

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

1 Tuesday, 2 November 2021

2 [Open session]

3 [The accused attended via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Court Officer, could you please call the case.

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I will call appearances.

11 Mr. Prosecutor, you have the floor.

12 MR. DE MINICIS: Good morning, Your Honours. For the
13 Prosecution today, Cezary Michalczuk, Prosecutor; Silvia D'Ascoli,
14 Associate Prosecutor; Ms. Deborah Osborn, our legal intern;
15 Julie Mann, Case Manager; and Filippo De Minicis,
16 Associate Prosecutor.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Victims' Counsel, it's your turn.

19 MS. PUES: Good morning, Your Honours. Good morning, everybody.
20 The Victims' team is represented by Njomza Haxhibeqiri, Junior Legal
21 Associate; Liesbeth Zegveld, my co-counsel; and Anni PUES, myself, as
22 counsel. Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Defence counsel, you have the floor.

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

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1 by myself, Julius von Bone, lead counsel. On remote, joining us is
2 Mr. Mustafa. And the other team members were not able to participate
3 via Zoom as we have today a protected witness, we understood, so I
4 will be alone today.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you.

6 Mr. Mustafa, does the connection work fine and can you hear us?

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

8 PRESIDING JUDGE VELDT-FOGLIA: And, for the record, you are
9 appearing in front of Trial Panel I.

10 Yes. Before starting with the testimony of the witness
11 scheduled for today, 4603, I would like to discuss a few matters and
12 the first two concern the SPO.

13 Yes. First with reference to F0201, the Panel noted that the --
14 some of the photographs tendered into evidence by the SPO appear to
15 be duplicates. And this concerns specifically the items listed in
16 Annex 1 to filing 201 under the following numbers, and I will read
17 them out not too quickly also for the stenographer.
18 Duplicates are 87, 100, 131 and 148; and then 86, 130; and then
19 88, 132; 89, 133; 90 and 136; 91 and 137; 95 and 141; 97 and 144; 98
20 and 145; 99 and 146; 101 and 149; 102 and 151; 103 and 153; 106 and
21 154; 110 and 155; 118 and 156; 121 and 159; 122 and 160; and finally,
22 140 and 157.

23 And the question would be could you explain why -- what the
24 reason is for this. And there's no need to react on the spot, but if
25 you could get back to us at your earliest convenience and by the

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1 latest end of this week and maybe you would like to explain if it is
2 necessary to keep them.

3 You have the floor, Mr. Prosecutor.

4 MR. DE MINICIS: Your Honour, my hunch is that if they are
5 duplicates, it is probably an error on our part to submit them. But
6 with the Court's leave, we'll take a look at the annex at the next
7 break and we'll get back to Your Honours with a definitive answer.

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

9 And then, second, the Panel notes that in filing 229,
10 paragraphs 2 and 3, the SPO indicated that it wishes to file an
11 application under Rule 153 of the rules for the admission of written
12 statements and transcripts of Witness 4712 in lieu of an oral
13 testimony. I will now give an oral order.

14 Noting the deadline set by the Panel in filing 169,
15 paragraph 40, for the filing of applications under, *inter alia*,
16 Rule 153 of the rules, the SPO is hereby ordered to file any such
17 application including the reasons for the late filing by Friday,
18 19 November 2021. The Defence and Victims' Counsel may respond
19 within the deadline set out in Rule 76 of the rules.

20 This concludes my oral order.

21 Yes. Maybe that would help a little bit.

22 MR. VON BONE: Your Honour, could there -- maybe a technician
23 help me with my view of my screen.

24 PRESIDING JUDGE VELDT-FOGLIA: Of course.

25 MR. VON BONE: It doesn't seem to work.

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1 PRESIDING JUDGE VELDT-FOGLIA: I see that Madam Court Officer is
2 already reaching out.

3 [Trial Panel and Court Officer confer]

4 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, can we proceed?
5 Do you have another screen from which you can work?

6 MR. VON BONE: We can proceed. Just later on if there is a
7 moment --

8 PRESIDING JUDGE VELDT-FOGLIA: There is somebody coming.

9 MR. VON BONE: Yeah, sure. No problem.

10 PRESIDING JUDGE VELDT-FOGLIA: Then we have a third point. As
11 you will have seen, after the completion of each witness testimony,
12 our colleagues from the Court Management Unit circulate a table of
13 documents used with the witness by the parties and the
14 Victims' Counsel and the Panel as the case may be. And as you know,
15 these documents -- the documents to be considered as admitted through
16 a witness, including, as applicable, portions thereof, will depend on
17 what is actually used in court with each witness. In these
18 circumstances, I will give now an oral order.

19 The parties and the Victims' Counsel are instructed to raise any
20 objection that they may have to the CMU's record-keeping of the items
21 used with each witness as soon as possible and, at the latest, before
22 the filing of their respective request for admission of items used
23 with such witness, if any.

24 And this concludes my oral order.

25 The reason -- oh, yes. Please, the Defence counsel has a

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1 problem with his screen.

2 I will not continue for the moment, because it's not only the
3 Defence counsel but also here at the desk of the Panel, we have a
4 technical problem.

5 [Trial Panel and Court Officer confer]

6 [Trial Panel confers]

7 PRESIDING JUDGE VELDT-FOGLIA: What I will do is -- I will
8 continue with the issues I wanted to discuss with you that are of a
9 more administrative matter, and then we have to adjourn the hearing
10 for, I hope, only a short while, just to make sure that the computer
11 of all the members of the Panel are working, because if we are going
12 to show material, we cannot proceed with all the Judges seeing the
13 material.

14 So I will finish with what I was doing.

15 And that is I gave an oral order and the reason is to make sure
16 that there is no oversight in the record-keeping by the CMU, just a
17 double-check. That's the idea.

18 And the last matter I would like to discuss with you is the
19 scheduling of the witnesses for November and December 2021. For
20 organisational reasons, the Panel would prefer to postpone the
21 testimony of Witness 4485 which is currently scheduled for
22 13 December till 15 December 2021, to January, at a date to be
23 proposed by the SPO at a later stage. And, secondly, the Panel would
24 like to hear the testimony of the Witness 4674 between 13 and
25 15 December 2021. So what was originally scheduled for Witness 4485.

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1 And this Witness 4674 is currently scheduled to testify between
2 29 November and 1 December 2021. And I'm looking at the parties and
3 the Victims' Counsel and especially to the Specialist Prosecutor's
4 Office, if there are any points to be raised in this respect which we
5 have not taken into consideration.

6 MR. DE MINICIS: Thanks, Your Honour. This doesn't immediately
7 create any concern to the Prosecution in terms of the ability to
8 adjust the schedule as requested by Your Honours. But perhaps I will
9 also consult with my colleagues during the break and should there be
10 anything, we'll get back to you at the next session.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay. And that can also be a
12 little bit later than the next session.

13 MR. DE MINICIS: Thanks, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: But taking into account the
15 time-limits, we have to raise it now because of the 30 days.

16 Victims' Counsel, is there anything you would like to raise in
17 this respect?

18 MS. PUES: Thank you, Your Honours. Not -- we have no
19 objections whatsoever to changing the order of the witnesses.

20 As a matter of clarification, would the time initially envisaged
21 for Witness 4674 at the end of November then be time used for other
22 matters in court or what would be done during those days? That would
23 be useful to know.

24 PRESIDING JUDGE VELDT-FOGLIA: In principle, we would not be in
25 court in that week.

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1 Defence counsel, you have the floor.

2 MR. VON BONE: Yes, Your Honour, I just want to consult with my
3 colleagues. Flight schedules and these kind of things are a little
4 bit tricky. But in principle for 13 and 15 December, I see no
5 problem for that. But I --

6 PRESIDING JUDGE VELDT-FOGLIA: We did not change the schedule.

7 MR. VON BONE: No.

8 PRESIDING JUDGE VELDT-FOGLIA: We did not change it. We only
9 created some space in the -- the last week of November --

10 MR. VON BONE: Of November.

11 PRESIDING JUDGE VELDT-FOGLIA: -- and the beginning of December.

12 MR. VON BONE: Yes. So that means 29 November would not be a
13 court session up to the 1st of December. That is basically --

14 PRESIDING JUDGE VELDT-FOGLIA: That's the bottom line --

15 MR. VON BONE: That's -- that's the bottom line.

16 PRESIDING JUDGE VELDT-FOGLIA: -- if you want to bring it back
17 in its essence.

18 MR. VON BONE: Yes. I will probably know later this afternoon.
19 Thank you very much.

20 PRESIDING JUDGE VELDT-FOGLIA: Good. Then I will adjourn the
21 hearing for hopefully a short while.

22 --- Break taken at 9.46 a.m.

23 --- On resuming at 9.56 a.m.

24 PRESIDING JUDGE VELDT-FOGLIA: Good. Let us now move to the
25 testimony of SPO Witness W04603.

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1 Madam Court Usher, could we please usher the witness into the
2 courtroom.

3 [The witness entered court]

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

6 THE WITNESS: [Interpretation] Good morning.

7 PRESIDING JUDGE VELDT-FOGLIA: Can you hear me?

8 THE WITNESS: [Interpretation] Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: How are you, first of all?

10 THE WITNESS: [Interpretation] I am okay. Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, thank you. Today we
12 will start with your testimony, but before we begin I have several
13 remarks.

