material, as
8 well as notice by the SPO of its intention to use such material with
9 Witness 4849, took place late in the evening on the day before
10 resuming the testimony of this witness.

11 This provided limited time for the Defence to familiarise itself
12 with the material and also derogated from the Panel's guidance in
13 paragraph 34 and 35 in the Decision on the Conduct of Proceedings,
14 which is filing 170.

15 However, the Panel considers that the SPO gathered such material
16 yesterday evening in light of the need arising out during the
17 testimony of Witness 4849, which could not be foreseen prior to the
18 start of its direct examination. The SPO has specified that it is
19 for reasons of credibility. It is not necessary that this topic is
20 strictly related to the charges or the accused.

21 The Panel notes that the SPO does not need to use exculpatory
22 material in its questioning. They only need to disclose it.

23 However, in addition, the Panel notes that the material is not
24 of a technical or complex nature and is also limited in scope. The
25 Panel, therefore, authorises the SPO to use such material during the

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1 remainder of its direct examination of Witness 4849, and further
2 decides that the Defence, if it so wishes, because of the moment the
3 documents were disclosed, will be given some additional time during
4 the breaks in order to study such material and consult with
5 Mr. Mustafa to prepare its cross-examination.

6 This concludes the oral order.

7 Now that we have gone through this preliminary matter, we will
8 continue with the testimony of the witness.

9 Madam Court Usher, could we please usher the witness into the
10 courtroom.

11 [The witness takes the stand]

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Humolli, good
13 morning.

14 THE WITNESS: [Interpretation] Good morning.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Welcome to the
16 Specialist Chambers. You can hear me fine?

17 THE WITNESS: [Interpretation] Yes, I hear you good.

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Did you have time
19 to rest?

20 THE WITNESS: [Interpretation] Yes, I had sufficient time.

21 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I remind you that
22 you are still under oath to tell the truth. We will continue with
23 your examination by the Specialist Prosecution Office. I will now
24 give the floor to Mr. Prosecutor so he can continue.

25 Mr. Prosecutor, please proceed.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Examination by Mr. Michalczuk (Continued)

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1 WITNESS: FATMIR HUMOLLI [Resumed]

2 [Witness answered through interpreter]

3 Examination by Mr. Michalczuk: [Continued]

4 Q. Good morning, Mr. Humolli. How are you?

5 A. Good morning. Good.

6 Q. Good. Mr. Humolli, yesterday we were discussing a certain
7 strategy that you had during the war about forgetting things. And
8 continuing, you said that, however, this strategy of yours does not
9 apply to this court and that you respect this court. Is that so?

10 A. Yes, correct.

11 Q. Have you always had that opinion about this court, that you
12 respect it?

13 A. In my opinion, this court was unjustly established, but I
14 respect the decisions of Kosovo Assembly.

15 Q. Mr. Humolli, did you ever publicly compare this court to
16 Guantanamo prison?

17 A. I am not sure, but it's probable that I did. Just as the
18 American legislators called Guantanamo as unjust, so do I call this
19 court. But there is a difference between respect and justice. If
20 you allow me, I would like to elaborate it further for the sake of
21 the public and for the Court.

22 Q. So for now I would like to quote a very brief part of one of
23 your Facebook postings that you publish on 17 November 2019.

24 MR. MICHALCZUK: And for the record, I am talking about the ERN
25 number 104790. This is the precise page where we have it.

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Examination by Mr. Michalczuk (Continued)

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1 Q. And you said the following:

2 "After the war in Afghanistan, the United States has established
3 the Guantanamo camp, where people who have committed terrorist acts
4 and other serious crimes against humanity are kept prisoners, which
5 has been deemed to be contrary to American legislation.

6 "Similarly, Kosovo has made, established a Guantanamo for the
7 KLA, whose war has been supported by all democratic countries and the
8 NATO."

9 So what did you mean by comparing this court to Guantanamo?
10 Please explain.

11 A. It's correct that when the civilian population was being bombed,
12 the NATO technology didn't -- military force didn't distinguish
13 between the civilian population and the Serb forces. So with that
14 kind of technique and weapons, it's absurd that they couldn't
15 distinguish it.

16 It is correct that there were judgements -- or trials held in
17 Prishtine and in The Hague regarding the alleged crimes perpetrated
18 by the KLA fighters who were tried and condemned in The Hague and in
19 Prishtine. Salih Mustafa's commander was tried and condemned in
20 Prishtine. So who had the right to pressure the Assembly to set up
21 such a court to make us talk amongst ourselves in different
22 languages, when this trial could have taken place in Prishtine, as
23 the case was with Remi, Rrustem Mustafa, or Sylejman Selimi, another
24 commander of the KLA, or the trial of superiors who had been tried
25 and sentenced in Prishtine.

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Examination by Mr. Michalczuk (Continued)

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1 So politically speaking, how can you argue that such a court is
2 correct? I have expressed my opinions to the public everywhere in
3 the Assembly that this court was set up as a result of the pressure
4 brought about by Serbia's friends to prevent Kosovo's development.
5 Having such a court, no serious investment comes to Kosovo today
6 because every investor that can invest in Kosovo seeing that Kosovo
7 cannot try its own people would hesitate to invest. So that is the
8 political meaning that I gave to this opinion. And practically
9 speaking, I think that it was very easy for such a court to be set up
10 and operate in Prishtine without any problem.

11 Q. But you called this court Guantanamo, didn't you? So do you
12 still claim that you respect this court?

13 A. I respect the institutions of Kosovo and since it is these
14 institutions that set up this court, despite the mistakes, I respect
15 it.

16 [Specialist Prosecutors confer]

17 MR. MICHALCZUK:

18 Q. Mr. Humolli, did you ever publicly call this court unfair and
19 essentially racist?

20 A. I sent letters to deputies not to vote in favour of it,
21 considering it unfair and so -- because, in my opinion, this lowers
22 the dignity of justice in Kosovo.

23 Q. I would like to be very precise, and I would like to put to you
24 your Facebook posting that you made. And it was not before the
25 creation of this court. It was -- there's a recent one from 11 July

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Examination by Mr. Michalczuk (Continued)

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1 2021, so last year.

2 MR. MICHALCZUK: For the record, it's got the following

3 ERN number: 104793.

4 Q. And in that Facebook posting, among some other things, you
5 stated the following:

6 "An unfair, essentially racist court and human rights violator,
7 this is what, regrettably, was voted in by our Assembly."

8 So in public you still called it unfair and essentially racist.
9 So do you still claim that you respect this court, this institution?

10 A. Yes, I am respecting it. But from the invitation I received or
11 summons to come here, from the [REDACTED] Prishtine [REDACTED]
12 until I came here, all the time I had to go back in time and speak in
13 Serbo-Croatian. I am not racist in terms of language, but I had to
14 do that in order to respect this court.

15 I think it's an injustice done to the witness, but we have to
16 see how much injustice is going to be done to the accused, because we
17 are facing an occupier that committed crimes, that even today refuses
18 to acknowledge these crimes, that stages various diplomatic attacks
19 in the international arena, and I still respected it and spoke
20 Serbo-Croatian with them in order to come here and show my respect
21 for this court.

22 Q. Mr. Humolli, and I would like to make it clear for the record,
23 that this posting that I have just quoted was long after the
24 establishment of this court. It was last year.

25 So you said that the court was racist before you travelled to

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1 this court. Can you explain how you respect a court that you say is
2 unfair? Because you said that this court is unfair. So how do you
3 respect a court which is, in your view, unfair? That is my question.

4 A. This is my political approach to it. As a national liberation
5 movement, since KFOR came to Kosovo, we considered the way it came as
6 unjust. NATO strikes is unjust, the way it used these strikes. Had
7 NATO wanted to assist us, it could have supplied us with weapons and
8 munition. And, of course, we would have protected the population and
9 prevented it from being displaced from Kosovo. And such injustices
10 have done always against Kosovo.

11 But we have thought long-term. We knew -- as I'd said to KFOR
12 representatives in my office in Prishtine, I said, "You are not in a
13 neutral position but you are pro-Serbs, because the Resolution 1244
14 recognises Yugoslavia." And I showed KFOR, UNMIK, and all the other
15 institutions that we are going to conquer them politically, and we
16 did, and we declared our independence. And I trust international
17 opinion and not political institutions. I believe in technical
18 institutions that are free from political influence, but the way it
19 was built is of this nature.

20 Q. Yes, but could you answer my question. Because, you know, you
21 said a few minutes ago that you consider this institution unfair.
22 However, you still have respect for it. So how can you respect an
23 institution that you consider unfair?

24 A. By telling the truth in this institution. By doing so the way I
25 know it. Because as a matter of fact, we have conquered the Serbian

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1 army in Kosovo, we have conquered the international opinion, and I am
2 sure that, telling the truth, we will always be triumphant.

3 You have to understand, and the Court has to understand, that
4 for us life after the war is -- in Albanian there is a expression,
5 that is something that we might not have had. So our life was put in
6 the service of our people. That's the most important thing for us.

7 Q. Mr. Humolli, did you ever publicly call this court a political
8 institution that cannot guarantee a fair judgement?

9 A. Of course. Now that I am an MP in the Assembly, I have made
10 efforts for the MPs to cancel this court, but I have not managed to
11 find sufficient support from my colleague MPs. In my opinion, this
12 court should be turned in to Kosovo because I think that our
13 institutions have their place in Kosovo.

14 The Yugoslav state and Yugoslavia had all its own republics
15 filled with political imprisoned Albanians. Therefore, this is
16 something that should be banned today because, otherwise, the
17 prisoners of the world, of Europe, will be filled with Albanians. A
18 KFOR has been in Kosovo. It keeps being in Kosovo. UNMIK was in
19 Kosovo as well. Therefore, I can say that I think that if they say
20 that there is no possibility for the trials to happen in Kosovo,
21 that's an offence for the international community, and that is
22 something that Yugoslavia has managed to say and do.

23 So Yugoslavia has said that UNMIK and KFOR have managed to make
24 justice and to have trials in Kosovo. So this is a consequence of
25 the international community, of the talks that have been happening,

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1 and I think that this is the way for us. The truth is the way for us
2 to say what the route will be in the future.

3 Q. We will discuss your views about abolishing this court a bit
4 later. But now can you tell me, how can you still claim that you
5 respect this court when you say it's unfair, racist, and cannot
6 render a fair judgement? Answer this question in a very --

7 MR. VON BONE: Your Honour.

8 MR. MICHALCZUK:

9 Q. -- very brief manner.

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel,
11 you have the floor.

12 THE WITNESS: [Interpretation] I said it already.

13 MR. VON BONE: I think it is the same question which has already
14 been answered by the witness. So to repeat the question I don't
15 think will make the answer any different.

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,
17 the point the Defence counsel is making, I was going to raise it
18 also. Because I heard, of course, that you made now an addition with
19 a third point, but it's getting back to the same question.

20 So if it's a step up, like we have seen before, you can proceed.
21 But it seems somehow somewhat repetitive.

22 MR. MICHALCZUK: Yes, Your Honour. Thank you for this reminder.
23 I'll try not to repeat myself. However, my question, we, of course,
24 asked already a few questions about the witness's attitude to this
25 court, but my last question was about his public opinion that this

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1 court cannot deliver a fair judgement, and I didn't hear the answer.

