

1 Friday, 22 April 2022

2 [Open session]

3 [The accused entered court]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

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

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I will call appearances.

11 Mr. Prosecutor, could you tell us who is present.

12 MR. DE MINICIS: Good morning, Your Honours. Silvia D'Ascoli,
13 Associate Prosecutor; Julie Mann, Case Manager; Filippo De Minicis,
14 Associate Prosecutor, appearing for the SPO today.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 Victims' Counsel, you have the floor.

17 MS. PUES: Thank you, Your Honours, and good morning. Good
18 morning, Your Honours. Good morning, everybody. The participating
19 victims today are represented by Brechtje Vossenbergh, my co-counsel,
20 and by myself, Anni Pues, as counsel.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Defence Counsel, you have the floor.

23 MR. VON BONE: Good morning, Your Honours. The Defence is
24 represented by my co-counsel, Mr. Betim Shala; myself,
25 Julius von Bone; interpreter/investigator Mr. Fatmir Pelaj. Joining

1 us in the courtroom is also Mr. Mustafa, the accused.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well. And today, for the
3 record, you are appearing in front of Trial Panel I.

4 Before continuing with the testimony of Witness 1400, I will
5 give an oral order on behalf of the Panel, and it's directed to the
6 SPO.

7 The Panel notes the SPO filing F376, SPO Notice of Rule
8 102(1)(b) Disclosure and Related Request - hereinafter request -
9 dated 8 April 2022, in which the SPO provides notice of disclosure of
10 new material, namely, Official Notes recording a newly obtained
11 statement by a witness in this case. The new material is listed in
12 Annex 1 to the request. And in light of the expiry of the deadline
13 for the disclosure of Rule 102(1)(b) material, which was set by the
14 Pre-Trial Judge on 1 December 2020, the SPO now requests the Panel's
15 leave to formally disclose the new material pursuant to
16 Rule Rule 102(1)(b) of the Rules of Procedure and Evidence.

17 The Defence did not respond to the request.

18 The Panel observes that the new material originated from
19 contacts initiated by the witness himself in connection with the
20 development of the trial hearings, and that the SPO received such
21 material only on 25 March. Therefore, the new material was not
22 available prior to the expiry of the deadline for disclosure of
23 Rule 102.

24 In addition, the Panel considers the new material to be relevant
25 to the charges insofar as it relates to events that allegedly

1 occurred at the detention compound.

2 Accordingly, the Panel finds that the SPO has provided reasons
3 for the late disclosure of the new material and authorises the SPO to
4 formally disclose the items listed in Annex 1 to the request as soon
5 as possible.

6 The Panel further orders the SPO to file an updated list of
7 exhibits including the new material by Friday, 29 April 2022.

8 This concludes the oral order.

9 And I will give a second oral order.

10 The Panel notes -- and that is for the Victims' Counsel.

11 The Panel notes filing F392, Victims' Counsel Submissions on an
12 Expert for the Calculation of Material Damages, dated 21 April 2022,
13 and in order to take an informed decision on the appointment, the
14 Panel orders the Victims' Counsel to file in the record of the case
15 the CV of the proposed expert.

16 And this concludes the second oral order of the Panel.

17 So, we're done with the oral orders for this morning, and we
18 will continue with the testimony of Witness 1400,
19 Mr. Selatin Krasniqi.

20 Madam Court Usher, can we please usher the witness into the
21 courtroom.

22 [The witness entered court]

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Krasniqi, good morning and
24 welcome to the Specialist Chambers. Can you hear me fine?

25 THE WITNESS: [Interpretation] Yes. Good morning. Thank you.

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1 PRESIDING JUDGE VELDT-FOGLIA: How are you doing? Did you have
2 time to rest?

3 THE WITNESS: [Interpretation] Yes, I'm good. Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Krasniqi, I remind you that
5 you're still under oath to tell the truth. Yes?