14 Let me first explain the protective measures that have -- you
15 have been granted for your testimony.

16 You have been assigned a pseudonym. This means that we will
17 never use your name in court but only refer to you as "Mr. Witness"
18 to make sure that the public does not know your name. You also have
19 face and voice distortion, which means that no one outside the
20 courtroom watching the broadcast can see your face or hear your real
21 voice during the testimony.

22 When you answer a question that will not reveal your identity,
23 we will do so in open session, which means that the public can hear
24 what is said in the courtroom.

25 When you are asked to describe anything that relates

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1 specifically to you or to mention facts that can reveal your
2 identity, we will do so in private session.

3 This means that there is no broadcast and no one outside the
4 courtroom can hear what is said in the courtroom.

5 And if anything that is said can identify you, we will protect
6 this information. Your testimony will be broadcasted with a delay
7 and we can remove any such information from the broadcast that will
8 be seen and heard by the public and from the public transcript of the
9 proceedings.

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

11 THE WITNESS: [Interpretation] Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. You may speak a little bit
13 louder.

14 I tell the parties and the Victims' Counsel that we should pay,
15 like I always say, with the utmost attention - I cannot repeat it
16 enough - to the protective measures in the course of the examination,
17 avoiding disclosure of any confidential information in open session.

18 This session is held in open session unless required by the
19 parties or the Victims' Counsel, and I remind you of the usual
20 courtroom rules.

21 Mr. Witness, I come back to you. You are called to testify
22 before the Specialist Chambers in the case of The Specialist
23 Prosecutor versus Salih Mustafa to assist the Panel to reach a
24 verdict. After you have take your solemn declaration to tell the
25 truth, you will be asked questions by the lawyers of the Prosecution,

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1 who is sitting over there; the lawyers of the victims admitted to
2 participate in the case, who are sitting over there; and the Defence
3 counsel of Mr. Mustafa, who is sitting over there; and, in the end,
4 by the Judges of the Panel.

5 I would like to provide you with some guidance for answering the
6 questions that you will be asked.

7 Mr. Witness, please, listen carefully to each question and if
8 you don't understand feel free to ask for the question to be
9 repeated. We want you to tell the truth and to tell us what you saw,
10 what you heard, what you experienced, what you sensed. If you did
11 not see or hear it yourself but you found out in some other way, you
12 should say so and explain. You may not remember all the details of
13 the events, and this is perfectly fine. Please testify on what you
14 remember. Do not guess, do not make things up. There's nothing
15 wrong in saying, "I don't know."

16 Have you understood all this, Mr. Witness?

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Now, I also am going to give you
19 some practical advice for your testimony Witness W04603. Everything
20 that is said here is translated and recorded so it is important to
21 speak into the microphone, to speak clearly, and to speak at a slow
22 pace to allow the interpreters to translate everything. You should
23 only start speaking when the person asking you a question has
24 finished, so when a question is asked, also please count in your head
25 up to five and only then give your answer. And this pause of five

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1 seconds is essential for the interpreters to finish their translation
2 and for us to hear what is said.

3 If you have any questions, if you need a break, if you need
4 assistance, please raise your hand and we will attend to you, and you
5 can say something and we will attend to you.

6 Have you also understood this, Mr. Witness?

7 THE WITNESS: [Interpretation] Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: Very well. As I must do with
9 every witness, I will now ask you to read your solemn declaration to
10 tell the truth, and I remind you that it is an offence within the
11 jurisdiction of the Specialist Chambers to give false testimony.

12 Do you understand this?

13 THE WITNESS: [Interpretation] Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you
15 please assist the witness with his solemn declaration to tell the
16 truth.

17 Please, Mr. Witness, read the text provided to you.

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

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you. You are now under
23 oath to tell the truth.

24 We can start with the testimony of Witness W04603, starting with
25 the questioning by the Specialist Prosecutor's Office.

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1 You have the floor, Mr. Prosecutor. And you have estimated two
2 hours for your questioning of the witness. Please inform the Panel
3 of any changes in this regard for reasons of planning. Thank you.

4 MR. DE MINICIS: Thank you, Your Honour. I will try to take
5 even less than that.

6 WITNESS: W04603

7 [Witness answered through interpreter]

8 Examination by Mr. De Minicis:

9 Q. Good morning, Mr. Witness. Do you feel ready to start?

10 A. Good morning. Yes.

11 MR. DE MINICIS: Your Honour, I would request to move into
12 private session for the personal -- to elicit the personal details of
13 the witness, please.

14 PRESIDING JUDGE VELDT-FOGLIA: Yes. Madam Court Officer, can we
15 go into private session, please.

16 ~~[Private session]~~ [Open session]

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

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Please proceed.

19 MR. DE MINICIS:

20 Q. Mr. Witness, could you please state your name and surname.

21 A. [REDACTED]

22 Q. What are your date and place of birth, please?

23 A. [REDACTED]

24 Q. Were you ever a member of the Kosovo Liberation Army?

25 A. Yes.

Examination by Mr. De Minicis

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1 Q. Could you tell the Panel when -- on which date approximately you
2 joined the KLA.

3 A. I became a member of the KLA from [REDACTED]

4 Q. And did you join any particular unit of the KLA in
5 [REDACTED]

6 A. No.

7 Q. Do you recall if the unit you joined had any particular name or
8 call sign?

9 A. Yes.

10 Q. Can you tell the Panel which call sign or name your unit had,
11 please.

12 A. The unit was called [REDACTED]

13 Q. Was [REDACTED] part of any brigade at the time?

14 A. Yes.

15 Q. Could you tell us which brigade?

16 A. It was part of [REDACTED]

17 Q. Did -- where was [REDACTED] stationed? Did you have a barracks?

18 A. It was stationed in [REDACTED]
19 neighbourhood.

20 Q. And, Mr. Witness, what was your role within the [REDACTED] unit
21 when you joined in [REDACTED]?

22 A. I was a [REDACTED]

23 Q. So in addition to being a [REDACTED] did you ever perform any
24 other role within that unit?

25 A. No. [REDACTED], I had just this task.

Examination by Mr. De Minicis

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1 Q. And until when did you remain a member of [REDACTED] You've told
2 us you joined in [REDACTED]. So until when did you stay in that
3 unit?

4 A. I remained a member until the end of [REDACTED].

5 Q. When you enrolled in the KLA in [REDACTED], do you recall who
6 processed your enrolment in [REDACTED]?

7 A. Yes. It was [REDACTED] who admitted me.

8 MR. DE MINICIS: Your Honours, we could cautiously move back
9 into public session and I'll try to be careful.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

11 Madam Court Officer, could we go into public session, please.

12 [Open session]

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

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

15 Mr. Witness, we are now in public session.

16 Please proceed.

17 MR. DE MINICIS:

18 Q. Now, Mr. Witness, did the unit you were part of have a military
19 police squad attached to it?

20 A. Yes.

21 Q. What uniforms did your unit, members of your unit, wear? Could
22 you please describe them for the Panel.

23 A. Most of them wore black uniforms.

24 Q. And you're referring to the soldiers of your unit or to the
25 military -- are you referring to the soldiers?

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1 A. Yes.

2 Q. And what about the military police? What uniforms did they
3 wear?

4 A. The military police usually had camouflage uniforms.

5 Q. Are you sure about this? I mean, a lot of time has passed.
6 But -- so you now are telling us that military police wore camouflage
7 uniforms, while normal soldiers wore black uniforms. That's your
8 recollection today?

9 A. Yes, yes.

10 Q. Okay. Now, you told us that your unit was part of [REDACTED].
11 Where did [REDACTED] have its headquarters?

12 A. In Zllash.

13 Q. Was there any particular building in Zllash that hosted the
14 headquarters of [REDACTED]?

15 A. They were based at a [REDACTED].

16 Q. And as part -- during your service in your unit, did you ever go
17 to Zllash?

18 A. Yes, I did, once or twice. Approximately.

19 Q. In addition to [REDACTED], was there any other unit which was
20 based in [REDACTED]?

21 A. There was a unit, another unit called Skifterat.

22 Q. Was the unit known also by -- this Skifterat unit you told us
23 about, was it known by any other name?

24 A. At the time, we knew them by this name.

25 Q. Who was the commander of the Skifterat unit, Mr. Witness?

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1 A. The commander was Cali.

2 Q. Now, you told the Panel that [REDACTED] had its headquarters in
3 [REDACTED] Where were the headquarters or the base of the
4 Skifterat unit in Zllash?

5 A. I don't know exactly. I know that it was somewhere close to the
6 school.

7 Q. Now, how far, approximately, was the BIA base far from the
8 school that hosted the brigade headquarters?

9 A. About 1 kilometre.

10 MR. VON BONE: May I?

11 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Please.
12 You have the floor.

13 MR. VON BONE: Just a remark. Maybe the witness might take off
14 his headphone.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, could you take off
16 your headphone for a moment, please. Thank you.

17 MR. VON BONE: Your Honour, I'm not sure. Counsel asked him an
18 abbreviation of a particular word, and I don't thinking that this
19 abbreviation was used in any sense by the witness. I think the name
20 that the counsel is looking for was not used by the witness. So if
21 the counsel is asking him about the name, and I'm just referring to
22 the last line.