2 And I would kindly ask the witness to answer my questions.

3 Q. So my question was clearly this one: Did you call this court a
4 political institution that cannot guarantee a fair judgement? So
5 that was my issue. Did you -- did you say that? Is that your
6 opinion?

7 A. This is a public statement of myself, that this institution has
8 been established due to the political pressure. When the parliament
9 of Kosovo voted, it did not vote for this one. And the result of the
10 pressure was that within the day, the MPs were corrupt so that they
11 could give the vote for the establishment of this institution. And
12 given that this was the approach for the set-up of the institution,
13 it lacks political credibility.

14 Now, the fact that it is in Europe, and I'm convinced of the
15 fact that the European people, if they adhere to democracy and
16 respect democracy -- I think that my opinions were just, and this is
17 why I've said what I've said about the international community, the
18 European people. And it's not about the political decisions that
19 have been taken under pressure or under the daily interest of certain
20 parties.

21 Q. Mr. Humolli, I appreciate your answer but you have said the same
22 thing several times and we understand. But my question was --

23 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,
24 excuse me.

25 THE WITNESS: [Interpretation] That's the same question.

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1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,
2 sorry to interrupt you. I just want to say something to the witness.

3 Mr. Humolli, the question is if you think that this court can
4 give a fair judgement. That is the question of Mr. Prosecutor. And
5 I would like you to answer to that question.

6 THE WITNESS: [Interpretation] I'm sceptical to this.

7 MR. MICHALCZUK: Yes, in this case, Your Honours, with your
8 permission, I would like to read a press interview with inFokus, the
9 media outlet of Kosovo --

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

11 MR. MICHALCZUK: -- dated - thank you, Your Honour - dated
12 14 January 2019.

13 Q. And this is what you said.

14 MR. MICHALCZUK: And for the record, it is on the
15 ERN 104803-104804.

16 Q. So this is what you said in that short interview to that Kosovo
17 media outlet:

18 "This court has a political mission. Courts with political
19 missions lack credibility and no one can trust them. And because
20 this is a political court, one can never expect a fair judgement. If
21 there was justice, they would have not been taken to The Hague on
22 those allegations in the first place."

23 Do you still believe what you said in that interview today, that
24 this court cannot render a fair judgement?

25 A. I told you before. From Prishtine airport, the way and how this

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1 court has behaved towards ourselves, the Albanians, in itself, it
2 shows that what I thought of it has become even more consolidated.

3 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Witness.

4 THE WITNESS: [Interpretation] However, it is our obligation to
5 see what justice will tell.

6 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Excuse me, I'm
7 interrupting you because please don't give any details about your
8 travel arrangements. Before you did that, so please don't do that.

9 So you were talking about when you left Prishtine, and you can
10 continue to say whatever you think is necessary to say, but don't
11 give details about your travel arrangements.

12 MR. MICHALCZUK:

13 Q. So, Mr. Humolli, from your last answer, I believe that you still
14 believe that this is the case, that this court cannot render a fair
15 judgement; is that so? It's a yes-or-no question, very simply.

16 A. We will have to see. Like I said before, I'm sceptical. And my
17 scepticism is being consolidated by the way on how things are ran,
18 how the questions are being asked to me.

19 Q. Have you ever called for the abolition of this court? You
20 mentioned something to that effect a few minutes ago. Could you tell
21 the Court, have you ever called for the abolition of this
22 institution?

23 A. I have asked for this institution not to be voted for, and the
24 conditions have not yet been ripe for it to be abolished. In the
25 first moment that those conditions will be there, this court will no

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1 longer be supported by the Assembly of Kosovo.

2 Q. I am not talking about the Assembly of Kosovo. I am talking
3 about you. If there was a vote in the Kosovo Assembly to abolish
4 this court, would you vote for its abolishment?

5 A. Yes, I would.

6 MR. MICHALCZUK: Just, Your Honour, a short moment of
7 consultation, if I may.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

9 [Specialist Prosecutor confers]

10 MR. MICHALCZUK: [Microphone not activated].

11 THE INTERPRETER: Microphone, please.

12 MR. MICHALCZUK: Your Honours, I would like to change the topic
13 slightly.

14 Q. Mr. Humolli, do you consider yourself a friend of Salih Mustafa,
15 the accused in this case?

16 A. All our co-fighters were our co-fighters. It was the war that
17 joined us, and it was the war for justice. And any time we talk
18 about the war for justice, we are friends amongst one another. So if
19 the cause is not justice, then we can have separate ways.

20 You're having the trial today and if the allegations, the points
21 in the accusations are going to be sustained, then he won't be my
22 friend.

23 MR. MICHALCZUK: Can I quote a very short passage from
24 Mr. Humolli's statement, Your Honour, in relation to this issue?

25 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Yes, you may.

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1 MR. MICHALCZUK: Thank you.

2 Q. I would like to refer you to your SPO statement.

3 MR. MICHALCZUK: Which is on pages 100954-TR-ET, Part 2. It's
4 on page 21, lines 24 to 25; and then on page 22, lines 1 to 6.

5 Q. This is what you said about the relationship between yourself
6 and Salih Mustafa. The question of the Prosecutor:

7 "I understand. Okay. Did you become friends at some point?"

8 Talking about Salih Mustafa. You said:

9 "Co-fighters are always friends -- friends, yes. Until they
10 follow the same path."

11 I said:

12 "I understand. Do you have any relationship with Salih Mustafa
13 after the war? Did you have any relationship after the war?"

14 And you said:

15 "He was a member of the National Movement for the Liberation of
16 Kosovo even after the war."

17 From this short exchange, do I understand that for now, up to
18 now, you still consider him a friend?

19 A. Until the Court decides, we will know the position of
20 Salih Mustafa. Up until the Court decides, Salih Mustafa is not
21 guilty. So once the decision is taken, then I can judge the
22 relationship. But up until the time when a decision is taken, he is
23 my friend and he will continue being my friend.

24 About the international community, Mr. Prosecutor, from 1999,
25 from Rambouillet, and if you have followed the statements of the

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1 National Movement for the Liberation of Kosovo, we have always been
2 different and we have had points of difference in opinion with
3 regards to the international community.

4 So we have been of the opinion that without an armed fight and
5 without an armed war, NATO could not intervene. But there was only
6 one mistake for us, for the National Movement for the Liberation of
7 Kosovo, that NATO should have intervened in other places as well, in
8 Macedonia, other places, but it only intervened in the case of
9 Kosovo.

10 The National Movement for the Liberation of Kosovo, back in
11 1993, has said it clearly, that it's only the armed war that would
12 oblige NATO to intervene in Kosovo.

13 Q. I would kindly ask you, Mr. Humolli, to answer my questions, if
14 I may ask kindly about that.

15 Mr. Humolli, did you ever post anything on Facebook in support
16 of Salih Mustafa?

17 A. Of course, yes.

18 Q. What did you post in relation to Salih Mustafa? In which
19 occasions and what was it that you posted?

20 A. We trust that he is innocent. We do still believe that.

21 Q. Did you post anything when Salih Mustafa was arrested?

22 A. I am not sure. But it's not a problem even if I have made any
23 posting in my ...

24 Q. I would like to show you your Facebook postings. The first one
25 is dated 25 September 2020, and another one is posted on 28 October

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1 2020. On those postings, you depict Salih Mustafa at his court
2 appearance.

3 My question was when you were making those postings of
4 Salih Mustafa on your Facebook account, was it your way of showing
5 your support to Salih Mustafa?

6 A. I am telling you that I support justice, and I believe that
7 Salih Mustafa is not guilty. And if he has done any mistakes, those
8 mistakes will have to be shown. If that is not the case, then we'll
9 have to keep in the same way. Because otherwise, he wouldn't be a
10 member of the National Movement for the Liberation of Kosovo.

11 Q. So from what you are saying -- and please answer my question
12 again. From what you are saying, it seems that posting those
13 postings on Facebook of Salih Mustafa was your expression of support
14 for him; correct? Just it's a yes-or-no question.

15 A. I have supported him and I will support him for as long as I
16 consider him being innocent. And the Court considers him, I believe,
17 innocent up until he is proved guilty.

18 Q. When you were making those postings, and we are saying about,
19 for example, the posting depicting Salih Mustafa already before this
20 court in 2020, were you at that time aware of what Mr. Mustafa was
21 accused of?

22 A. Up until the indictment was made public, I had no idea what he
23 was accused of.

24 Q. Did you have at any point a chance to familiarise yourself, in
25 general terms, with the charges even after having made those

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1 postings?

2 A. The charges were raised much later, and it depends on how you
3 see it. It is not possible for the public to see in details what the
4 charges in the indictment are. And for as long as there have been no
5 details, it's difficult to know things in the crux of themselves. So
6 it's only the Court and yourselves that know in details what the
7 charges against him are.

8 Q. So let me be clear: You didn't know the charges against him.
9 Nevertheless, you made postings on Facebook in his support. So why
10 did you decide to do that? You didn't know the charges. You don't
11 know how serious it is. Nevertheless, you support him. Why?

12 A. We support for the fight and the kind of life that he has done,
13 and we know that his fight was just and his life was in the service
14 of the cause of the country. It was not a war or a fight that he did
15 for personal interests.

16 Q. So again, I mean, my question -- I would like to get this clear
17 answer from you. I understand that if we support people, we know,
18 more or less, why we support them, and you said, "I didn't know the
19 charges. Nevertheless, I supported him." So could you give me a
20 clear answer. Did you support him blindly? Did you give him an
21 blank cheque? And if so, why?

22 A. We have supported him and we keep supporting him because of the
23 war that he has staged and because of the kind of life that he has
24 run. And the war that he has been taken into, that's a just war and
25 that has been in the service of the Albanian people.

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Examination by Mr. Michalczuk (Continued)

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1 Q. Mr. Humolli, how did you become the witness for the Defence in
2 this case? Did you yourself volunteer? Were you approached by
3 somebody? Could you tell the Court how did that happen that you are
4 today here with us?

5 A. Today I am here in answer to the invitation that you have
6 forwarded to me. But when Salih Mustafa was arrested, I went and
7 paid a visit in his family. I told his family that we are willing to
8 testify for what we know about Salih Mustafa. Then the family
9 communicated with the counsel. The counsel got in contact with
10 myself. Then you took permission from the Defence, at least what you
11 told me is this. So you approached me to discuss about the matter,
12 and I'm here in answer to the invitation that was extended to me by
13 you.

14 Q. You just said that, and I quote, and this is page 25 of today's
15 provisional transcript, let's start from line 25, or even 24:

16 "... when Salih Mustafa was arrested, I went and paid a visit in
17 his family. I told his family that we are willing to testify for
18 what we know about Salih Mustafa."

19 So you approached his family. When you did that, after the
20 arrest, can you please tell me did you know already what the charges
21 were or what the charges against him might be? You went there and
22 offered your support, that you would testify in his favour.