6 THE WITNESS: [Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well.

8 I will now give the floor to the Defence Counsel to proceed with
9 the redirect examination.

10 Defence Counsel, you have the floor.

11 WITNESS: SELATIN KRASNIQI [Resumed]

12 [Witness answered through interpreter]

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

14 Re-examination by Mr. Von Bone:

15 Q. Good morning, Mr. Witness.

16 MR. VON BONE: I would like to ask the Court Officer to, once
17 again, pull up a photograph, and it is listed in DSM00028. Yes.

18 Q. Mr. Witness, I have some questions about the photograph, and in
19 particular building 4A on that photograph. Yesterday -- we would
20 like to have this clarified.

21 MR. VON BONE: Yesterday at the hearing, at page 93, line 22,
22 there was discussed what was there inside that building, and it is
23 also to clarify the issue of the rubble, Your Honour, because we had
24 the feeling that it did not really come up, so maybe we can clarify
25 that once again.

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1 Q. You recall yesterday that we spoke about -- the Prosecution
2 asked you questions about what was there, and at the Defence
3 statement, and that was, for the reference -- let me see.

4 MR. DE MINICIS: If I may be of assistance. That would be
5 page 3 of the statement from 19 April 2021.

6 MR. VON BONE: Okay. Thank you very much.

7 Q. Page 3, yes, in the Defence statement. And I will cite what --
8 what was said by you, Mr. Witness, about this typical building. You
9 said to the answer:

10 "That is correct. It was not used at all because it was
11 uninhabitable. People could not stay in it."

12 And if I recall well, you said something to the effect that
13 there was a lot of material there. What -- what was the word that
14 you used for that?

15 A. I used the word of farming machinery.

16 Q. Right. And the farming machinery that you speak of, could you
17 explain to us what kind of farming machinery would that be?

18 A. I meant means, not machinery. Means.

19 Q. Okay. And when you say "means," what kind of means was it that
20 you meant?

21 PRESIDING JUDGE VELDT-FOGLIA: I see that Mr. Prosecutor is
22 standing.

23 Mr. Witness, can you take off your headphones, please.

24 MR. DE MINICIS: Your Honour, at this moment I'm not very clear
25 about what period of time we are talking about. Because my

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1 recollection from yesterday is that this machinery, agricultural
2 machinery the witness referred to was in the 1990s prior -- it was in
3 the past. So I don't know if we're referring to the period of
4 April 1999 or earlier with regard to the presence of this machinery.

5 If counsel could clarify that, I think that would be helpful.

6 MR. VON BONE: We will.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you,
8 Defence Counsel.

9 MR. VON BONE: Let me first stick to the issue of rubble and
10 then put it in time.

11 PRESIDING JUDGE VELDT-FOGLIA: Maybe you can -- I would suggest
12 that you first clarify about what period we are talking and then you
13 continue. It's only one question.

14 MR. VON BONE: Okay. Good.

15 Q. Mr. Witness, as I just quoted you that "it was uninhabitable,"
16 first question is: In the period of March and April 1999, was it in
17 that period that you meant it was uninhabitable?

18 A. It was not used, I would say, since of 1994, 1995. And we left
19 some farming equipment or tools there.

20 THE INTERPRETER: Could the witness be asked to speak closer to
21 the microphone, please.

22 THE WITNESS: [Interpretation] I'm not very accurate, but of
23 course, in 1998, 1999, we couldn't -- we didn't live there.

24 MR. VON BONE:

25 Q. Okay. Yesterday -- oh, no. Just -- the agricultural means that

1 you just spoke about, what kind of means do you mean? It is not
2 machinery, but you said agricultural means. What was it?

3 A. Spades, utensils you use for farming. Things like that.

4 THE INTERPRETER: Your Honour, can the witness be asked to speak
5 closer to the microphone, please.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you get a little
7 bit closer to the microphones, yes, and then for the interpreters it
8 will be easier to hear you. And Madam Court Usher will try to put
9 the microphones closer to you.