23 PRESIDING JUDGE VELDT-FOGLIA: Could you --

24 MR. VON BONE: I just want to make sure that counsel is aware of
25 it.

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1 PRESIDING JUDGE VELDT-FOGLIA: Could you indicate which line of
2 the transcript you are referring to?

3 MR. VON BONE: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: Because I lost you.

5 MR. VON BONE: I think it is --

6 MR. DE MINICIS: Your Honour.

7 MR. VON BONE: It's line 2. You understand what I mean.

8 MR. DE MINICIS: I do, Your Honours. I did refer to the unit --

9 MR. VON BONE: By another name.

10 MR. DE MINICIS: -- by another name. The witness has called it
11 Skifterat and I called it the BIA unit.

12 PRESIDING JUDGE VELDT-FOGLIA: Mm-hm.

13 MR. DE MINICIS: And the witness had used that. Counsel is
14 correct.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay.

16 MR. DE MINICIS: I will rephrase the question.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you. So please proceed.

18 Mr. Witness. Okay, very well. Thank you.

19 Thank you, Madam Court Usher.

20 MR. DE MINICIS:

21 Q. So, Mr. Witness, sorry for the interruption. If you were at the
22 [REDACTED] headquarters at [REDACTED] and you had to walk to the
23 Skifterat base, would you be taking an uphill or downhill route from
24 [REDACTED]?

25 A. I only went there once so I don't know.

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1 Q. So do you recall if in Zllash the Skifterat base was on a more
2 elevated or less elevated spot than [REDACTED]? If you recall that.

3 A. I can't remember at this moment.

4 Q. Okay, no problem. Now, we'll follow up on two things you said
5 earlier.

6 You told us that the Skifterat commander, you knew that person
7 as Commander Cali; correct?

8 A. Yes.

9 Q. Do you recall Commander Cali's name and/or surname?

10 A. At the time I didn't know his name.

11 Q. But do you know it today?

12 A. Yes.

13 Q. What would that be?

14 A. Salih Mustafa.

15 MR. DE MINICIS: Your Honours, it might be time to move into
16 private session as I'm about to enter a part of the testimony which
17 could be -- could uniquely identify the witness.

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

19 Madam Court Officer, could you bring us into private session,
20 please.

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

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

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

24 Mr. Prosecutor, please proceed.

25 MR. DE MINICIS:

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1 Q. Mr. Witness, earlier I asked you whether during your tenure in
2 [REDACTED] you had always had the role of a [REDACTED] and you told
us
3 that you did until April 1999. Do you remember that?

4 A. Yes.

5 Q. Now, what other tasks did you perform in -- or task, perform in
6 April 1999?

7 A. I would stand guard near the building where [REDACTED] was
8 stationed.

9 Q. Do you know a person by the name of [REDACTED]

10 A. Yes.

11 Q. I noticed that you [REDACTED]
12 I also understand that it is a [REDACTED] but were you
13 by any chance related to [REDACTED]

14 A. [REDACTED]

15 Q. Did you have any dealings with [REDACTED] in [REDACTED]?

16 A. No, I didn't know [REDACTED] before [REDACTED] I just had heard
[REDACTED]
17 name.

18 Q. I apologise. I wasn't clear in my question. What I wanted to
19 ask was whether in [REDACTED] you had any interactions with
20 [REDACTED]?

21 A. No.

22 Q. Did you see [REDACTED] at all in [REDACTED]?

23 A. No.

24 MR. DE MINICIS: Your Honour, may I be allowed to refresh the
25 witness's recollection of these events by putting part of the

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1 statement to the Prosecution to the witness, by reading out a part?

2 PRESIDING JUDGE VELDT-FOGLIA: Yes, you may.

3 MR. DE MINICIS: If I may please have 076506-TR-ET, Part 2,
4 RED1, on the screen. And if we could have it at page 8.

5 Just a second, Your Honours.

6 Q. Now, Mr. Witness, I draw your attention to lines 2 to 4 which
7 are in English but I will reading them out and they will be
8 interpreted for you.

9 MR. DE MINICIS: Now, if we may actually go to page 7 briefly a
10 bit. Line 23.

11 Q. Mr. Witness, the Prosecutor asked you: "When did you first hear
12 about [REDACTED]"

13 You stated: "For the first time I heard of [REDACTED] -- sorry,
14 can we
15 have a five-minute break and we can continue? This is a bit
16 uncomfortable" - next page - "for me."

17 And the Prosecutor asked you: "Why is it uncomfortable?"

18 And you stated: "It is uncomfortable because [REDACTED]
19 [REDACTED]"

20 Now, Mr. Witness, I understand that you may still feel
21 uncomfortable about that, but does the portion I read out to you
22 refresh your recollection as to whether you had any dealings with
23 [REDACTED] in [REDACTED]?"

24 A. No. I meant that before [REDACTED] I
25 [REDACTED]"

THE INTERPRETER: The witness is asked to speak up for the

Examination by Mr. De Minicis

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

1 benefit of the recording and of the interpreters.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you talk louder
3 and more into the microphone? Because if not, it's difficult for the
4 interpreters to hear what you say and to translate it for us.

5 Could you please do that?

6 THE WITNESS: [Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you. It might improve in
8 this way.

9 Mr. Prosecutor, please proceed.

10 MR. DE MINICIS:

11 Q. Thank you for clarifying that for us and for the Panel.

12 Now, that is the -- an episode that I would like to discuss with
13 you today and I would like you to explain how things happened, and I
14 will take you step by step through the story.

15 Now, can you tell the Panel what happened the day that you were
16 asked to [REDACTED]

17 A. Yes. The [REDACTED] asked me about

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04603 (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1300

Examination by Mr. De Minicis

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

1 A. No, no.

2 Q. [REDACTED]

3 A. Yes.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. Yes.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Examination by Mr. De Minicis

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

1 Q. So if I understood you correctly, at [REDACTED] you understood
that

2 your task was go to [REDACTED]

3 [REDACTED]

4 A. Yes, yes.

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A. Yes.

25 Q. So tell us what happened next. [REDACTED]

Examination by Mr. De Minicis

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 PRESIDING JUDGE VELDT-FOGLIA: Excuse me. Excuse me,
11 Mr. Prosecutor. Just a general reminder for open questions. Because
12 I've noticed some very open and I appreciate that, and I have noticed
13 also some very closed. So, please, yes?

14 MR. DE MINICIS: Apologies, Your Honour. I will ...

15 Q. Mr. Witness, what happened [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. Yes.

24 Q. And how far away were you from them when this exchange took
25 place?

Witness: W04603 (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1303

Examination by Mr. De Minicis

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

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Witness: W04603 (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1304

Examination by Mr. De Minicis

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Examination by Mr. De Minicis

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

1 [REDACTED]

2 [REDACTED]

3 A. No, no, I did not talk with him that day on this issue.

4 [REDACTED]

5 A. No.

6 [REDACTED]

7 [REDACTED]

8 A. I only heard about him after the war ended. I heard that he was
9 dead.

10 Q. Who did you learn that from, Mr. Witness?

11 A. I heard that from war comrades who I met.

12 Q. And do you recall when you learned this information from your
13 comrades? Now, you told us it was after the war. Can you be any
14 more precise?

15 A. Yes, it was after June. Sometime in July.

16 Q. Did you learn any additional information from your comrades
17 perhaps as to [REDACTED]

18 A. No.

19 MR. DE MINICIS: Your Honour, I was wondering whether the Panel
20 is minded to take the break at 11.00.

21 PRESIDING JUDGE VELDT-FOGLIA: Excuse me. For the record, it's
22 better that I talk instead of nodding.

23 Yes, we are intending to take a break at 11.00, and I was going
24 ask you when you could stop your line of questioning in order to have
25 the break.

Examination by Mr. De Minicis

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

1 MR. DE MINICIS: Your Honour, I think perhaps this could be a
2 good moment to take the break. I am coming to an end of my
3 examination-in-chief, but there are a couple of additional matters I
4 may have with the witness. I could benefit from a brief discussion
5 with my colleagues, though, before we do so.

6 So with the Court's leave, if we could take the break now, the
7 Prosecution would find that helpful.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

9 Madam Court Officer, could you bring us into public session,
10 please.

11 [Open session]

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

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

14 We will take a break now, Mr. Witness. I will kindly ask the
15 Court Usher to assist you in leaving the courtroom, and we will
16 continue in 30 minutes from now.

17 THE WITNESS: [Interpretation] Thank you.

18 [The witness stands down]

19 PRESIDING JUDGE VELDT-FOGLIA: The hearing is adjourned.

20 --- Recess taken at 10.56 a.m.

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

22 PRESIDING JUDGE VELDT-FOGLIA: Yes.

23 MR. VON BONE: Yes, just a remark, Your Honour, about the
24 schedule that you mentioned earlier today.

25 I have consulted with my team. There is no problem for the

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Examination by Mr. De Minicis

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

1 schedule as far as we are concerned. The proposed schedule is fine.

2 There's one remark that I would like to make on behalf of my
3 client, which is that obviously the person who is going to be heard
4 in December later was initially planned earlier, and [REDACTED]
5 [REDACTED]

6 [REDACTED] I assume that
7 the protective measures that have been taken by the Court, they are
8 obviously taken in order to prevent anything going out, so to speak.
9 But that is the only thing. That is the only remark we have about
10 it. So we would like to, at the end of November, certainly ask for
11 some leniency considering that at the moment that -- that we will
12 file a motion about that.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. We have noted that,
14 Defence counsel. Thank you. Good.