23 A. My statement is very clear. I went to Salih Mustafa's family.
24 Salih Mustafa has worked for Kosovo institutions after the war. He
25 has collaborated with NATO and with the international organisations

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1 in the sector that he has been working in. Therefore, for me, it was
2 a surprise that he was arrested. While Salih Mustafa has gone to
3 Brussels to share his knowledge, to share his expertise. Therefore,
4 in this moment in time, for every citizen, it has been a total
5 surprise that he was arrested, let alone ourselves as co-fighters
6 with him.

7 Q. I know. But all the citizens might have known something, but it
8 was you who went to the family of Salih Mustafa offering yourself as
9 a witness in his favour. You did not know the charges. So why did
10 you think that you could be a Defence witness?

11 A. Taking into account the way in how the court in The Hague is
12 established and also the political approach of the court, we knew
13 what the orientation of the court was from the very beginning. This
14 is the reason why I have offered myself, and I do that for every
15 co-fighter so that I could help the truth be revealed.

16 Mr. Prosecutor, from 1999, I have made -- I know from many
17 people that there are international investigators that have sought
18 information about myself, but they have found no evidence against
19 myself because, otherwise, I would have been in the position of
20 Salih Mustafa myself today. Because, like I said, I've been against
21 the KFOR, UNMIK, and there have been some interests probably by
22 certain people to put me aside.

23 But my fight was just. And, like I said, such arrests are
24 political ones and they are not arrests that are aimed at putting
25 light to the truth. So about the political opinions of mine, I don't

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1 know whether those political opinions are of any use to the Court.

2 But if you want to verify the truth, I think that the truth is being
3 said here before you, and that's something that I say everywhere.

4 So what I have said about Salih Mustafa is true, and everything
5 that I say is true. I don't bother myself on what others think and
6 what the consequences would be afterwards. The only concern of mine
7 is just telling the truth.

8 And I want to tell you again that, as of 1999, if you look at my
9 political vocabulary, you won't find anything that contradicts what I
10 am saying today.

11 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Okay. Thank you,
12 Mr. Humolli.

13 Please proceed, Mr. Prosecutor.

14 MR. MICHALCZUK: Just a second of consultation, Your Honours, if
15 I may.

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Yes. And could
17 you also indicate -- sorry, Mr. Prosecutor.

18 MR. MICHALCZUK: Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Could you indicate
20 what your estimation for the rest of the examination is in terms of
21 time.

22 MR. MICHALCZUK: Let me consult, Your Honour, for a second, also
23 on this issue.

24 [Specialist Prosecutors confer]

25 MR. MICHALCZUK: Thank you, Your Honours, for your patience.

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Examination by Mr. Michalczuk (Continued)

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1 We will continue with the examination of this witness, and I
2 hope we will finish during the next session. But I am talking about
3 today. Definitely today we will be done with the direct examination
4 of this witness.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] But today before
6 lunch? Or that is not clear? That's also an answer.

7 MR. MICHALCZUK: Your Honours, this is not clear. Everything
8 depends on the course of the rest of this examination.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well.

10 MR. MICHALCZUK: But we will attempt to finish it as quickly as
11 possible today.

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

13 MR. MICHALCZUK:

14 Q. Mr. Humolli, I would like to come back to your testimony that
15 you gave yesterday. We were discussing about the time when you were
16 meeting your family in Zllash, and I don't believe that we
17 established several things. Let me start from the first one.

18 How many times did you meet your family when you were in Zllash?
19 How many times?

20 A. I don't know.

21 Q. Was it once, twice, more than that, or you cannot say?

22 A. I told you that I met them once when we discussed the
23 possibility of them leaving for Prishtine.

24 Q. So it is your answer that you met them once?

25 A. Yes.

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Examination by Mr. Michalczuk (Continued)

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1 Q. I would like to clarify still the issue that we were discussing
2 yesterday about the overlap between your stay in Zllash and the stay
3 of your family.

4 MR. MICHALCZUK: And with the permission of the Court, I would
5 like to quote a very short passage from the SPO testimony. And I
6 would like to ask the witness about his view on it.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

8 MR. MICHALCZUK: Thank you. For the record, I am going to quote
9 a passage from the SPO statement ERN 100954-TR-ET, Part 3, page 5,
10 lines from 11 to 23.

11 Q. Question by the Prosecutor:

12 "Okay. Because you said that you entered Zllash on the 17th or
13 18th of April, and you said that your family moved to Prishtine on
14 the 17th or 18th. So did they go to Prishtine on the same day when
15 you entered or sometime later? Could you clarify the timelines,
16 please."

17 And your answer was:

18 "They left on the following days, after my arrival."

19 And you clarified:

20 "On the following day."

21 So did you say that to the SPO? Just answer my question. Is
22 that what you said?

23 A. I said yesterday, too, that it happened one day -- my family
24 left one day before the offensive was launched against Zllash. And
25 it's difficult to remember in detail then if the offensive was

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1 launched on the 19th or the 20th. I'm not sure. If I went there on
2 the 17th, the family left on the 18th, and the offensive was launched
3 on the 19th. If it's a matter of one day -- it's a matter of three
4 days, everything that happened.

5 I said yesterday, I'm saying today, don't focus on the dates,
6 because when I was thinking, yesterday I said Zahir Pajaziti was
7 killed on 31 January 1996. Then when I thought about it again, I
8 found out it was 1997. So such details for me -- that for you, as a
9 Prosecutor, are of interest, for me were of no interest, so that I
10 could keep track of everything in my mind.

11 I know that it left one day before the offensive and that
12 everything -- I stayed there for two, three days. And that as a
13 result of the preparation of the -- for the Serb offensive, we went
14 to the right-hand side of the Leskovac road.

15 Q. Thank you for this answer. Mr. Humolli, speaking about the same
16 time. But I'm not going to talk about times. I'm going to ask you
17 about something else. Yesterday you said that when you were visiting
18 your family when they were in Zllash, you were spending time with
19 them, talking to them in the yard. Is that so? Is that what you
20 said?

21 A. Yes, yes.

22 MR. MICHALCZUK: With the permission of the Court, I would like
23 to put to the witness two parts of the statement that he gave to the
24 SPO that deal exactly with the place where he was staying with his
25 family.

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1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

2 MR. MICHALCZUK: The first part, for the record, is on the
3 following pages: 100954-TR-ET, Part 3, page 7, lines from 5 to 8.

4 Q. And this is what you said to the Prosecutor:

5 "Q. Okay. When you were, as you said, staying with your family
6 in that place, were you staying mainly in the same building where
7 your family was or were you also going around that place?"

8 And your answer was:

9 "I stayed with my family in a building."

10 So the question of the Prosecutor was about the building. Your
11 answer was about the building. And yesterday you said you met them
12 only in the yard. So did you say that to the Prosecutor, that it was
13 a building where you met with them?

14 A. I don't understand the question. I mean, I answered the
15 questions. And then when you think more about the past, I answered
16 your question yesterday the way I remember it now. The important
17 thing is that I met them in that place. It's probable, I think, that
18 we met in the yard because it was not possible to meet elsewhere.

19 The statement I gave yesterday is the most -- the final one for
20 me.

21 Q. So you're sure about the fact that you met them in Zllash, but
22 you're not clear where it was; is that your answer? Let's have it
23 clear once and for all.

24 A. I met them in the yard in that compound.

25 Q. Yes.

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Examination by Mr. Michalczuk (Continued)

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1 MR. MICHALCZUK: In this case, I would like to read another
2 part, as I mentioned, also dealing with exactly the same issue. We
3 are talking about the same SPO statement, but the part is slightly
4 different. With the permission of the Court, I would like to read.
5 It's also about the same issue.

6 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed.

7 MR. MICHALCZUK: So let me move to -- let's move to the
8 statement again, SPO numbered 100954-TR-ET, but this time Part 4,
9 page 2, lines 2-4.

10 Q. The question is about the same thing, question of the
11 Prosecutor:

12 "Did you stay in that building after your family had left?"

13 And you said:

14 "No. Because during that ... that time the Serb -- the Serbian
15 offensive started so we needed to go."

16 So again you have the exchange between the Prosecutor and
17 yourself about the building where you were meeting your family, not
18 in the yard. So, again, you're sure about the fact that you met your
19 family in Zllash? You're sure about it? However, you say it was in
20 the yard today. But in the statement to the SPO, on two occasions at
21 least, you said it was in the building.

22 A. I didn't say inside the building but within the same space in
23 the yard. From the translation I read that you gave me, either the
24 translation was not right -- but there are many inaccuracies in the
25 statement so they, in a way, distort my statement. If you read the

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1 statement I gave you, whoever knows Albanian and compares it to the
2 statement that I gave to the lawyer, you won't believe it's the same
3 person that has given the statement. So much -- so many inaccuracies
4 are found in the translation. But I am focusing on the essence of
5 the problem and not on the details that you seem to be interested in.

6 Q. But I believe that the word "yard" and "building" in the
7 Albanian language are two different words; correct? And there should
8 not be any problem with translating them properly, distinguishing
9 between them; correct?

10 A. Correct.

11 MR. MICHALCZUK: With the permission of the Court, I would like
12 to read yet another part dealing with exactly the same thing, but
13 this time it is the part of the statement that this witness gave to
14 the Defence.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed,
16 Mr. Prosecutor.

17 MR. MICHALCZUK: Thank you, Your Honour.

18 So this time it's going to be the Defence statement of
19 Fatmir Humolli number 2, number DSM00119-00133, page 10.

20 Q. In this part, you seem to be describing the inside of the
21 building. Question by the Defence counsel:

22 "In what kind of building did your wife and children stay?"

23 And you said:

24 "Those were rooms. The houses were not inhabited before.

25 Namely, all those houses were temporarily improvised to accommodate

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1 themselves."

2 A question of the Defence counsel:

3 "Was there heating?"

4 Your answer was:

5 "There were wooden stoves. There was no electricity there."

6 The question of the Defence counsel:

7 "Was there a kitchen or something so that they could eat?"

8 Your answer:

9 "They had these wooden kitcheners, on which they would cook."

10 So you gave the description of the interior of the building,
11 saying there was no electricity, there was wooden stove, wooden
12 kitchen, didn't you? So can we understand that actually you were
13 inside of the place, the building where your family was staying in
14 Zllash?

15 A. Yes. I asked my wife, the first time I met her -- when I met
16 her what the conditions were like there, and she explained to me
17 everything that you read out now, because I wanted to know where they
18 were living, in what conditions they were living. So she explained
19 to me. And I explained to the lawyer the same things that my wife
20 told me.

21 Q. Yes, but in your replies to those questions you are not saying
22 to the Defence counsel, "Oh, I was not there but my wife told me
23 about it." You say how the things were. And it sounds, from this
24 short paragraph, that you actually were in the buildings, were you
25 not?

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1 A. I'm not sure. But the way the lawyer asked me, in the same way
2 I asked my wife how they lived, in what circumstances. I told you
3 yesterday, because there were other families accommodated there, I
4 couldn't go and intrude into other places and upset these families.

5 Q. So your memory today is that you saw them in the yard; correct?
6 What is your memory today about this?

7 A. Yes. Yes, today and yesterday, as I told you.

8 Q. Yesterday we discussed not only the building where your family
9 was staying but also other buildings; is that correct?