10 Okay. We will see if it now works better.

11 Thank you, Madam Court Usher.

12 Defence Counsel, please proceed.

13 MR. VON BONE: Yes, one second, Your Honour.

14 Q. Mr. Witness, did you use the word "vllac" yesterday?

15 A. Yes.

16 Q. Just a minute. Just a minute, please. Could you explain what
17 is that "vllac"? What is it?

18 A. It's a kind of rake that you use -- you put after the tractor
19 and the tractor drags it, to level out the field.

20 Q. Thank you very much.

21 MR. VON BONE: Your Honour, may we ask the witness to take off
22 his microphone -- yes, microphone. Thank you very much.

23 PRESIDING JUDGE VELDT-FOGLIA: Can you put off your headphones.
24 Thank you, Mr. Witness.

25 [Specialist Counsel confer]

1 MR. VON BONE: Your Honour - and that is maybe also a request to
2 the translation booth - we believe that yesterday on the passage that
3 was quoted the word that I just used, I think, was translated as
4 sheep pens.

5 Now, sheep pens is a kind of cage thing, where -- if you want to
6 keep sheep in, in a cage, you use that kind of material. And that's
7 why we got back to this issue because apparently there was "vllac,"
8 which is a different type of thing, a means or agricultural thing.

9 So just -- that's why I had it explained by the witness what
10 that actually is, and he just said that he used that word yesterday
11 too.

12 So just concluding this, we just wanted to make sure that the
13 translation could maybe take a look at that again, at that word, and
14 then see how that was translated.

15 PRESIDING JUDGE VELDT-FOGLIA: Could you give the Panel the
16 exact reference of the transcript of yesterday? Because I will then
17 ask the translation unit to have a look again at it and to re-listen
18 to what was said yesterday.

19 MR. VON BONE: And that would be, if I recall well, yeah, it is
20 page 93, line 22. That is where this issue arrived, so to speak.

21 PRESIDING JUDGE VELDT-FOGLIA: But only line 22?

22 MR. VON BONE: Yes. That is where you see the word "sheep
23 pens."

24 PRESIDING JUDGE VELDT-FOGLIA: Yes. But I think it is better to
25 have the exact lines before or after because it's not up to the

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1 translation unit to see where we have to start and to finish.

2 MR. VON BONE: Okay. Let me get back to Your Honours because --

3 PRESIDING JUDGE VELDT-FOGLIA: Very well. Just to give a clear
4 indication.

5 MR. VON BONE: -- that was the point that I wanted to make
6 clear that has been, I think, cleared now.

7 THE INTERPRETER: Your Honour, could the interpreters explain
8 why was that yesterday?

9 [Trial Panel confers]

10 MR. VON BONE: I think that the interpreter said something just
11 now.

12 THE INTERPRETER: The interpreters would like, with your
13 permission, to explain why it was translated like that yesterday. If
14 you would like that.

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

16 THE INTERPRETER: Microphone, please.

17 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

18 THE INTERPRETER: Yesterday the interpreter heard the word
19 "vathe" which in Albanian means sheep pen. That's why. That
20 explains why we said what we said yesterday. Because this is the
21 word we heard, meaning of which in Albanian is sheep pen.

22 PRESIDING JUDGE VELDT-FOGLIA: Okay.

23 Defence Counsel, so I don't think we need to have a
24 clarification or re-listening of this point. There was a kind of
25 misunderstanding, and it is good that we have it clarified now.

1 MR. VON BONE: That's why we came back to it, Your Honour.

2 Thank you very much also to the translation.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you to the interpreter for
4 this clarification.

5 MR. VON BONE: And maybe we can just know now how it is
6 translated, the word that we just spoke of.

7 PRESIDING JUDGE VELDT-FOGLIA: Maybe -- it has already been
8 translated by the word "rake." And then my question - and you can
9 also ask it to the witness - is how big, what the dimension is of a
10 rake. Because I see one door at the left-hand side and I was just
11 wondering how the rake would get into the building. But maybe there
12 are more doors or maybe a rake is not so big. I cannot completely
13 imagine how a rake looks like.