15 I will ask Madam Court Usher to bring the witness in, please.

16 [The witness takes the stand]

17 PRESIDING JUDGE VELDT-FOGLIA: Please.

18 [Trial Panel and Court Officer confer]

19 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Welcome
20 back, Mr. Witness.

21 THE INTERPRETER: Microphone for Your Honour.

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

23 Before we proceed with the questioning of the witness, I have a
24 look at the persons present, and I see that there have been no
25 changes. So for the record, everybody's in who was in this morning.

Examination by Mr. De Minicis

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

1 Good.

2 Mr. Prosecutor, please proceed.

3 MR. DE MINICIS: Thanks, Your Honours. And to the extent that
4 it may be helpful to know, I don't foresee having more than another
5 ten to 15 minutes to conclude my direct examination of this witness.

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

7 MR. DE MINICIS:

8 Q. Mr. Witness, I just have a few follow-up questions and then I
9 will be done with my questioning.

10 The first one is: Do you know at the time of the events we were
11 discussing earlier before the break, who was at the time -- did you
12 know at the time a person named [REDACTED]

13 A. Yes.

14 Q. What role did he -- was he a member of the KLA?

15 A. Yes.

16 Q. What role did he have within the KLA?

17 A. I don't know exactly what his role was, but I think he was
18 [REDACTED] That's how I knew -- that's how I
19 knew him.

20 MR. DE MINICIS: Your Honour, could we please move into private
21 session.

22 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
23 move us in private session, please.

24 ~~[Private session]~~ [Open session]

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

Examination by Mr. De Minicis

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

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

2 Please proceed, Mr. Prosecutor.

3 MR. DE MINICIS:

4 Q. Mr. Witness, who was your commander in [REDACTED] at the time --
in

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. I went there once. We took food to that place. But I didn't go
12 inside.

13 Q. Do you recall if you took food elsewhere as well on that day?

14 A. Yes. To the school.

15 Q. Okay. So you brought food to two different locations: the
16 school and the [REDACTED]?

17 A. Yes.

18 Q. Now, earlier you told the Panel [REDACTED]

19 [REDACTED]

20 was. Could you be a bit more specific?

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Examination by Mr. De Minicis

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

1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I would like to
2 have it more specific because it's also a question of the Panel. So
3 instead of waiting till another moment -- I can ask him, but I would
4 like to know specifically [REDACTED]

5 Can you explain the [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 PRESIDING JUDGE VELDT-FOGLIA: That is clear to me, without
11 doubt, that [REDACTED] But I would like to know how
12 exactly you [REDACTED]
13 Do you know that?

14 THE WITNESS: [Interpretation] We only know that [REDACTED]
15 [REDACTED]

16 [REDACTED]

17 PRESIDING JUDGE VELDT-FOGLIA: So you could -- you cannot
18 explain exactly [REDACTED]

19 [REDACTED]

20 THE WITNESS: [Interpretation] No. I just know that [REDACTED]
21 [REDACTED]

22 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. I tried.
23 Please, Mr. Prosecutor.

24 MR. DE MINICIS: Thanks, Your Honour.

25 Q. Now, Mr. Witness, you told us that at some point after the war

Examination by Mr. De Minicis

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

1 you learned that [REDACTED] had died. You learned that from some
2 fellow -- from fellow soldiers of yours.

3 Did you learn anything else about what happened to
4 [REDACTED]

5 A. No, never.

6 Q. For instance, did you perhaps learn [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. Yes.

12 Q. So you were still a soldier [REDACTED]

13 A. Yes.

14 Q. So was this before or after the end of the war that you learned
15 that?

16 A. It was during the war.

17 Q. Do you recall, approximately, how long after [REDACTED]

18 [REDACTED]

19 A. I don't know exactly. Perhaps about a week later.

20 Q. Now, did you ever talk to [REDACTED]

21 [REDACTED]

22 A. No, never.

23 Q. Did they try to reach out to you?

24 A. As far as I know, no.

25 Q. Just one question going back a couple of questions.

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Questioned by Victims' Counsel

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

1 Do you recall from whom you learned at [REDACTED] that

2 [REDACTED]

3 A. I don't remember. I can't give you a name.

4 MR. DE MINICIS: Your Honours, I have no further questions for
5 this witness.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

7 MR. DE MINICIS:

8 Q. Thank you, Mr. Witness.

9 PRESIDING JUDGE VELDT-FOGLIA: Yes, Victims' Counsel, I give you
10 the floor for the questioning of the witness, if you have questions
11 for him, of course.

12 Please proceed.

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

14 My questions are very brief.

15 Questioned by Victims' Counsel:

16 Q. Good morning, Mr. Witness, first of all. And I will try to
17 frame my questions that -- really the questions that I have, in such
18 a way that we can hear those in open session. However, perhaps it's
19 good that I just address the witness in two sentences why we are
20 still in private session to prepare this.

21 So, Mr. Witness --

22 PRESIDING JUDGE VELDT-FOGLIA: We are in public session at the
23 moment.

24 MS. PUES: On my screen, it says private.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then there's something not

Questioned by Victims' Counsel

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

1 going well because I have an indication here of public session.

2 MS. PUES: Okay.

3 PRESIDING JUDGE VELDT-FOGLIA: Sorry for this, but ...

4 MS. PUES: No problem.

5 PRESIDING JUDGE VELDT-FOGLIA: Private, yes. But if that is the
6 case, we should have gone into public in order to announce -- we will
7 do that first to announce that we are giving the floor to the
8 Victims' Counsel to pose questions.

9 So, Madam Court Officer, could you please bring us into public
10 session.

11 [Open session]

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

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

15 We will now revert to the Victims' Counsel for the questioning
16 of the witness.

17 Madam Victims' Counsel, you have the floor.

18 MS. PUES: Thank you, Your Honours.

19 Q. And good morning, Mr. Witness. I only two brief questions to
20 you. However, given that we are in a public session in which the
21 broader public, the audience can hear what is being said, I will
22 phrase my questions in such a way that I'm not mentioning any names.
23 Equally, it will be good and important for you to try and do the
24 same.

25 Now, we discussed events this morning linked to one specific

Witness: W04603 (Open Session)

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Cross-examination by Mr. Von Bone

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

1 person of whom you later learned that this person died. Could you
2 please describe to us how you felt about those events later or how
3 you might still feel about them.

4 A. At the moment I received the news, I felt really bad.

5 Q. Do you --

6 MS. PUES: Just one moment, please.

7 Q. Could you explain to us why that was.

8 A. Well, my conscience. That's it. I was part of him being taken
9 away, and that's why.

10 Q. Thank you. We also heard earlier that you never spoke to the
11 family of this specific person later on, or I should say, ever since.
12 Is there anything that you would have liked to say to this family or
13 that you think could help them better understand what happened?

14 A. I can tell them that I'm very sorry for what happened to him. I
15 wasn't able to help in any way and I didn't know how to help.

16 Q. Thank you very much. Those were my questions.

17 MS. PUES: Thank you, Your Honours.

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

19 We have completed now the questioning by the Victims' Counsel,
20 and we will now proceed with the questioning by the Defence counsel.

21 Defence counsel, you have the floor. Please proceed.

22 MR. VON BONE: Yes.

23 Cross-examination by Mr. von Bone:

24 Q. Good morning.

25 A. [No interpretation].

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Cross-examination by Mr. Von Bone

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

1 Q. Mr. Witness, have you ever met Mr. Salih Mustafa before the war?

2 A. No.

3 Q. Have you ever met him after the war?

4 A. No.

5 Q. And have you ever met him in person during the war?

6 A. Yes.

7 Q. And when was that?

8 [REDACTED]

9 Q. And when would that be, actually, when you would greet each
10 other? Did you have any particular -- did -- wait. Did you have any
11 particular task that you were doing at that moment or ...?

12 A. No, no.

13 Q. So how would you greet him then? How would you know it's him?

14 A. We knew him. I learned from my friends, from my comrades.

15 Q. Do I understand that somebody else told you that that was
16 Salih Mustafa?

17 A. Yes.

18 Q. And did he say Salih Mustafa or did he call him Cali?

19 A. It was Cali.

20 Q. I understand. [REDACTED]

21 [REDACTED]

22 A. No.

23 Q. Did you ever have any personal contact or was it just greeting
24 and nothing more than that?

25 A. Just greeting. We didn't have any personal contact.

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Cross-examination by Mr. Von Bone

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

1 Q. I understand. You spoke about the Skifterat. What is
2 Skifterat; can you tell me?

3 A. At the time we knew that there was a unit by the name of
4 Skifterat. We learned this from [REDACTED]

5 Q. And did you have any personal contact with any person who was
6 from Skifterat?

7 A. No. As far as I remember, no. Except Commander Cali.

8 Q. And that is when you would greet him, I understand?

9 A. Yes.

10 Q. Okay. Did any member of the Skifterat ever visit [REDACTED]
11 [REDACTED]

12 A. As far as I remember, no.

13 Q. Was there any particular person who would have contact from
14 [REDACTED] with Skifterat?

15 A. As far as I know, no. But I don't know.

16 Q. Did Skifterat have any authority over [REDACTED]

17 A. No.

18 Q. And as far as you know, did Skifterat have any authority over
19 the military police?

20 A. I don't know that.

21 Q. Mr. Witness, you said that the [REDACTED] was having
22 headquarters at [REDACTED]; is that correct?

23 A. Yes.

24 Q. Who were the commanders?

25 A. At the time I went there, the commander was [REDACTED], if I'm

Cross-examination by Mr. Von Bone

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

1 not mistaken.