10 A. Yes.

11 Q. Could you tell us what were the other buildings? What do you
12 remember? Just in very brief fashion, just for the Court to
13 understand what you saw when you were there.

14 A. Old buildings that were not inhabited for years.

15 Q. How many? Do you remember the number those buildings?

16 A. I'm not certain but more than three, I would say. And some
17 sheds with roofs where the animal fodder was kept. And in that
18 place, a family was living.

19 Q. We spoke yesterday about a certain building where the wounded
20 were placed within that area. Do you remember that?

21 A. Yes.

22 Q. Do you remember --

23 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor.

24 MR. MICHALCZUK: Yes.

25 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Do you have a

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1 reference for that?

2 MR. MICHALCZUK: We discussed this issue in so many places that
3 I cannot quote it now, but I can find it after the break and provide
4 it for the record.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] That's what we
6 have been doing up till now. So you don't have to give them all, but
7 it's good to have one concrete reference.

8 MR. MICHALCZUK: Yes.

9 Q. Yesterday we spoke also about -- as I said, about the wounded
10 people. And you mentioned the question of wounded people being there
11 somewhere in the location in your interview with the Defence counsel.
12 You spoke about the wounded people in your statement before the SPO.

13 However, in the statement -- in either of these two statements,
14 you never mentioned that you visited that building where the wounded
15 were. So my question is, knowing where the wounded were, did you
16 actually go there, to that building?

17 A. Since the wounded were removed from that building, I met them
18 because I helped my co-fighters to remove them. We encouraged the
19 wounded, giving them hope of recoveries.

20 Q. So you visited the wounded shortly before their relocation from
21 Zllash? Is that what you are saying?

22 A. Yes, because the KLA units were preparing to dislocate them from
23 Zllash, so I visited them and motivated them to be braver and more
24 courageous.

25 Q. I understand. Was it shortly before the relocation to Zllash?

Witness: Fatmir Humolli (Resumed) (Open Session)

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Examination by Mr. Michalczuk (Continued)

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

1 Because from what you are saying, it seems that this was the moment.

2 I'm just trying to confirm for everybody that it is exactly the time
3 when you visited the wounded.

4 MR. VON BONE: I think -- may I?

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel, I
6 see you are standing.

7 MR. VON BONE: Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Wait, wait, wait.

9 MR. VON BONE: Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Humolli, can
11 you take off your headphones.

12 Defence counsel, please proceed.

13 MR. VON BONE: I read line 19, and maybe counsel can read with
14 me:

15 "Was it shortly before the relocation to Zllash?"

16 MR. MICHALCZUK: From. Of course from Zllash.

17 MR. VON BONE: I think so. Yes.

18 MR. MICHALCZUK: Yes. Thank you. Thank you, Mr. von Bone.
19 Thank you.

20 MR. VON BONE: I just ...

21 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence
22 counsel.

23 Mr. Prosecutor, yesterday we have been discussing extensively
24 the wounded people between pages 73 and 94. I would not like to go
25 into repetition of that.

Witness: Fatmir Humolli (Resumed) (Open Session)

Page 2412

Examination by Mr. Michalczuk (Continued)

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

1 MR. MICHALCZUK: Of course, Your Honour. My only issue was
2 about not the presence of the wounded there but the moment when the
3 witness visited them.

4 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Okay.

5 MR. MICHALCZUK: This is the issue I'm trying to establish with
6 more precision.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well.

8 MR. MICHALCZUK:

9 Q. So again, my question --

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] The witness, does
11 he have his headphones on? Okay.

12 MR. MICHALCZUK:

13 Q. So your testimony -- just to clarify it once and for all. So
14 your testimony is you actually visited the wounded in connection with
15 their relocation from Zllash? Is that what you are saying?

16 A. Yes. When I visited my family, I also visit the wounded. And
17 since we removed them, it was normal that I should meet them. But
18 it's about 23 years that have passed for me to be able to remember
19 such details. In this case, if I say I'll answer only yes/no, maybe
20 it wouldn't be enough explanatory.

21 Q. Also we are trying to establish whether you are sure about the
22 time when you visited the wounded or not. Was it shortly before the
23 relocation of them from Zllash? Was it earlier? What point was it?
24 We are trying to establish that for sure, because it's an important
25 element.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Examination by Mr. Michalczuk (Continued)

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

1 A. Yes. It's important. I'm telling you to say that my family
2 left one day before the offensive. That day, I visited my family.
3 That day, the wounded were in that premise, and the organisation for
4 their removal was on the last day; that is, their displacement
5 happened a little time before the offensive was launched against
6 Zllash. So we left them a little bit early in the dawn when we took
7 them to Koliq.

8 Q. But your statement to the Prosecution and to the Defence again,
9 you never mentioned visiting any wounded. Why didn't you say that at
10 that time? And you are telling us about visiting the place where the
11 wounded were only today. It's an important element.

12 A. Because you are asking me about that today. You asked -- then
13 you didn't ask me. Since you didn't ask me, I believe you didn't
14 want to know about it.

15 Q. On the contrary, today I quoted to you, I believe, already -- or
16 maybe it was yesterday, the thing that -- and I can quote it again.
17 It was on page -- SPO statement Part 3, page 7, lines 15 to 19. We
18 discussed that yesterday. I asked you, as a Prosecutor at that
19 time -- we, the Prosecution, asked you about going around the
20 compound apart from the place where your family was staying. And
21 your answer was clearly to the SPO:

22 "I didn't need to go around. I needed to stay with my family
23 because I hadn't seen them for several months."

24 We had this quote yesterday. So, in fact, during the
25 Prosecution SPO interview, the issue of the places that you visited

Witness: Fatmir Humolli (Resumed) (Open Session)

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Examination by Mr. Michalczuk (Continued)

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

1 were discussed. You never mentioned visiting the place where the
2 wounded were staying. Do you confirm that you didn't during that SPO
3 interview?

4 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor, he
5 has already said that, that he did not talk about it.

6 MR. MICHALCZUK: Your Honours, it's two minutes to 11.00, so
7 maybe the time is right for the break.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
9 Mr. Prosecutor. I have noted or have been informed that you have
10 been using up till now 3 hours and 50 minutes. So that was your
11 estimation for the examination of this witness.

12 I would like to know a little bit more precise for our planning,
13 which is important, because we have today and tomorrow, in principle,
14 and we also have to give time and space for the Defence, how much
15 time you think you will be needing.

16 MR. MICHALCZUK: Your Honour, can I briefly consult on this
17 issue and I'll come back with an answer in a moment.

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

19 [Specialist Prosecutors confer]

20 MR. MICHALCZUK: Thank you for your patience, Your Honours. I
21 would say we would need one more hour, not more than that. And, if
22 possible, we would kindly ask for the extension of the allotted time
23 for the Prosecution's direct examination of this witness.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] If you can keep it
25 within the hour, in principle, that would be very much appreciated.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Examination by Mr. Michalczuk (Continued)

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

1 And then what we will be doing after the break is that we will have
2 this part of the examination, and maybe also the Victims' Counsel.
3 And then afterwards, we will have a longer break than normal in order
4 to give the Defence the possibility to discuss with the client, with
5 Mr. Mustafa regarding the cross-examination. So, very well.

6 Mr. Witness, we will have a break for half an hour. I will ask
7 Madam Court Usher to accompany you out of the courtroom, and then we
8 will see you back at 11.30.

9 THE WITNESS: [Interpretation] Okay.

10 [The witness stands down]

11 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Madam
12 Court Usher.

13 We will resume in 30 minutes. The hearing is adjourned.

14 --- Recess taken at 11.01 a.m.

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

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Welcome back.

17 Mr. Prosecutor, I will call appearances now. Can you confirm
18 that you are in the same composition?

19 MR. MICHALCZUK: Yes, Your Honour, we are in the same
20 composition.

21 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

22 And the same goes for the Victims' Counsel's team?

23 MS. BARBEAU: Yes, Your Honour, same composition.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

25 Defence counsel, and you, you are also in the same composition?

Witness: Fatmir Humolli (Resumed) (Open Session)

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Examination by Mr. Michalczuk (Continued)

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

1 MR. VON BONE: The same composition, and Mr. Mustafa is joining
2 via videolink.

3 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you very
4 much.

5 Very well. Madam Court Usher, could you please bring the
6 witness in. Thank you.

7 Mr. Prosecutor, I see you standing. Do you want to have the
8 floor?

9 MR. MICHALCZUK: Yes, just very briefly. During the break, we
10 have assessed a required amount of time that we would need for the
11 remainder of this examination, and I think we will finish it within
12 15 minutes.

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you very
14 much, Mr. Prosecutor.

15 [The witness takes the stand]

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Welcome back,
17 Mr. Humolli.

18 THE WITNESS: [Interpretation] Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,
20 you have the floor to proceed with your examination.

21 MR. MICHALCZUK: Yes, thank you, Your Honour.

22 Q. Mr. Humolli, I would like to change the topic. Yesterday, we
23 very briefly spoke about the unit called BIA. Do you remember that?

24 A. Yes.

25 Q. What Kosovo Liberation Army structure was BIA subordinated to?

Witness: Fatmir Humolli (Resumed) (Open Session)

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Examination by Mr. Michalczuk (Continued)

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

1 A. BIA structure was under the responsibility of the Llap
2 operational zone, because the guerilla structure was only attached to
3 the Llap operational zone in the entire Kosovo Liberation Army.

4 Q. Who within the Llap operational zone command was BIA accountable
5 to?

6 A. To the commander of the Llap operational zone and to the chief
7 of the operational zone of Llap.

8 Q. Who was the chief of the operational zone of Llap? Could you
9 remind us?

10 A. Nuredin Ibishi was the commander of the operational zone.

11 Q. What was his exact position in the Llap operational zone
12 command? Could you tell us?

13 A. Who are you talking about?

14 Q. I am talking about Nuredin Ibishi.

15 A. He was the chief of operations.

16 Q. Mr. Humolli, was the BIA unit receiving orders from
17 Rrustem Mustafa, Nuredin Ibishi, both of them?

18 A. BIA unit was under the command of Salih Mustafa; whereas
19 Salih Mustafa took orders from the chief of staff or the command of
20 the operational zone.

21 Q. So either from Rrustem Mustafa or from Nuredin Ibishi; is that
22 correct?

23 A. Yes, the operational structure went through Nuredin Ibishi. But
24 given that the guerilla was more sensible, the commander of the Llap
25 operational zone had authority as well.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Examination by Mr. Michalczuk (Continued)

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

1 Q. Did the BIA unit fall under the command of any brigade of the
2 Kosovo Liberation Army?

3 A. The BIA units were separate, were discrete units, and they were
4 under the command of Salih Mustafa only.

5 Q. Did any brigade have any authority over the BIA unit?

6 A. No.

7 Q. Yesterday, I believe you spoke about three brigades within the
8 Llap operational zone. You spoke about Brigade 151, 152, and 153; is
9 that correct?

10 A. Yes.

11 Q. You told us that none of the brigades had any authority over
12 BIA, but I'd like to be precise about one of them, 153. So also this
13 brigade, 153, did not have any authority over BIA, did it?