14 MR. VON BONE: Yes. We actually thought of a different word
15 when we were looking -- going through this, which would be "drag
16 harrows." That is, I think, what it would be. But -- anyway, I
17 don't want -- the issue was more the rubble and whether it was
18 obsolete material and this kind stuff. So I would like to continue
19 on that, if that's okay. I will ask for the composition of the
20 rubble if that can be --

21 PRESIDING JUDGE VELDT-FOGLIA: My question was a different one.
22 What is a rake? How does a rake look like? And how big is it? And
23 can it -- how -- and, yeah, depending on how big it is, would it go
24 through that door or another door.

25 MR. VON BONE: Yes, okay.

1 Q. Mr. Witness, we just -- thank you very much.

2 You were speaking about this agricultural means that you have
3 just described. What is the approximate size of something like that?

4 A. Some 50, 60 centimetres. It has three parts.

5 Q. Three separate parts, you mean?

6 A. And it's foldable.

7 Q. Right, okay. So if you look at the photograph of 4A, would it
8 go through that door that we see there?

9 MR. VON BONE: Maybe we can enlarge the picture there a little
10 bit. I mean ...

11 A. Yes, it can. Because it can be folded.

12 Q. Okay. No need then to enlarge it.

13 So was this old material what was lying there?

14 A. Yes, they were old. Of the 1980s.

15 Q. Okay, I understand. Okay.

16 MR. VON BONE: I hope we have clarified, Your Honour, the issue
17 of rubble a little bit. So we were struggling, all of us, with it,
18 so we tried to figure out a way to get on that.

19 Q. Mr. Witness, just when we speak of the same photograph and we
20 look at still the building 4A, was this ever -- ever used by the BIA
21 as a base, this building?

22 A. BIA stayed there.

23 Q. In that particular building? 4A?

24 A. I showed earlier. In that building nobody lived.

25 Q. Okay. And that building, did that building have any upper or

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1 lower floor in it, or was it just a one-floor building?

2 A. 4A, you mean?

3 Q. 4A.

4 A. No, no. Only one floor.

5 Q. Thank you very much. It is the assertion of the Prosecution
6 that people were kept in that building on the ground floor. What is
7 your reaction to that?

8 A. I already said yesterday that there weren't any detainees, and I
9 haven't seen any.

10 Q. Okay.

11 A. And nobody could say that there were people detained there.

12 Q. And, Mr. Witness --

13 MR. VON BONE: Let me just consult for a moment, Your Honour.

14 [Specialist Counsel confer]

15 MR. VON BONE:

16 Q. Mr. Witness, do you recall that you met some members of the
17 Prosecution last year?

18 A. Yes. The Prosecutor Cezary Michalczuk, if I'm not mistaken -
19 and sorry if I misspelt his name - called me. And he asked me to go
20 to the place they told me to.

21 Q. That's right. And was Mr. Michalczuk at the time alone?

22 A. There were three cars. I don't know how many people were there.

23 Q. And were any of the other Prosecutors that you saw here today in
24 court were present at that time?

25 A. If I'm not mistaken, I think, yes, that Prosecutor there was

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1 there then.

2 Q. Okay.

3 PRESIDING JUDGE VELDT-FOGLIA: Which one?

4 MR. VON BONE: Yes. That was my ...

5 THE WITNESS: [Interpretation] On the first row, if I'm not
6 mistaken. He resembles the one that I saw then.

7 MR. DE MINICIS: Your Honour, if I may be of assistance, we were
8 both there.

9 MR. VON BONE: What was that?

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor informed us that
11 both Prosecutors were there.

12 MR. VON BONE: Yes. Right.

13 Q. At the time that you met them, did they show you any pictures,
14 any photographs?

15 A. No.

16 Q. Okay. And you have -- how long did that meeting last?

17 A. About an hour, at the school. It was raining. And I heard from
18 my family members that the Prosecutors said that we were not well
19 received in the village.

20 Q. Okay.

21 A. I just wanted to explain that.

22 Q. Sure.

23 A. The day that we were there, there were some workers, some
24 40 metres away, there was nobody else besides myself. And I know
25 that it was raining.