2 Q. And for what did you go there?

3 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel?

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: I would like to go for a short
6 moment into private session and then we can go back into public
7 session.

8 MR. VON BONE: Sure.

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

11 ~~[Private session]~~ [Open session]

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

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

14 My suggestion would be that instead of referring to [REDACTED]
15 you

15 would refer to "your unit."

16 MR. VON BONE: Okay.

17 PRESIDING JUDGE VELDT-FOGLIA: Yes? And then we can continue to
18 be in public session.

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

20 PRESIDING JUDGE VELDT-FOGLIA: Please could you bring us back,
21 Madam Court Officer --

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

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good.

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

25 THE INTERPRETER: Microphone for counsel.

Cross-examination by Mr. Von Bone

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

1 MR. VON BONE: Oh, sorry.

2 Q. I just want to say that if I refer to "your unit," I refer to
3 [REDACTED] okay? Just if I have a question about it, I'll say "your
4 unit." Thank you.

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

7 [Open session]

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 MR. VON BONE:

11 Q. The commander in the headquarters you referred to -- to him.
12 Did the commanders of [REDACTED] have authority over your unit?

13 A. Yes.

14 Q. And what would you notice about that in your daily routine when
15 you were performing your tasks?

16 MR. DE MINICIS: Your Honours, I'm sorry. I'm not sure I
17 understand the question. What would he notice about the commander.
18 If counsel could be a bit more precise just to avoid confusing the
19 witness.

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

21 MR. VON BONE: I think it is precise enough.

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

23 THE INTERPRETER: Microphone for Your Honour.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes, I will have a look at it and
25 then I will decide.

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1 Yes. Maybe you could be a little bit more specific what you
2 mean with the question. I see that it's a little bit general.

3 MR. VON BONE: Well, it is maybe general, but I think we will
4 step into it if the witness explains it.

5 PRESIDING JUDGE VELDT-FOGLIA: I ask you to be a little bit more
6 specific.

7 MR. VON BONE: Yeah.

8 Q. The -- you said that the brigade had authority over your unit.
9 How so? How? Can you explain that a little bit? Can you elaborate
10 on that?

11 PRESIDING JUDGE VELDT-FOGLIA: What should he elaborate? The
12 authority?

13 MR. VON BONE: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay. But that is not --

15 MR. VON BONE: That's the question.

16 PRESIDING JUDGE VELDT-FOGLIA: Could you elaborate how --
17 maybe may I rephrase it and then you can correct me if I'm wrong.

18 MR. VON BONE: Sure.

19 PRESIDING JUDGE VELDT-FOGLIA: How did -- was it visible that he
20 authority over the unit? Is that what you mean to say?

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

22 THE INTERPRETER: Microphone, please.

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

24 MR. VON BONE: How would he notice that in his daily performance
25 of tasks. That was my first initial question.

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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: Yeah, but what? What did he have
2 to notice --

3 MR. VON BONE: The authority of the brigade [Overlapping
4 speakers] ...

5 PRESIDING JUDGE VELDT-FOGLIA: Yes, but that was not clear, at
6 least not for me --

7 MR. VON BONE: Okay.

8 PRESIDING JUDGE VELDT-FOGLIA: -- Defence counsel.

9 MR. VON BONE: I'll do that again.

10 THE INTERPRETER: Could the speakers kindly not overlap for the
11 purposes of interpretation. Thank you very much.

12 PRESIDING JUDGE VELDT-FOGLIA: Yes. We will do that.

13 MR. VON BONE:

14 Q. So, Mr. Witness, start back again. Did the brigade have
15 authority over your unit? Did your unit fall under the brigade
16 command?

17 A. Yes.

18 Q. And could you tell us maybe how would you notice that?

19 A. I don't have an answer to that. I don't know.

20 Q. I understand. Was it initially explained to you that the
21 [REDACTED] had authority over your unit? When you were enrolled,
22 for example.

23 A. Yes.

24 Q. And did the brigade command visit your unit? The brigade
25 commanders or command.

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

1 A. There were times when they did.

2 Q. And who would they meet?

3 A. The unit commander. My unit commander.

4 Q. Yeah, that was the person you just earlier mentioned. Okay.

5 Now, you went also to the brigade command headquarters at the
6 school; correct?

7 A. Yes.

8 Q. And what did you have to do there?

9 A. I only went there once or twice, to bring them food.

10 Q. And you recall also that you went to Skifterat, the base of
11 Skifterat?

12 A. Only once I went there.

13 Q. Could you describe how that looked like, where you went?

14 A. I don't remember it now very well, but there was a house. A
15 soldier came out, took the food. But I don't remember, as I said,
16 that part very well.

17 Q. And had you ever seen that soldier before?

18 A. No.

19 Q. And was it just a single house that you're explaining?

20 A. As far as I remember, yes.

21 Q. Was this an isolated place?

22 A. In what way do you mean "isolated"? I don't understand.

23 Q. Was it standing near a village or was it just standing somewhere
24 in the middle of nowhere or -- could you describe it, what you
25 recall?

Cross-examination by Mr. Von Bone

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

1 A. There were no houses around it.

2 Q. And was it a big house or a small house or was it a kind of a
3 family house? Could you explain a little bit on that.

4 A. Well, it was a house. I know it was a house. I don't know
5 whether it was for a family. I don't remember.

6 MR. VON BONE: Your Honour, I would like to go in private
7 session.

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

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

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

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
13 Defence counsel, please proceed.

14 MR. VON BONE:

15 Q. I want to speak about [REDACTED] Mr. Witness.

16 Mr. Witness, did you ever met [REDACTED] previous to the
17 event that we have explained, that you went to get him? Just
18 previously before the war, did you ever have any meeting or
19 interaction with him [REDACTED] or whatever?

20 A. No.

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 A. It was the first time.

25 Q. And could you describe [REDACTED] What kind of person was

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

1 he? How did he look like? If you would need to describe him.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

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

7 MR. VON BONE:

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. No, no, we did not talk to each other. Not at all.

16 Q. Did he not even mention his name?

17 A. No, he did not mention his name. He didn't know me.

18 [REDACTED]

19 [REDACTED]

20 A. Yes.

21 Q. If I understood well, you -- just a minute.

22 MR. VON BONE: Your Honour, just a minute.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 A. Yes.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 A. I don't know are.

4 Q. Would he -- would you sleep there [REDACTED]

5 A. Yes.

6 Q. And would [REDACTED] sleep there?

7 A. No.

8 Q. And would [REDACTED]

9 would he sleep there?

10 A. No, he was there only that day. I did not see him after that.

11 Q. And did the [REDACTED]

12 there?

13 A. Yes.

14 Q. And do you recall in which point of the day that was, that they

15 arrived [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Cross-examination by Mr. Von Bone

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1 an estimate about it?

2 MR. DE MINICIS: Your Honour, sorry, if I may. I don't think
3 that we have established that the witness spent the entire day at
4 [REDACTED] after he woke up. That may well be the case, but counsel
5 asked him whether he used to sleep there. So as far as I understand
6 it, we don't know yet whether he's spending that day there. So that
7 he would be able to answer questions counsel's asking --

8 MR. VON BONE: Sure.

9 MR. DE MINICIS: -- perhaps he should first ask him that.

10 MR. VON BONE: No problem.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Defence counsel
12 already agreed to ask that question, so please proceed.

13 MR. VON BONE:

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. Yes.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. Yes.

23 [REDACTED]

24 [REDACTED]

25 A. No, I don't remember.

Cross-examination by Mr. Von Bone

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

1 Q. But do you know actually if you could leave your unit without
2 the permission of your unit commander?

3 A. Yes.

4 Q. And did you ask permission yourself or was it [REDACTED] who
5 did that?

6 A. Only oral permission, not in writing. I asked myself for it.

7 [REDACTED]

8 [REDACTED]

9 A. This I don't remember.

10 [REDACTED]

11 [REDACTED]

12 A. No.

13 Q. Was he from the military police?

14 A. I don't know. He was not amongst the military policemen who
15 were staying with us at our unit.

16 Q. And how many military police officers were staying at your unit,
17 in [REDACTED]

18 A. I think four or five.

19 Q. Your unit was stationed -- no. [REDACTED]

20 [REDACTED]

21 A. [REDACTED]

22 [REDACTED]

23 Q. And what was your task when you would hold guard?

24 A. I would stand guard only at night when other comrades were
25 absent. That was not one of my main tasks. I would stand guard only

Cross-examination by Mr. Von Bone

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

1 at the vicinity of [REDACTED].

2 Q. And that [REDACTED] was, what kind of [REDACTED]

3 was that? From where to where did that [REDACTED] go?