14 A. No.

15 Q. Thank you very much, Mr. Humolli. We don't have any questions
16 in this direct examination.

17 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
18 Mr. Prosecutor.

19 Victims' Counsel, I will now give you the floor for questioning.
20 How much time do you think that you will be needing?

21 MS. BARBEAU: Your Honour, actually, we don't have any questions
22 for this witness.

23 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you very
24 much.

25 Then I will revise how we would be organising this afternoon,

Witness: Fatmir Humolli (Resumed) (Open Session)

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Procedural Matters

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

1 because then it's the turn for the Defence counsel, and we agreed on
2 giving the Defence counsel time for preparation before starting with
3 the cross-examination.

4 Defence counsel, we will adjourn and we will start at 2.00. And
5 then I will discuss with CMU and the translation unit how we will
6 divide the time in the afternoon, and we have the possibility, of
7 course, also to continue tomorrow for the cross-examination.

8 Defence counsel, is there something you would like to remark in
9 this regard?

10 MR. VON BONE: No, Your Honour. That's fine. We just will
11 consult with CMU regarding a Zoom meeting with our client.

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well.

13 Mr. Humolli, this was a very short part of the examination. We
14 just came back from our break, but we will now again adjourn the
15 hearing for a break, and then we will meet again at 2.00. Is that
16 clear for you?

17 THE WITNESS: [Interpretation] It is clear.

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well. I will
19 ask --

20 THE WITNESS: [Interpretation] Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- Madam Court
22 Usher to accompany you.

23 Madam Court Usher, could you please accompany the witness out of
24 the courtroom. Thank you.

25 [The witness stands down]

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

1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Madam
2 Court Usher.

3 Does the SPO want to raise, before we adjourn, something or is
4 everything fine for the moment?

5 MR. MICHALCZUK: For the moment no issues, Your Honour. Thank
6 you.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.
8 And the Victims' Counsel?

9 MS. BARBEAU: No, thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.
11 And Defence counsel?

12 MR. VON BONE: Nothing, Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well.
14 Then we adjourn the hearing till 2.00.

15 --- Luncheon recess taken at 11.40 a.m.

16 --- On resuming at 2.00 p.m.

17 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Welcome back to
18 this afternoon session.

19 I will first call appearances.

20 Mr. Prosecutor, is the composition the same as this morning?

21 MR. MICHALCZUK: It is the same, Your Honour.

22 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.
23 Victims' Counsel.

24 MS. BARBEAU: Yes, Your Honour. We are the same composition
25 right now. However, at 3.00, Anni Pues will have to excuse herself

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

1 from the courtroom, so it will be only me from 3.00.

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you. That
3 is noted.

4 And Defence counsel, you're in the same composition with --

5 MR. VON BONE: Yes --

6 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- your team?

7 MR. VON BONE: -- Your Honour. We are in the same composition.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well. Thank
9 you.

10 Madam Court Usher, could you usher the witness in, please?

11 [The witness takes the stand]

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Welcome back,
13 Mr. Humolli.

14 THE WITNESS: [Interpretation] Thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] We will continue
16 with your testimony this afternoon.

17 I want to shortly recapitulate what we have already informed you
18 by e-mail of, that the schedule for this afternoon is from now till
19 quarter past 3.00 we will have our first session. Then we will have
20 a 15-minutes break. And from half past 3.00 till 5.00 we have a
21 second session afternoon.

22 Very well. Defence counsel, as per oral order given to you
23 yesterday by the Panel, I remind you that your cross-examination will
24 be done entirely in public session. And you have the floor for your
25 cross-examination.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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

1 Please proceed.

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

3 Cross-examination by Mr. von Bone:

4 Q. Mr. Humolli, good afternoon.

5 A. Good afternoon.

6 Q. Yesterday, you said in your statement here in court, and I quote
7 page 32 of the transcript of yesterday, line 3, but I will quote the
8 entire portion of it. It is from line 1 until 4 -- 5, from line 1
9 until 5. You said the following:

10 "The reason for us entering Prishtine was that following the
11 information we were provided with by the Prishtine guerilla that the
12 army, that is the Yugoslav Army, was distributing information so that
13 the population would flee, would escape from the area and would go in
14 other neighbouring countries."

15 Do you recall that, sir?

16 A. This is the reason why we entered Prishtine -- went to
17 Prishtine.

18 Q. Yes. The question we have regarding this issue is the
19 information that was provided to you, was that information regarding
20 Albanian families who were being forced from their homes and had to
21 be -- also be marching to the Prishtine sports stadium?

22 A. Prishtine is inhabited by Albanians, over 90 per cent. And that
23 invitation was addressed only to Albanian families.

24 Q. Right. Is it correct that in that period of time that you were
25 there, that you were aware that there were deportations going from

Witness: Fatmir Humolli (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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

1 Prishtine to Macedonia?

2 A. This was the time when deportation of people from Prishtine to
3 Macedonia started, but the displacement of the population to
4 Macedonia and Albania dated back earlier from other regions of
5 Kosovo.

6 Q. Yes. But just that deportation that took place from Prishtine
7 to Macedonia, and I mean after the NATO bombing, was that the time
8 that you were in Prishtine?

9 A. It's the time when we were expecting the operation for the
10 displacement of population. After receiving this information by the
11 guerilla unit that this event was going to happen, the Llap operation
12 zone decided to enter the city with all the people who were familiar
13 with the city with small weapons in order to prevent the Serb army
14 from acting.

15 Q. Is it correct that many thousands of Kosovars were deported from
16 Prishtine?

17 A. Over 60 per cent of its population was deported from Prishtine
18 for Macedonia. Some of them passed through Gollak.

19 Q. And do you know, can you tell us, when that deportation, that
20 large deportation actually occurred?

21 A. The deportation occurred on 31 March, that is, the end of March.
22 This is when deportation started. Because the police were
23 concentrated on the highest points of the city and started to fire in
24 the air just to scare the population. And having received this
25 information from before, that they had to leave, within a short

Witness: Fatmir Humolli (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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

1 period of time the overwhelming majority of people came out in the
2 streets.

3 Q. And it was after these events, these deportations, that you
4 returned to eventually Llapashtice; is that correct?

5 A. Yes.

6 Q. Thank you very much. Mr. Humolli, to conclude this, this
7 deportation that took place, was that, at that moment that that
8 deportation took place, a deportation by the Serbian forces?

9 A. Can you repeat the question, please? I'm not clear.

10 Q. The deportation that we are talking about, was that the
11 deportation by the Serbs, executed by the Serbs on the Albanian
12 population?

13 A. Yes.

14 Q. Thank you very much. The next question that we would like to
15 touch upon is the following.

16 MR. VON BONE: We would like to request to show, and I will give
17 the ERN number, DSM00119-00133, and then that is -- it should be
18 Attachment 2 of that.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please proceed,
20 Madam Court Officer.

21 MR. VON BONE: It is at the very bottom. Yes. And could we
22 rotate that, please. Yes. Thank you. And maybe could we blow it up
23 a little bit? Yes. Thanks.

24 Q. Mr. Humolli, can you see the photo?

25 A. Yes.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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

1 Q. Can you see your signature?

2 A. I can.

3 Q. Thank you. This location, is this the location where your
4 family stayed?

5 A. I told you that I couldn't -- I couldn't be clear about this
6 picture taken from above. When you saw me from below [as
7 interpreted], then I showed you that it -- this is the place.

8 Q. And the yard that you spoke about, is that the yard in between
9 these buildings on these pictures?

10 A. Yes.

11 Q. Thank you very much. And is this the location -- you spoke
12 about the location where your family was. Is it in this very same
13 location where the wounded people were treated and eventually
14 evacuated from?

15 A. Yes.

16 Q. Mr. Humolli, did anybody tell you if Mr. Mustafa ever had
17 detained any people?

18 A. Nobody told me that Salih Mustafa had detained anyone.

19 Q. Did Mr. Mustafa ever tell you that he had detained anybody?

20 A. No.

21 Q. Did he ever tell you that he had ordered the detention of
22 people?

23 A. No.

24 Q. Did he ever tell you that he had mistreated people?

25 A. No.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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

1 Q. Did you ever hear from anybody else that during the war, in the
2 period of April 1999, Mr. Mustafa had mistreated, detained, or beat
3 anybody?

4 A. From the superiors and soldiers that I knew and met, I never
5 heard such a thing.

6 Q. And have you heard of your family while staying in the location
7 where they were staying, have they ever told you that on that same
8 location they had noticed or heard or seen people being detained or
9 maltreated?

10 A. No, neither my family told me anything like that.

11 Q. And while you were at the location of this photograph, have you
12 ever seen yourself that people were detained there?

13 A. No.

14 Q. Have you ever noticed if a particular building was guarded,
15 specifically?

16 A. No.

17 Q. On this particular location, approximately in the time that you
18 were there, were there refugees or people seeking refuge?

19 A. Yes, there were.

20 Q. Was that the reason why your family stayed there?

21 A. Yes, certainly.

22 Q. Why was this place so safe?

23 A. All the houses in Zllash were overcrowded with civilian
24 population. And because of the shelling, no house was safe and
25 guaranteed. But because they wanted to get shelter from the cold,

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Cross-examination by Mr. Von Bone

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

1 and they -- they settled in these houses of Zllash.

2 Q. You say "they settled in these houses of Zllash," you mean that
3 these houses, as you are watching, were in Zllash?

4 A. Yes, these houses are part of Zllash neighbourhood. But all the
5 villages of Gollak were, as I said, overcrowded with civilian
6 population. It was not only Zllash.

7 Q. Have you ever heard during the war or after the war whether
8 Mr. Mustafa had committed any particular crime?

9 A. No.

10 MR. VON BONE: Just a minute, Your Honour.

11 [Specialist Counsel confer]

12 MR. VON BONE: Yes, Your Honour.

13 Q. Have you ever been informed by Mr. Mustafa regarding the killing
14 of a family with the name Rama?

15 A. Rama family was killed in Obiliq municipality after the
16 beginning of the NATO air strikes. I heard it from Salih Mustafa and
17 the unit that was part of Obiliq. And Rama was part of the BIA
18 guerilla unit.

19 Q. And when you were informed by Mr. Mustafa regarding this issue,
20 was this before you reached Barileve with Mr. Mustafa or was it after
21 you had parted ways in Barileve, that you went to Llapashtice and he
22 remained in Barileve? Or, at least that's where you parted.

23 A. The killing and maltreatment of this family happened almost
24 immediately after the NATO air strikes. And wanting to drive away
25 the population from Obiliq municipality exerted pressure on this

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Cross-examination by Mr. Von Bone

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1 family. The unit resisted. And after that resistance, they were
2 killed. The remainder of the population left towards Prishtine. I
3 don't know exactly when I got this information from Salih Mustafa.

4 Q. But in your memory, was that after you had parted ways in
5 Barileve or was it --

6 A. No, I got this information before we received the information to
7 remove the population after the leaflets spread by Serbia. I think
8 this must be on 23rd and 24th March, whereas the leaflets were
9 distributed later. The information arrived at the Llap operational
10 zone earlier.

11 This was much before we went to Llumnice neighbourhood after the
12 1st of April. So that happened earlier than the 1st of April.

13 Q. And when you say "that happened earlier," do you mean the
14 killing of the Rama family, that that happened earlier?

15 A. Yes.

16 Q. And do you know if Mr. Mustafa tried to go to that BIA unit in
17 Obiliq?

18 A. The Obiliq unit had its own superior. And in the circumstances,
19 it was impossible to go, because the position of the Rama family was
20 in a flat land and nobody could approach them without being
21 eliminated by the Serb forces. It was near the road, but during the
22 day it was impossible to have access to it to go -- for someone to go
23 and help them.

24 Q. Lastly, do you know a person by the name of Isuf Callaku?

25 A. Yes.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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

1 Q. Have you met him in Barileve?

2 A. He's dead now. After the war -- he died after the war. But he
3 was one of the soldiers of the guerilla in the Obiliq area.

4 Q. Do you know or do you remember if you have met him in Barileve
5 when you arrived there?

6 A. Isuf was one of the -- from the part of the earliest guerilla
7 unit. We met momentarily or on other occasions, but I can't tell you
8 for sure. But from Obiliq municipality to come to Llap, the easiest
9 route was through Burgoce [phoen] and Barileve. Any withdrawal
10 passed through this route -- of the forces passed through Burgoce,
11 Barileve, to arrive in Majac or elsewhere.

12 Q. Excuse me, do I read Burovce or Burgoce?

13 A. Burgovc [phoen].

14 Q. Thank you very much. Do you know if Salih Mustafa ever told you
15 that he had arrested somebody, or did Salih Mustafa ever tell you
16 that he had arrested somebody?

17 A. The BIA guerilla unit didn't have the mandate to detain, to
18 arrest someone. It operated in the city, and its main duties were to
19 be informed of the positions of the Serb forces, logistics, or to
20 meet the needs of the military hospital in Potok, so they could
21 operate only when their life was endangered. Otherwise, they didn't
22 have the mission to be militarily engaged in Prishtine.

23 Q. Okay. And was the area of the operations of the BIA in
24 Prishtine mainly?

25 A. Prishtine, Obiliq, and Fushe Kosove.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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

1 Q. And if there would be anybody from the BIA in Zllash, for what
2 reason would they be there? Do you know that?

3 A. Every guerilla unit soldier could find accommodation in any
4 units of the KLA situated at the -- in the outskirts of Prishtine,
5 because they were always under constant stress and they needed to
6 rest. So their duty when they went to unit -- different units was to
7 take a rest, not to act.

8 Q. And did you see that with your own eyes while being in Zllash on
9 that location of the photo?

10 A. The members of the guerilla unit couldn't be identified without
11 the -- by any operational zone by the -- without the permission of
12 Salih Mustafa. So the commander of the operational staff didn't have
13 the right to ask from Salih Mustafa to inform him about the
14 operational duties, so they couldn't be identified without any need
15 to do that.

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel.

17 MR. VON BONE: Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You asked him if
19 he could see with his own eyes "while being in Zllash on that
20 location of the photo."

21 MR. VON BONE: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Did you get an
23 answer to that question?

24 MR. VON BONE: I think the answer was that it was, for the
25 witness, not able to distinguish.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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

1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Okay. Okay.

2 Thank you for clarifying that.

3 MR. VON BONE: That's how I take it.

4 I just want to have a consultation.

5 [Specialist Counsel confer]

6 MR. VON BONE: Your Honour, we have, at this point, no further
7 questions to Mr. Humolli.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And does that mean
9 that this ends your cross-examination?

10 MR. VON BONE: For this moment, yes, it does. At least we will
11 use another opportunity. But for this moment, in consultation with
12 our client, we will not have any further questions in
13 cross-examination.

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence
15 counsel. Very well.

16 Mr. Prosecutor, would you like to continue with a second round?

17 MR. MICHALCZUK: Yes, we would be happy -- let me see,
18 Your Honours. Let me consult for a second, and I'll come back to you
19 with the answer.

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Okay. We will
21 wait for that if you want to continue with redirect examination.

22 [Specialist Prosecutors confer]

23 MR. VON BONE: Your Honour.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Yes?

25 MR. VON BONE: Yes.

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Cross-examination by Mr. Von Bone

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

1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Defence counsel,
2 you will get the floor, but I want to have the Prosecutor present as
3 well.

4 MR. MICHALCZUK: Your Honour, Your Honours, very briefly, just
5 maybe two, three questions, if I may, in relation to what Mr. Humolli
6 said in his answers to the questions of the Defence.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,
8 you will be given the floor, but before that, I want to give the
9 floor to the Defence counsel who indicated he wanted to raise a
10 point.

11 Defence counsel, you have the floor.

12 MR. VON BONE: Your Honour, if I may ask one concluding question
13 to the witness which I did not pose and I wanted to do that, with the
14 permission of the Prosecution, of course.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I don't see any
16 problem in that, of course. So you will get the floor, Defence
17 counsel. And then afterwards, Mr. Prosecutor will continue.

18 Please proceed, Defence counsel.

19 MR. VON BONE:

20 Q. Mr. Humolli, we met on two occasions, on 24 March 2021 and
21 25 March 2021. Do you remember that?

22 A. Yes, I remember the meeting but I don't recall the dates.

23 Q. Well, I tell you that the meetings that we had, we took your
24 statement at the time. My question is --

25 A. Yes.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone

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

1 Q. -- in the statements that you gave to us, did you tell the
2 truth?

3 A. I have taken the oath to tell the truth from the beginning.

4 Q. And did you tell the truth here in court?

5 A. Yes, I did.

6 Q. Thank you very much.

7 MR. VON BONE: That was the question, Your Honour. Thank you
8 very much.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence
10 counsel.

11 Mr. Prosecutor, you have the floor to ask some additional
12 questions. Please proceed.

13 MR. MICHALCZUK: Your Honour, before I start, just for the sake
14 of procedure, our understanding is that the Defence counsel is
15 putting to the witness all the cross-examining questions right now
16 that can be done in public session, and he can ask private session
17 questions if he re-calls the witness. Is that correct? Is our
18 understanding correct?

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] The Defence will
20 also be put in a position to ask questions that are not to be asked
21 only in private. So your understanding was not completely correct.
22 Or maybe we have not been clear enough. But he will be put in a
23 possibility to ask further questions.

24 MR. MICHALCZUK: Understood, Your Honour. Thank you very much
25 for this clarification.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Re-examination by Mr. Michalczuk

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

1 Re-examination by Mr. Michalczuk:

2 Q. I would like to ask you, Mr. Humolli, a few questions, and I
3 would like to refer to your answer that you gave today to
4 Mr. von Bone. It's on page 50, line 14, where you were discussing
5 the issue of deportation from Prishtine.

6 You told the Defence counsel that the deportation from Prishtine
7 occurred on 31 March; is that correct?

8 A. Yes.

9 Q. These deportations that were taking place at that time, in fact,
10 occurred on numerous days. I'm talking about Kosovo-wide. Is that
11 also correct?

12 A. Before the deportation of citizens from Prishtine started, there
13 were deportations from other regions of Kosovo towards Macedonia and
14 Albania. The population of Prishtine was deported during this
15 period.

16 Q. And the deportations --

17 MR. VON BONE: Your Honour.

18 MR. MICHALCZUK:

19 Q. -- in fact, the movement of the displaced persons started
20 already on 28 March; correct? If I recall what you said today.

21 A. The displacement of the rural part of the villages, like the
22 village of Shkabaj, that was in the vicinity of the plant, the energy
23 -- hydropower plant of Prishtine, the coal plant of Prishtine. So
24 those people were displaced because of the Serbian police, and that
25 was the time when massacres happened in the Rama family.

Witness: Fatmir Humolli (Resumed) (Open Session)

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Re-examination by Mr. Michalczuk

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1 So during this period of time there were displacements of
2 certain families for strategic interests of the Serb forces. So the
3 family were not deported en masse as was the case later on.

4 Q. I am not talking about when the --

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] No, no, no. Wait,
6 wait.

7 MR. MICHALCZUK: Excuse me.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Sorry,
9 Mr. Prosecutor. I heard the voice of the Defence counsel and I saw
10 him standing, but now I see he's sitting again.

11 Do you still want the floor, Defence counsel?

12 MR. VON BONE: Yes, Your Honour. Just to clarify, because --

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Wait, wait, wait,
14 please --

15 MR. VON BONE: Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- I will --

17 MR. VON BONE: Sure.

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- ask the witness
19 to put off his headset.

20 Could you take off your headset, Mr. Humolli? Thank you.

21 Please proceed, Defence counsel.

22 MR. VON BONE: Yes, Your Honour. The question is not about
23 whether there were deportations taking place. The question that I
24 was speaking of were the deportations specifically in Prishtine,
25 which is, to anybody's knowledge, a historical fact. So I was

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Re-examination by Mr. Michalczuk

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1 speaking about the deportation of the people from Prishtine.

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Prosecutor,
3 what is your reaction?

4 MR. MICHALCZUK: Yes. Your Honour, my reaction is that we were
5 discussing about certain movements around the dates very relevant to
6 this case, and we would like to understand better where those
7 movements of people were taking place. This is especially relevant
8 in the context that it seems that the witness seems to orient himself
9 around those movements.

10 He mentioned yesterday, and today also, those movements of
11 population to Macedonia. And then he said: Because of those
12 movements, I could more or less state the date or the dates where
13 certain events were occurring, like his movements. That is why I
14 would like to ask just three questions in order to better understand
15 the timelines of those deportations, and this stems from the
16 questions of the Defence counsel and from the reply of this witness.

17 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I see the Defence
18 counsel standing again.

19 MR. VON BONE: Yes, Your Honour.

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Please.

21 MR. VON BONE: The deportations that I was speaking of in the
22 cross-examination was the deportation of the people from Prishtine.
23 I do not think that in re-examination that we go beyond the scope of
24 that particular issue, because it is simply what that scope of the
25 question was and to what the witness answered.

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Re-examination by Mr. Michalczuk

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1 So do I not think we have to go embark on movements of people
2 anywhere in Kosovo on all kinds of places or wherever. Just stick to
3 where the question in cross-examination was getting to, which was the
4 deportation of the large group of people from Prishtine.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Do you still want
6 react, Mr. Prosecutor?

7 MR. MICHALCZUK: We can also focus on Prishtine if the Defence
8 counsel insists --

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Okay. But --

10 MR. MICHALCZUK: -- because this is -- maybe it's sufficient for
11 us to get answers on those movements.

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] But anyhow, I do
13 think there is some relevance in it, and we are not strictly here in
14 a kind of common law system. If there is a relevance for the
15 ascertainment of the truth, I will allow it. And in this case, if
16 you have three questions on that point, you may ask them.

17 MR. MICHALCZUK: Yes, I will try to stick only to those three
18 questions.

19 Q. So did you say, and do you confirm that, that the movements in
20 Prishtine that you spoke about today happened on 30 March 1999?

21 A. Yes, it is confirmed.

22 Q. And around that time there were several movements of people
23 migrating, displaced persons migrating towards or being deported
24 towards Macedonia; is that correct?