4 [REDACTED]

5 [REDACTED]

6 Q. And is Zllash actually a village, or what is it?

7 A. It's a village.

8 Q. And have you visited Zllash yourself, the village?

9 A. Once or twice.

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 there any task at all?

18 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, Defence counsel. Was
19 there any task with regard to the refugees?

20 MR. VON BONE: [Microphone not activated] [Overlapping
21 speakers] ...

22 PRESIDING JUDGE VELDT-FOGLIA: Okay, for my understanding.

23 MR. VON BONE:

24 Q. Is the question clear?

25 A. Yes. I think they tried to shelter them in the houses nearby.

Cross-examination by Mr. Von Bone

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

1 I think this was the task. To provide them with food and these sorts
2 of things.

3 Q. Do you recall I was speaking with you on the day that you went

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. I don't remember.

8 Q. And do you recall how many hours it was after you had woken up
9 that [REDACTED] asked you to come with him?

10 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I think that
11 Mr. Witness has told us already several times that it was in the
12 morning, but he did not recollect when it exactly was and at what
13 time.

14 So I would say let us go over this point now.

15 MR. VON BONE: Yes, I just want to know what is the approximate
16 time-frame between waking up and going [REDACTED] It is in
17 the morning [Overlapping speakers] ...

18 PRESIDING JUDGE VELDT-FOGLIA: But then you should also ask at
19 what time he got up.

20 MR. VON BONE: Yes, of course. I mean, it is obviously that --
21 trying to establish a little bit the time-frame here.

22 Q. So, Mr. Witness, when you woke up in the morning, do you recall
23 what time it would be usual to wake up? Was it -- was it an early
24 rise or was it ...

25 A. Usually it was early.

Cross-examination by Mr. Von Bone

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

1 Q. Okay. And would there be a -- kind of a lineup of people of all
2 the people in [REDACTED] who would be, for example, inspected by your
3 commander?

4 A. I was not part of the lineup, but the other soldiers, yes.
5 Sometimes yes; and sometimes no.

6 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I want to ask
7 one question to the witness.

8 You said "early in the morning." What is "early" in your world?
9 From your perspective, what is early for you?

10 THE WITNESS: [Interpretation] 6.00.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 MR. VON BONE:

13 Q. And now approximately how many hours after 6.00 do you estimate
14 [REDACTED]

15 [REDACTED]

16 A. I don't know. Approximately -- I don't know. It could be two
17 or three hours later. But I don't know when it was exactly.

18 Q. I understand. And within that time-frame that you are talking
19 about, did you actually see [REDACTED] that day,
20 that morning?

21 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I think he told
22 that he didn't see him.

23 MR. VON BONE: [Microphone not activated] [Overlapping speakers]

24 ...

25 PRESIDING JUDGE VELDT-FOGLIA: So I heard it from the SPO and --

Cross-examination by Mr. Von Bone

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

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

2 THE INTERPRETER: Microphone for counsel.

3 MR. VON BONE: Sorry. I was not aware. I thought that he
4 actually said that it was not during the day and that we just then
5 said, well, was he there in the day? But if it is clear, then I have
6 no question on it.

7 PRESIDING JUDGE VELDT-FOGLIA: I'm not here to say if things are
8 clear at this moment in time. I just want to make clear what the
9 witness has shared with us in court.

10 MR. VON BONE: Okay. I take it, Your Honour, that the question
11 has been answered, so I won't go on that again.

12 Q. Do you know when [REDACTED] died in the war?

13 MR. DE MINICIS: Sorry, Your Honour. [REDACTED] -- we
14 haven't established that he died in the war.

15 MR. VON BONE: Okay.

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

17 MR. VON BONE: No problem.

18 Q. Mr. Witness, do you know when actually [REDACTED] died?

19 A. No, I don't.

20 Q. And you heard of his death only later?

21 A. Yes, after the war.

22 Q. So do you actually know whether he died in the war or after the
23 war?

24 A. No, I don't know.

25 Q. And did you ever receive any information about his death, other

Cross-examination by Mr. Von Bone

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

1 than that he was dead, but about how he died?

2 A. No.

3 Q. Was [REDACTED] a soldier?

4 A. No.

5 Q. What was he?

6 A. I don't know.

7 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, just to say that
8 we have been discussing time allocated to the parties. You went over
9 it, but seeing the matter we are discussing, you have some time.

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

11 Q. The people who told you about his death, did they tell you how
12 they knew that he died?

13 A. No.

14 Q. And the people that told you about his death, did they tell you
15 when he had died?

16 A. No, no.

17 Q. Did anybody tell you where he had died?

18 A. No, never.

19 MR. VON BONE: Your Honour, I think we can go into open session.

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

22 [Open session]

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

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

25 Defence counsel, please proceed.

Witness: W04603 (Open Session)

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1 MR. VON BONE:

2 Q. We were speaking about your unit. My question is: When you
3 went away to pick up the person that we just spoke about, did you
4 report back to your commander?

5 A. After we returned?

6 Q. Correct.

7 A. No, I didn't. I didn't report anything.

8 Q. When you came back, you remained at your unit, I understood, and
9 there was a black jeep that came. Was that a black jeep of the
10 military police?

11 A. I don't know.

12 Q. And who was driving that jeep?

13 MR. DE MINICIS: Your Honour, just, sorry, for the record, the
14 testimony of the witness was not that a black jeep arrived when he
15 went back there; rather, that there was a transfer from one car to
16 the other.

17 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, thank you for
18 remarking that. I was considering it, and that's true.

19 MR. VON BONE: It's not a problem. [Microphone not activated].

20 PRESIDING JUDGE VELDT-FOGLIA: Okay. But it's good to be
21 precise --

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

23 PRESIDING JUDGE VELDT-FOGLIA: Two things, if I'm talking
24 Defence counsel --

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

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1 PRESIDING JUDGE VELDT-FOGLIA: -- I really would appreciate if
2 you would not talk through me because it makes it very chaotic. And
3 secondly, we have to be very clear in what we present to the witness.
4 So -- and I don't want to interrupt you all the time, but at the same
5 hand, yeah, please be clear.

6 MR. VON BONE: No problem, Your Honour.

7 Q. There was a transfer of that person to the black jeep; correct?

8 A. Yes.

9 Q. And that black jeep, was it the same person that was driving
10 that black jeep as the one who was driving the Mercedes that you
11 spoke earlier about?

12 A. I don't know who drove the jeep. I didn't see anyone.

13 Q. Okay. And, to be clear, that black jeep, was that a jeep of the
14 military police? Or did I just ask that?

15 MR. DE MINICIS: Yeah, asked and --

16 PRESIDING JUDGE VELDT-FOGLIA: You already asked that.

17 MR. VON BONE: I just asked that. Sorry.

18 Q. Did that black jeep return to [REDACTED] afterwards?

19 A. No.

20 Q. Did you ever see that black jeep again?

21 A. No.

22 Q. And the younger person that you mentioned earlier, did you ever
23 see him afterwards again?

24 A. No, I didn't.

25 Q. And the driver of the Mercedes, did you see that person

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1 afterwards?

2 A. Yes.

3 MR. VON BONE: Can I ask to go into private session,
4 Your Honour, because I have some questions regarding that. I didn't
5 want to mention a name but ...

6 PRESIDING JUDGE VELDT-FOGLIA: I saw the Prosecution standing
7 and then sitting down again. It's resolved, I understand, by that
8 movement?

9 MR. DE MINICIS: Yes, Your Honour. Thank you.

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

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

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

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
15 Defence counsel, please proceed.

16 MR. VON BONE: Thank you.

17 Q. Basically, the person that was driving the Mercedes initially
18 was [REDACTED] is that correct?

19 A. Yes.

20 Q. [Microphone not activated].

21 THE INTERPRETER: Microphone for counsel.

22 MR. VON BONE:

23 Q. Did you see [REDACTED] upon his return the same day when you
24 went to pick up --

25 MR. DE MINICIS: Your --

1 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]. Thank
2 you. That question has been asked.

3 MR. VON BONE: I do not recall the answer, Your Honour, I'll be
4 honest.

5 PRESIDING JUDGE VELDT-FOGLIA: That he saw him in the evening.

6 MR. VON BONE: In the evening, okay. Sorry about that.

7 Q. And did [REDACTED] -- did you meet him the following day on
8 your -- in your unit?

9 A. I don't remember whether I met him.

10 Q. About the military police, would they actually ever arrest
11 somebody? In general, during the time that you were in [REDACTED] and
12 the people of the military police would stay at your unit, would they
13 actually ever arrest anybody?

14 A. No.

15 Q. Do you know what was the task of the military police?

16 A. Yes.

17 Q. Could you tell us what that was.

18 A. I believe it was to see whether there were any breaches of the
19 rules by the soldiers.

20 Q. Have you ever seen that the military police interviewed somebody
21 or -- about any kind of breach of a soldier during the period that
22 you were serving there at [REDACTED]

23 A. I didn't see anything like that in my unit. There wasn't any
24 case of that sort.

25 Q. And do you know the other -- the names of the military police

Cross-examination by Mr. Von Bone

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

1 officers that actually stayed at [REDACTED]?