25 A. The part of Hani i Elezit, the part of Kacanik that were in the

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Re-examination by Mr. Michalczuk

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1 border crossing point, that were close to the border, they were
2 obliged to leave earlier. They went to Macedonia and they also had
3 family members there. However, the massive displacement, the most
4 special one is the Prishtine massive displacement because it was well
5 organised, trains were engaged as well as buses so that people were
6 sent to Macedonia.

7 So they were placed in the stadium of the city as well as in the
8 railway station of Prishtine. This is a different situation as
9 compared to the other displacements which were ongoing. Before the
10 NATO bombing started, after the massacre in Recak, the population has
11 constantly moved in the mountainous areas, in those parts where the
12 Serbian technology could not reach easily. So these movements were
13 happening in Drenica, in Dukagjin, and everywhere else.

14 However, when it comes to the organised displacement, the most
15 organised and the better organised one was the displacement in
16 Prishtine.

17 MR. MICHALCZUK: Your Honours, I don't have any further
18 questions. Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.
20 Victims' Counsel.

21 MS. BARBEAU: Your Honour, we don't have any further questions
22 for the witness, Your Honour.

23 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

24 And, Defence counsel, do you want a rejoinder?

25 MR. VON BONE: No, Your Honour.

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Questioned by the Trial Panel

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

1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Okay. And did
2 they have also a military police unit?

3 A. Llap operational zone also had a military police unit.

4 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And did the -- oh,
5 sorry, you were talking. Did the brigades, especially 153, but also
6 152 and 151, did they have a military police unit and an intelligence
7 service unit?

8 A. I have no idea how the military police has operated, because all
9 the soldiers were wearing the same uniform. There was no distinction
10 of the soldiers. The developments were rather dynamic. Therefore, I
11 don't have accurate information about this one.

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And do you know if
13 there was in the different brigades an intelligence officer working?

14 A. I do not know.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Let me see. So
16 what you do know is that there was an intelligence service at the
17 level of the Llap operational zone, yes? That you do know?

18 A. Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] But not lower in
20 the hierarchy?

21 A. I have no idea how it went further down.

22 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I want to refer to
23 your statement you gave to the Defence, and that is DSM00100, and
24 then especially the pages finishing in 108. And there, you were
25 asked a -- you said something about the structure of the brigades.

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Questioned by the Trial Panel

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1 And then you indicated that there was a commander of the brigade, a
2 deputy commander, a commander of the military police, an information
3 service of the brigade, and then you continued that in an
4 organisational sense there were battalions and each had smaller
5 units.

6 And you said:

7 "Then there was a chance to gather -- if there was a chance to
8 gather three battalions, the three battalions would form a brigade.
9 Intelligence officers were appointed by the headquarters of the Llap
10 operational zone."

11 Here, I understood that you indicated that every brigade
12 apparently had an information service and there was a commander of
13 the military police. Does that refresh your memory, or can you
14 further explain to me why you say that you don't know anything about
15 this?

16 A. From what I know, and this is something that I've told the
17 Prosecutor and the Defence counsel, that it was the commander of the
18 brigade, the deputy commander of the brigade, and there were as well
19 people that were engaged with the civil defence, and that's what I
20 know of, having told both parties.

21 Whereas when it comes to the intelligence service, I think that
22 every soldier has given information as to what has happened and how
23 things have happened, and the information of every soldier and every
24 layperson has been sent up to the commander of the brigade. The way
25 on how the information has been gathered from the commander up until

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1 the intelligence service, I don't know how that has been realised.

2 I am sure that there have been no superiors in the intelligence
3 service, because I have never heard that there have been superiors of
4 the intelligence service in the brigade composition. But what I've
5 said is that every citizen has gathered information, and they had the
6 possibility of getting that information to the soldier, and then the
7 soldier has conveyed that information further afield.

8 I don't have any other answer to that question.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Humolli, I
10 have been quoting a part of your witness statement given to the
11 Defence about the structure of the brigades, and I've given you the
12 possibility to comment on what you've said before. If this is your
13 clarification -- I read it out to you. You said it yourself that
14 there was an information service of the brigade. If this is what you
15 want to answer, I take it.

16 A. That is my answer. What I told you is my answer. How the
17 intelligence service operated, that I did not know. I could not have
18 information about that. And it has been very difficult for other
19 superiors to have access to this type of information.

20 Now, when things are being translated from Albanian into
21 English, I am not able to follow that. But when it comes to the
22 intelligence service, I said that the responsibility of the
23 intelligence service was to process the data that was delivered by
24 the citizens. The way on how that operated, that's up to the
25 intelligence service.

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1 All the information of the guerilla was sent to Salih Mustafa,
2 then I don't know where Salih Mustafa has sent that information. I
3 have no idea about that.

4 About the commander and the deputy commander, it is crystal
5 clear to me on who those persons were. Whereas for other brigades, I
6 don't know about that.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you for trying to clarify
8 this. I was trying to go through with you the structure of the
9 brigade, and I have been citing to you what you told the Defence
10 counsel, and that there was -- and you said in that statement there
11 was a commander, a deputy commander, a commander of the military
12 police, and an information service of the brigade. And I asked you
13 to clarify -- no, wait.

14 A. Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] To clarify or to
16 talk some more about it --

17 A. I am explaining it now.

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Humolli,
19 please wait before talking to me before I -- that I finish my
20 sentence, because if not, the translators will talk to both of us
21 that we are not letting them do a proper job. So, please, you have
22 the floor.

23 A. About the operational structure of the brigades, I told you that
24 I don't know on how they operated. I knew who the commander of the
25 brigade was, but I didn't know about details of the structure neither

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1 for the intelligence service nor for the military police. I don't
2 know on how those structures were built from the commander of the
3 zone, military police, and higher up in the hierarchy. This is
4 something that I'm telling you again, and I don't know on how I have
5 told the lawyer otherwise. I don't know how I might have possibly
6 given this answer to the lawyer.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] My question was
8 just directed at if there was at the brigade a unit occupying itself
9 with intelligence. That was my question. I was not asking you about
10 how it operated. I only asked you if there was a unit of this kind.
11 A. I do not know.

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And then I tried
13 to refresh your memory with your own statement, and you have given an
14 explanation, and that's good for now.

15 In the same ERN number I stated before, in Part 1, page 28,
16 lines 4 to 6, you stated, Mr. Humolli, that the Llap operational zone
17 took a decision that every person who was arrested had to be taken to
18 the prison in Llapashtice. And my question is the Llap operational
19 zone was quite extended. Were there special places where arrested
20 persons would be detained pending their eventual transfer to
21 Llapashtice? Do you know about that?

22 A. No, I have no information about that, because there was only one
23 centre in Llapashtice. On how they were transferred to Llapashtice,
24 I don't know. However, if it is of interest to explain the reason
25 why there was only one centre of detention there in Llapashtice, the

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1 reason for that was that the Kosovo Liberation Army has been
2 100 per cent volunteer. It was built on a volunteer basis. And
3 there might be the case that volunteers had a wrong approach towards
4 the individuals.

5 The Serbian police has, on multiple occasions, compromised many
6 people, and the staff of the operational zone knew that such actions
7 were intentional by the Serbian police. Llap operational zone knew
8 of some occasions of this nature, and they knew that these people
9 were not guilty.

10 Therefore, their transfer and sending to this centre, they were
11 sent there and they were released afterwards because of the Llap
12 operational zone knowing that these people were compromised by the
13 Serbians, because the Serb military forces tried to put people into
14 conflict with one another because they wanted the people to lose
15 trust in us.

16 Although we've been occupied for 75 years, after the 1990s it
17 had not been possible -- I mean, before the 1990s it was not possible
18 to establish a government of ourselves. However, based on the
19 tradition of Albanians --

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Humolli,
21 please, we were -- you were giving me an explanation why there was
22 one detention centre, and I would like you to stick to the answer to
23 that. So we won't continue with this.

24 I have another question for you with regard to your SPO witness
25 statement with the same number I cited before, and that is Part 2,

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1 page 4, lines 20 to 24, for the record. And you explained that you
2 would go to Mramor, most of the time on foot.

3 Could you explain to the Court why it was easier to go by foot
4 in that surroundings?

5 A. The zones, that were mountainous areas and, in certain
6 circumstances, because of the climate, the only way was to reach them
7 on foot. Most of the Mramor neighbourhoods are situated in an
8 elevated terrain, so to reach them, the only possibility was to walk.
9 Or when it was dark, we could also use the car.

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And why would you
11 go by car when it was dark, not during the day?

12 A. I don't understand the question.

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You said if it was
14 dark, you could go by car. And my question is why only when it was
15 dark?

16 A. I didn't say "dark." I said when the climate was not suitable,
17 it was impossible to use the cars, so we had to walk. And in
18 mountainous areas, you cannot use the cars.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And I will take
20 the -- I will see what you say. You said, on page 72, line 14:

21 "Or when it was dark, we could also use the car."

22 That's what has been translated. Was this because of the
23 Serbian forces that you would go by car during the night, because it
24 was too dangerous to do it during the day?

25 A. It depended on the circumstances and the pace of the Serb

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1 offensive. So depending on the circumstances, we made the movements.

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] But I'm asking you
3 specifically to explain further why you said that if it was dark, you
4 would go by car.

5 A. Either it's being wrongly translated, but I don't think I used
6 the word "dark." I said in climatic different -- depending on the
7 climate.

8 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You said -- I'm
9 going to read the transcript to you, Mr. Humolli. Maybe I will
10 formulate it in a different way. Would you say that to go to Mramor,
11 the only way was to go by foot? You could not go there by car? I've
12 understood that Mramor is a kind of big city, relatively big city, or
13 am I mistaken?

14 A. Mramor is the most inhabited village in Gollak. It's a village.
15 Zllash is a neighbourhood of Mramor.

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you. And
17 we'll come back to that question --

18 A. So following NATO air strikes, we were obliged to, in a way,
19 change the way we moved compared to before the air strikes.

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] My question to you
21 is was it possible to go to Mramor by car?

22 A. In normal conditions, when there was no danger, you could use
23 cars.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And in that
25 period, it's almost an open door, there was danger; is that correct?

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1 A. After NATO air strikes and with the Serb forces undertaking
2 sudden movements, every vehicle could be destroyed and you could not
3 defend yourself. Whereas when you walked, the possibility was
4 greater for the soldier or soldiers to defend themselves. So at this
5 period, nobody wanted to put his life at risk to move from one
6 village to another using vehicles.

7 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Just for the
8 clarification for the record, could be destroyed by whom?

9 A. By the Serb forces.

10 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] So if I summarise,
11 and please correct me if I'm wrong, you say: We would go by foot and
12 not by car, depending on the circumstances, because in some occasions
13 it could be dangerous because of the Serbs.

14 A. After 24 March, it was always dangerous to move by car from one
15 zone to another.

16 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you for this
17 clarification. And I would like to go back to a remark you made on
18 Zllash being a neighbourhood from Mramor.