2 A. Yes, I remember some.

3 Q. Could you tell us.

4 [REDACTED]

5 [REDACTED]

6 THE INTERPRETER: Correction, Your Honour, the name was

7 [REDACTED]

8 THE WITNESS: [Interpretation] There were others, but I don't
9 remember their names.

10 MR. VON BONE:

11 Q. [REDACTED]

12 A. No.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 A. Yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel --

19 MR. VON BONE: Just one more question about the location.

20 PRESIDING JUDGE VELDT-FOGLIA: Sorry, Defence counsel --

21 MR. VON BONE: Yes, I'm finishing up.

22 PRESIDING JUDGE VELDT-FOGLIA: I -- that's what I was going to
23 ask, if you can foresee how much time you think you will be using.

24 MR. VON BONE: I'm about to finish. Just a couple of things
25 about the location [indiscernible].

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1 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you.

2 MR. VON BONE:

3 Q. About your unit, did you ever return to the location where your
4 unit was, [REDACTED] I mean --

5 PRESIDING JUDGE VELDT-FOGLIA: When?

6 MR. VON BONE:

7 Q. -- after the war. Long time after the war. Maybe in recent
8 years?

9 A. Only once.

10 Q. And do you recall when that was?

11 A. No, I don't remember the time, but I remember that I went there
12 once.

13 Q. Is that more than five years ago?

14 A. Five years ... I can't remember exactly. Perhaps more than
15 that.

16 Q. Was there a commemorative plaque at the location where [REDACTED]
17 was located?

18 A. No, at that time there wasn't any.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 A. It was the same place. We slept at the same place.

2 Q. Okay.

3 [Trial Panel and Court Officer confer]

4 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I see that
5 Mr. Mustafa raises his hand, so I will ask him if -- what he wants to
6 say.

7 Mr. Mustafa, I see you raise your hand. Do you want to say
8 anything?

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

11 I'd like to suggest a question through my lawyer.

12 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] You
13 can -- I will --

14 THE INTERPRETER: Microphone, please, for Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: I will do that, but I will first
16 ask the witness to put off his headphones. Yes.

17 Defence counsel.

18 MR. VON BONE: Your Honour.

19 PRESIDING JUDGE VELDT-FOGLIA: -- your client wants to ask you
20 to ask a question --

21 MR. VON BONE: Right.

22 PRESIDING JUDGE VELDT-FOGLIA: -- to the witness, which it's not
23 the usual way to do it because I would say that --

24 MR. VON BONE: Yeah.

25 PRESIDING JUDGE VELDT-FOGLIA: -- normally we will do that in --

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1 in the break you can discuss with him.

2 MR. VON BONE: Yes. Yeah, we will.

3 PRESIDING JUDGE VELDT-FOGLIA: So I would have a preference for
4 that than to do it here in open court.

5 MR. VON BONE: I think so too, Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: Because here we are all present.

7 MR. VON BONE: I would say the same. It's just that I am more
8 or less finished with the questioning, but I'm happy if I can speak
9 briefly to my client and he can tell me what it is, and then we can
10 finish it up, as far as I'm concerned.

11 PRESIDING JUDGE VELDT-FOGLIA: What we will do, because it's now
12 quarter to 1.00, we will just anticipate our break.

13 MR. VON BONE: Okay.

14 PRESIDING JUDGE VELDT-FOGLIA: And then you can discuss --

15 MR. VON BONE: Sure.

16 PRESIDING JUDGE VELDT-FOGLIA: -- with your client. And then I
17 will ask the SPO -- we do the normal route --

18 MR. VON BONE: Yeah.

19 PRESIDING JUDGE VELDT-FOGLIA: -- if there is -- if they want to
20 have redirect examination and everybody can get the floor as usual.

21 So that's what I think we will do for now.

22 You can put on ...

23 Mr. Witness, we are going to have our lunch break and we will
24 come back here in one and a half hours, so a quarter past 2.00. And
25 I will wish you a good lunch, and I will ask Madam Court Usher to

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1 exit you from the courtroom.

2 MR. VON BONE:

3 Q. Thank you very much, Mr. Witness.

4 [The witness stands down]

5 PRESIDING JUDGE VELDT-FOGLIA: It's now a quarter to 1.00. We
6 will have a break to quarter past 2.00.

7 The hearing is adjourned.

8 --- Luncheon recess taken at 12.48 p.m.

9 [Open session]

10 --- On resuming at 2.16 p.m.

11 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

12 Before we call the witness in, I have an announcement that we
13 are now in public session, but we finished in private session. And
14 for the record, I want to state that.

15 Before we call the witness in, I call appearances.

16 The SPO is in the same composition, I see.

17 Madam Pues, Victims' Counsel, please.

18 MS. PUES: Yes, Your Honours. We are in a slightly changed
19 composition. It's now only myself as Victims' Counsel. Thank you.

20 PRESIDING JUDGE VELDT-FOGLIA: Okay. We note that.

21 And Mr. von Bone, Defence counsel, is here. And Mr. Mustafa is
22 also there. Good.

23 Madam Court Usher, could you please bring the witness in.

24 [The witness takes the stand]

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

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

1 Okay. Defence counsel, I give you the floor to continue with
2 the questions that were left.

3 MR. VON BONE:

4 Q. Yes, Mr. Witness. We left more or less at the location of
5 [REDACTED] -- excuse me, of your unit.

6 MR. VON BONE: We are in open session; right?

7 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].
8 Please. We are in open session.

9 MR. VON BONE: Yes.

10 Q. The location of your unit, you have explained that. And I was
11 wondering from your location where your unit was located, where was
12 actually the headquarters of the military police?

13 A. I don't know that the military police had a headquarters.

14 Q. So just for my understanding, the commander of the military
15 police, do you know who he was?

16 MR. DE MINICIS: Your Honours, sorry, if I may. Are we talking
17 about the military police at the brigade level or at the witness's
18 unit level? Because I believe this may be two different things with
19 possibly two different locations and different commanders.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, could you
21 specify that.

22 MR. VON BONE: If the witness knows at all, actually.

23 PRESIDING JUDGE VELDT-FOGLIA: But I think it's good to specify
24 your answer. I see the point.

25 MR. VON BONE:

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1 Q. Your unit, there were a number of people from the military
2 police located at your unit. That's what you said. Now, these
3 people, under which sector or section of the military police would
4 they fall; do you know?

5 A. They were at [REDACTED] where I was.

6 PRESIDING JUDGE VELDT-FOGLIA: We are in open session so it's
7 better that you don't mention that.

8 MR. VON BONE: Yes.

9 Q. Who was the head of the military police officers that was
10 stationed at your unit?

11 A. I think [REDACTED]

12 Q. All right.

13 MR. VON BONE: Maybe it's better to go into private session,
14 Your Honour.

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

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

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

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

20 MR. VON BONE: And I would request that the answer would be
21 redacted.

22 PRESIDING JUDGE VELDT-FOGLIA: We have taken care of that.

23 MR. VON BONE: Yeah, okay.

24 Q. So the head of the military police, according to you, was
25 [REDACTED] as far as the people of your unit was concerned, or was

Cross-examination by Mr. Von Bone

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

1 he the head of the police -- military police of a larger group in the
2 area?

3 A. Of a group of military policemen that were stationed at
4 [REDACTED]

5 Q. Right. Okay. And he was not stationed there himself,
6 [REDACTED] Where would he stay? Where would his office be?

7 A. [REDACTED]

8 Q. And we mentioned earlier [REDACTED] Who was he then?

9 A. I don't know exactly, but I think [REDACTED]

10 [REDACTED] This is what I think, but I'm not
11 sure.

12 Q. Did you ever see [REDACTED] at the school where the
13 Brigade 153 was located?

14 A. No.

15 Q. Did you know if he had an office somewhere or a location where
16 he would be stationed?

17 A. I don't know.

18 Q. And do you know if -- what was the -- was there any difference
19 in rank or task [REDACTED] do
20 you know that?

21 A. As far as I know, [REDACTED]
22 [REDACTED]

23 Q. And was he -- so [REDACTED]

24 [REDACTED]

25 [REDACTED]

MR. DE MINICIS: Your Honour, I think the witness has already

Cross-examination by Mr. Von Bone

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

1 been asked this question and he stated that [REDACTED]

2 [REDACTED]

3 MR. VON BONE: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: No, but that's not what you said.

5 MR. VON BONE: No.

6 PRESIDING JUDGE VELDT-FOGLIA: I understood what you meant. But

7 I agree with the Prosecutor that you said - and I'm now saying it

8 from the top of my head - [REDACTED] --

9 MR. VON BONE: That's right.

10 PRESIDING JUDGE VELDT-FOGLIA: -- but you intend the military
11 police --

12 MR. VON BONE: Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: -- the people of the military
14 police --

15 MR. VON BONE: Yes, that's what I mean.

16 PRESIDING JUDGE VELDT-FOGLIA: -- that were stationed. Yes. So
17 please formulate exactly, because it's not "the head of."

18 MR. VON BONE: Yeah. Okay.

19 Q. To be clear, Mr. Witness, [REDACTED]

20 [REDACTED]

21 Okay?

22 [REDACTED]

23 [REDACTED]

24 A. Yes.

25 Q. And what was the location of those other units?

Cross-examination by Mr. Von Bone

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

1 A. I don't remember the locations. Except for [REDACTED] I don't
2 know of other locations. I don't remember at the moment.

3 Q. Okay. And did you -- if would you go in the direction of the
4 school, would you pass by any other military police location or -- or
5 a location where maybe people from the military police were around?

6 A. No.

7 Q. No?

8 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

9 MR. VON BONE: Okay.

10 Q. And if you would go from [REDACTED] in the direction of
Prishtine,
11 would you then pass by any location that was where people of military
12 police -- where you would see people of military police in a unit?

13 A. There was only [REDACTED]

14 Q. Okay. [REDACTED]

15 [REDACTED]

16 A. I don't think so. I don't remember.

17 Q. Okay. Did any military police officer that was stationed with
18 you at [REDACTED] ever mention any other military police location
nearby

19 [REDACTED]

20 A. I don't remember.

21 Q. Do you recall if your unit ever was visited by [REDACTED]

22 A. Yes.

23 Q. And do you recall when that was?

24 A. He visited us frequently. He would come and stay for two or
25 three days and then we would not see him for two weeks. This is how

Cross-examination by Mr. Von Bone

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

1 it went. He was not stationed at [REDACTED] at all times. He would
2 come every now and then.

3 Q. And would he have meetings with your commander?

4 A. As far as I remember, yes.

5 Q. And would he have meetings with the military police personnel
6 that was stationed at [REDACTED]

7 A. I don't remember.

8 Q. Do you recall if he had ever -- if you have ever seen
9 [REDACTED]

10 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, who is in this
11 question "he."

12 MR. VON BONE: [REDACTED]

13 PRESIDING JUDGE VELDT-FOGLIA: Do you recall if he had ever seen
14 [REDACTED]

15 MR. VON BONE: If you.

16 PRESIDING JUDGE VELDT-FOGLIA: Oh, yes. Here in the text it is
17 written "he."

18 MR. VON BONE: Sorry. But I asked the question to the witness.

19 PRESIDING JUDGE VELDT-FOGLIA: Okay.

20 MR. VON BONE: I'm sure I said "you."

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. So the question is: Have
22 you seen [REDACTED]

23 MR. VON BONE: Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay.

25 MR. VON BONE:

Cross-examination by Mr. Von Bone

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

1 Q. Have you seen [REDACTED] at the
2 location of your unit?

3 A. Yes, there were such instances.

4 Q. And how frequent was that?

5 A. Well, I don't know how frequent that was, but there were
6 instances when I saw them together.

7 Q. And do you recall the day that when you went -- counting from
8 the day that you [REDACTED] do you recall
9 whether [REDACTED]
10 counting from the day how many --

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

12 MR. VON BONE: How long before that was. Before the moment.

13 PRESIDING JUDGE VELDT-FOGLIA: Could we rephrase the question.
14 Because I don't think it's clear like this.

15 MR. VON BONE: Okay.

16 Q. Counting from the day that you went to pick up [REDACTED]
17 taking that as a reference point, do you recall how many days or
18 maybe weeks before you saw [REDACTED]
19 at [REDACTED]

20 A. I don't know the time. I don't know.

21 Q. And if they would meet at [REDACTED], would they come together or
22 would they come separately?

23 A. I don't remember, no.

24 Q. If [REDACTED] would visit [REDACTED] how would he arrive
25 there?

Cross-examination by Mr. Von Bone

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

1 A. This I don't remember. I don't remember how he would come
2 there.

3 Q. Okay. One more question about the --

4 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Defence
5 counsel, could you indicate how much time --

6 MR. VON BONE: I'm finishing.

7 PRESIDING JUDGE VELDT-FOGLIA: -- you think you will be needing?

8 MR. VON BONE: I'm finishing.

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

10 MR. VON BONE:

11 Q. [REDACTED] were they staying --

12 MR. VON BONE: I'm not sure if I asked this. I think I asked it
13 before to the witness.

14 Q. Were they staying at your location at [REDACTED]

15 MR. DE MINICIS: Your Honour, I'm not sure that these two names
16 came up.

17 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Yes,
18 they did --

19 MR. VON BONE: Yes, they did.

20 PRESIDING JUDGE VELDT-FOGLIA: They did come up and they were
21 having the last -- surname as --

22 MR. VON BONE: [REDACTED]

23 MR. DE MINICIS: I apologise. And, yes, I recall. I recall
24 that.

25 MR. VON BONE: Just don't recall exactly.

Cross-examination by Mr. Von Bone

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

1 Q. But do you recall if [REDACTED] were staying at your
2 location?

3 A. Yes.

4 Q. And do you remember when you had to go from [REDACTED] to flee
5 elsewhere -- or when did the offensive start; do you recall that?
6 When did you leave [REDACTED]

7 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, you used the
8 word "fleeing."

9 MR. VON BONE: Fleeing or, well, going away from --

10 PRESIDING JUDGE VELDT-FOGLIA: Because that's --

11 MR. VON BONE: Going away from --

12 PRESIDING JUDGE VELDT-FOGLIA: Maybe you could formulate it in a
13 more neutral way.

14 MR. VON BONE: Yeah.

15 Q. When did you leave [REDACTED]? I mean definitely.

16 A. Definitely?

17 Q. Yes.

18 A. At the end of June 1999.

19 Q. Okay. And did you notice during your period at [REDACTED]
whether

20 there was any offensive from the Serbian forces? Did you notice
21 that?

22 A. Yes.

23 Q. And could you tell us about when that was, that offensive?

24 A. The offensive took place sometime in April. I don't remember
25 the date, but it was in April.

Cross-examination by Mr. Von Bone

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1 Q. Now, taking into account the day that you went to [REDACTED]
2 [REDACTED] do you recall how long after that was when the
3 offensive started?

4 A. I don't remember exactly, but some two weeks or even less. But
5 I don't know exactly.

6 Q. Okay. And did the offensive approach near [REDACTED] or did it
7 go
8 in a different direction?

9 A. In -- it came from two directions, from Zllash and from Koliq.

10 Q. Right. And did you actually -- were you -- was your unit
11 [REDACTED] attacked by the Serbian forces during that period?

12 A. Yes.

13 Q. Okay. And did your unit suffer any losses?

14 A. No.

15 Q. Okay. Were you injured yourself in any way?

16 A. No.

17 Q. Okay.

18 MR. VON BONE: Thank you very much. Your Honour, I have no
19 further questions.

20 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
21 bring us back into public session.

22 MR. VON BONE:

23 Q. Thank you very much.

24 [Open session]

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

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

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Procedural Matters

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1 Pursuant to Rule 127(3) of the Rules on our conduct of
2 proceedings, the Panel may allow redirect examination, as deemed
3 necessary.

4 Mr. Prosecutor, do you wish to proceed with re-direct
5 examination?

6 MR. DE MINICIS: No, Your Honour, we don't have any re-direct.
7 Thank you.

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

9 Are there any questions more on the victim's side?

10 MS. PUES: No, Your Honour. Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: I saw nodding, yes.

12 Good. So at this point, let -- I look at the clock. Yes.

13 Mr. Witness, we -- the Panel will have some questions for you
14 but we will proceed with that tomorrow morning. Yes? So for now, I
15 will ask Madam Court Usher to usher you out, and then we see you back
16 tomorrow morning at 9.30.

17 Let me remind you that until tomorrow morning you shall not
18 discuss your testimony with anybody. Is that clear? Yes. Try to
19 rest --

20 THE WITNESS: [Interpretation] Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: -- and we'll see you back
22 tomorrow.

23 THE WITNESS: [Interpretation] Thank you.

24 [The witness stands down]

25 PRESIDING JUDGE VELDT-FOGLIA: Is there anything that the

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1 Prosecution would like to raise at this point in time?

2 MR. DE MINICIS: Yes, Your Honour. Thank you.

3 It's about the two questions that Your Honour raised at the
4 beginning of today. We -- there is no problem with the proposed
5 change of schedule. The Prosecution can work around that just fine.

6 And with regard to the duplicates identified by Your Honour,
7 there are indeed duplicates, although they bear different ERN
8 numbers, and so that may have been the reason for the double
9 inclusion. We, of course, do not need both duplicates to be admitted
10 into evidence, and we would be happy for just one of the pairs
11 identified by Your Honour today on the record to be admitted.

12 If this suffices, the Prosecution is happy to leave it to the
13 Chamber, but if the Chamber would -- the Panel would like us to
14 submit anything more specific on the point, we can also do that.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. I think that with what you
16 have just stated here on the record, it will be enough.

17 MR. DE MINICIS: I'm grateful. Thank you, Your Honour.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay.

19 Victims' Counsel, is there something that you would like to say
20 or to submit at this point? No. Thank you.

21 Defence counsel, is there something you would like to add?

22 MR. VON BONE: Nothing, Your Honour.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay, good.

24 [Trial Panel and Court Officer confer]

25 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, could you --

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1 yes, I see you pointing at your client. Could you inform the Panel
2 if he will be assisting via videolink or in person?

3 MR. VON BONE: It will be via videolink.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you for that.

5 Then we will resume tomorrow at 9.30. I thank the parties and
6 the Victims' Counsel for their attendance. I thank the interpreters,
7 the stenographer, and the audio-visual booth, and the security for
8 their assistance today.

9 The hearing is adjourned until tomorrow, 9.30.

10 --- Whereupon the hearing adjourned at 2.43 p.m.

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