19 On the map I saw that between Mramor and Zllash is some
20 distance, and maybe there's a kind of misunderstanding with regard to
21 the word "a neighbourhood." I would understand the word
22 neighbourhood as being a part of a town. So you have a part of a
23 town and that you call neighbourhoods. But I have seen on a map that
24 Mramor and Zllash are not situated next or attached to each other.
25 So could you explain to the Panel what you mean with being a

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1 neighbourhood of Mramor, Zllash being a neighbourhood of Mramor?

2 A. In mountainous areas all over Kosovo, the villages are composed
3 of neighbourhoods, but neighbourhoods are not adjacent to one
4 another. They depend on the configuration of the terrain. The
5 Zllash neighbourhood or other parts of Mramor, I don't recall them
6 without looking at the map, as I said, depend on the configuration.

7 Officially speaking, Zllash is considered a part or
8 neighbourhood of Mramor. And the inhabitants of Zllash, in their
9 IDs, it's written: Inhabitant of Mramor. So Mramor is a village;
10 whereas Zllash is part of it. It's not a village per se.

11 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
12 Mr. Humolli, for clarifying that.

13 For the record, I note that at 1459, Madam Pues left the
14 courtroom.

15 Let me see. I have another question for you, Mr. Humolli, and
16 then we will have a short break.

17 You said already before that -- it's the same ERN number,
18 Part 2, page 18, lines 11 to 14. You stated that from the end of
19 March to June 1999 there were movements from the Serbian forces due
20 to the NATO bombardments.

21 And did those movements from the Serbian forces make it more
22 difficult during that time in the Llap operational zone to move
23 around for the KLA soldiers, Mr. Humolli?

24 A. The main fightings waged by the Llap operational zones and its
25 greatest difficulties were after this period, because the Serb forces

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1 had to leave their everyday positions so that NATO couldn't strike on
2 them. So their movements were towards the civilian population with
3 the sole purpose of not being struck by NATO without striking the
4 civilian population as well. So that was the tactics used by the
5 military and the police forces both in towns and in rural areas.

6 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And about what
7 period are you talking now?

8 A. After 24 March. After the beginning of NATO air strikes.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Do you recall when
10 the Serb offensive took place in around Zllash? So, specifically,
11 when the Serbs entered Zllash.

12 A. They entered Zllash on the 19th or 20th April. I am not certain
13 about the date.

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I will not insist
15 on exact dates. I understand that it's a long time ago.

16 And can you recall how many days -- let me say it differently.
17 Did they stay in Zllash for a period?

18 A. Yes, they stayed until dark fell. Then they left, started to
19 leave Zllash.

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And do I
21 understand you well, but please correct me, that they stayed one day?

22 A. Not one day. Within the day they left. They entered that day
23 and on that day they left. After setting fire to all the houses in
24 Zllash, they left. For this reason, the KLA units couldn't operate,
25 thinking that the Serbs would take position there and the KLA would

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1 take them later. But the Serb forces left immediately, so there were
2 no more fightings when the Serb forces withdrew from Zllash.

3 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And were you in
4 Zllash at that time?

5 A. No, I was in Kacanoll -- Kecekolle, which is between Koliq and
6 Kecekolle. After we removed the population that went to Koliq, we
7 were situated in that part between the two villages. But not in
8 Zllash, because the Serb forces were there at that moment.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And you said you
10 were in - let me see - Kecekolle? And that is near Koliq? Do I
11 understand that well? No, Kecekolle, you were in Kacanoll. Did I
12 understand that well?

13 A. Kecekolle is --

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Oh, Kecekolle,
15 yes.

16 A. -- these are villages, adjacent villages. I can't be accurate
17 whether I was in Koliq, Kecekolle, but they were all mountainous
18 areas, near these positions.

19 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] So on the 19th or
20 the 20th, you don't remember the exact date of the Serbian offensive
21 in Zllash, as soon as the Serbs had left, you returned to Zllash; is
22 that right?

23 A. Yes, as soon as the Serb forces left Zllash - I don't know how
24 much time passed, they left at night - on the next day, we went to
25 Zllash with Agron Xhemajli.

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1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Yes, that's what
2 you said in your statement to the Defence on the document ending with
3 128, so DSM00119-128. Thank you for that.

4 When you went back to Zllash, how many soldiers of the KLA were
5 there still? Can you remember that?

6 A. I don't know how many. But I met Fatmir Sopi and some other
7 inhabitants of Zllash, because of most of the population of Zllash
8 knew the terrain very well and they managed to find shelter nearby.
9 They didn't leave Zllash completely. So Fatmir and his unit stayed
10 most of the time in Zllash area defending their family, but because
11 they were very familiar with the terrain.

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I see. And you
13 said his unit. Which unit do you mean?

14 A. Fatmir was the commander of civilian defence.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Yes. And which --
16 what was the name of the brigade --

17 A. [Overlapping speakers] ...

18 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] -- the unit was
19 from?

20 THE INTERPRETER: Sorry, there is overlapping.

21 THE WITNESS: [Interpretation] I don't know what unit that was,
22 whether they were soldier -- but I know they were soldiers led by
23 Fatmir Sopi.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And was it
25 Brigade 153?

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1 A. Soldiers of Brigade 153.

2 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Okay.

3 A. Sejdi Veseli, who was deputy commander, went to Koliq. Fatmir,
4 Adem Shehu, I don't know for sure where they were.

5 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And I see -- I
6 have a look at the time. I still have some questions. So we agreed
7 on having a break at this moment in time, so, Mr. Humolli, I will ask
8 Madam Court Usher to usher you out. We will have a 15-minute break,
9 and then we will continue with some other questions which will be not
10 a lot, and then we will end the hearing.

11 THE WITNESS: [Interpretation] For as long as you want me to be
12 here.

13 [The witness stands down]

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Madam
15 Court Usher.

16 We will adjourn the hearing for 15 minutes, and that means that
17 we will restart at five minutes past half past 3.00.

18 The hearing is adjourned.

19 --- Recess taken at 3.20 p.m.

20 --- On resuming at 3.37 p.m.

21 JUDGE DEKKERS: Madam Presiding Judge, we lost connection. So
22 just give us a minute to fix it.

23 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Can you hear me
24 now?

25 JUDGE DEKKERS: Yes, you had to be --

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1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

2 JUDGE DEKKERS: -- unmuted.

3 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] I said welcome
4 back. Sorry for that. Welcome back. And I need to call
5 appearances, and I assume that we are in the same composition when it
6 comes to all the team.

7 Mr. Prosecutor.

8 MR. MICHALCZUK: Yes, indeed.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well.
10 Victims' Counsel.

11 MS. BARBEAU: The same composition, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.
13 Defence counsel.

14 MR. VON BONE: Defence is the same, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

16 I see that Mr. Mustafa is present via videolink. It took a
17 while.

18 Yes, I will have the witness ushered in. Madam Court Usher,
19 could you bring the witness in, please.

20 [The witness takes the stand]

21 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Welcome back,
22 Mr. Humolli.

23 THE WITNESS: [Interpretation] Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Mr. Humolli, after
25 the Zllash offensive finished, the Serb offensive finished in Zllash,

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1 when you came back, did you find there soldiers from Brigade 153 and
2 the BIA?

3 A. I met soldiers of 153 Brigade that were with Fatmir Sopi there.

4 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And from the BIA?

5 A. I didn't meet anyone from them then.

6 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] And did you meet
7 Mr. Mustafa?

8 A. No, he remained in Koliq.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
10 Mr. Humolli.

11 We have concluded your testimony. And I would like to thank you
12 for the efforts you put in giving your testimony. It will help us in
13 our effort to ascertain what happened. So thank you on behalf of the
14 Panel. I wish you a safe journey home. And I remind you that you
15 should not discuss your testimony before the Kosovo Specialist
16 Chambers with anyone.

17 You will be ushered out by Madam Court Usher. Thank you again.

18 THE WITNESS: [Interpretation] Thank you. I wish you success,
19 and I wish you a quick recovery.

20 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

21 [The witness withdrew]

22 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you,
23 Madam Court Usher.

24 Yes, let me see. Is there anything the SPO would like to raise
25 at this moment in time?

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1 MR. MICHALCZUK: Your Honour, the only thing I would like to
2 raise is that I believe I owe Your Honours some quotes from this
3 morning. So on page 36, I was asking some questions to the witness
4 about the place where the wounded were held. And I used the -- I was
5 making reference to the following parts of yesterday's testimony:
6 Page 91, lines from 12 to 20; it continued to page 92, lines 14 to
7 25; then page 93, lines 1 to 25; and it ended on page 94, line 1 to
8 23 of the provisional transcript.

9 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

10 MR. MICHALCZUK: No other issues, Your Honour. Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

12 Victims' Counsel, is there anything you would like to raise?

13 MS. BARBEAU: No, not at this point, Your Honour. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you.

15 Defence counsel, would you like to raise anything?

16 MR. VON BONE: No, Your Honour. We have nothing to raise.

17 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Very well.

18 Before concluding today's hearing, the Panel would like to
19 recall to the parties and the Victims' Counsel that this was the last
20 SPO witness. Therefore, the SPO can now proceed to close its case
21 pursuant to Rule 129 of the Rules.

22 The Panel further wishes to remind the parties and the
23 Victims' Counsel of the deadlines set in paragraph 21(a) till (g) of
24 the Second Decision on the Conduct of Proceedings.

25 Moreover, the Panel recalls that it has decided to convene a

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1 Defence Preparation Conference on the 7th of -- jointly with a
2 Victims Status Conference, on 17 February 2022, starting at 9.30 in
3 the morning, and with a reserve day for 18 February, also starting at
4 9.30 in the morning.

5 And lastly, the Panel would like to remind the Defence to file
6 its updated and final list of exhibits and list of witnesses, and to
7 upload on Legal Workflow everything that is missing from earlier --
8 from previously disclosed material. And should there be any
9 questions in this regard on technical issues, you can refer to CMU.
10 They can be of assistance. And this should be done as sufficiently
11 in advance of 11 February of this year.

12 MR. VON BONE: Yes, Your Honour, if I may, regarding --

13 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] You may.

14 MR. VON BONE: -- this issue.

15 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Yes.

16 MR. VON BONE: We will, and we also will liaise with the SPO.
17 For the Victims' Counsel, I want to say that they have not received
18 it at the time when we have filed our statements due to the fact that
19 at that early stage the Victims' Counsel was actually not
20 represented.

21 So, therefore, we will re-release all the documents once again
22 in order to make sure that all the parties are on the same page again
23 and that there is nothing missing in this perspective. So it's maybe
24 double, but we would just want to make sure that there will be
25 nothing missing at that moment. Thank you very much.

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1 PRESIDING JUDGE VELDT-FOGLIA: [via videolink] Thank you, Defence
2 counsel.

3 If the parties and the Victims' Counsel don't have anything to
4 raise, we will resume on Thursday, 17 February 2022, at 9.30.

5 And I thank the parties, the Victims' Counsel, for their
6 attendance and also their cooperation in this exceptional setting.
7 And I also wish to thank the security, the stenographer, the
8 audio-visual booth, and the interpreters for their assistance today.

9 The hearing is adjourned.

10 --- Whereupon the hearing adjourned at 3.46 p.m.

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