1 Q. My -- do you still come to that location of your family?

2 PRESIDING JUDGE VELDT-FOGLIA: Yeah, I don't know.

3 THE WITNESS: [Interpretation] Myself?

4 PRESIDING JUDGE VELDT-FOGLIA: Wait. Defence Counsel, for me it
5 is not clear about --

6 MR. VON BONE: Which location --

7 PRESIDING JUDGE VELDT-FOGLIA: May I finish my sentence?

8 MR. VON BONE: Sorry.

9 PRESIDING JUDGE VELDT-FOGLIA: About what location we are
10 talking.

11 MR. VON BONE: Yes. I'm speaking about the location what we
12 would call in the court the Zllash compound, the --

13 PRESIDING JUDGE VELDT-FOGLIA: I understand.

14 MR. VON BONE: -- building composition that we are -- have
15 discussed yesterday. And the location where the buildings that are
16 on the photograph are on.

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, but it's for me
18 not clear if the witness knows that we are talking about that.

19 MR. VON BONE: Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: I mean, we did not first indicate
21 the location and then started questioning about it. So I would
22 say -- I propose to rephrase it.

23 MR. VON BONE: Yes.

24 Q. The location on the photograph that you have in front of you, do
25 you still come there?

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1 Thank you. And which building is standing there?

2 PRESIDING JUDGE VELDT-FOGLIA: Yeah, but what is --

3 MR. VON BONE: Excuse me. The location on the photograph.
4 Excuse me?

5 PRESIDING JUDGE VELDT-FOGLIA: No, you can say it. But then,
6 please.

7 JUDGE BITTI: I'm sorry, counsel, but there is no answer from
8 the answer on the transcript.

9 MR. VON BONE: Oh. Sorry. I think he said yes, honestly.

10 Q. Would you speak a little bit louder so that the people in the
11 translation --

12 A. I go there every day at 8.00. Other than the time I'm here.
13 Otherwise I go there. It's my place, every day. I work there.

14 Q. Thank you very much. The question that I have is -- obviously
15 we've been there, the Prosecution has been there too. Of all these
16 buildings, which building is still standing there?

17 A. Only the barn. We renovated it two years ago, if I'm not
18 mistaken.

19 Q. Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

21 THE WITNESS: [Interpretation] The granary. It's the place where
22 we store the grains.

23 MR. VON BONE:

24 Q. Thank you very much.

25 PRESIDING JUDGE VELDT-FOGLIA: Which number would that be on the

1 picture we have used yesterday?

2 MR. VON BONE: I cannot, of course, show that, but it was the --

3 THE WITNESS: [Interpretation] Number 1.

4 MR. VON BONE: The witness said "hambari," so I can show --

5 PRESIDING JUDGE VELDT-FOGLIA: I prefer that the witness
6 indicates --

7 MR. VON BONE: Sure.

8 PRESIDING JUDGE VELDT-FOGLIA: -- to us what he means with "the
9 granary" on the picture.

10 MR. VON BONE: Sure, Your Honour. No problem.

11 Yesterday we made a photograph, Court Officer, and we have
12 detailed all that out, these things --

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer has already
14 pulled it up.

15 MR. DE MINICIS: Your Honour, the picture, if I'm not mistaken,
16 I think picture DSM00016 may be showing the building counsel is
17 trying to discuss.

18 PRESIDING JUDGE VELDT-FOGLIA: Yes, thank you, Mr. Prosecutor.
19 For now --

20 MR. VON BONE: 00016 [overlapping speakers] ...

21 PRESIDING JUDGE VELDT-FOGLIA: Wait. For now, we have a picture
22 on our evidence screen with markings of the witness made yesterday,
23 and I think that picture can assist us in making clear which is the
24 barn or the granary the witness indicates that now still today is
25 standing.

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1 MR. VON BONE: Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: So, Mr. Witness, can you tell us,
3 do you see the picture on your screen?

4 MR. VON BONE: Can we enlarge it maybe a little bit.

5 THE WITNESS: [Interpretation] Yes, I do. Number 13 is the one.

6 MR. VON BONE: Okay. No need.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you. You have made it
8 clear to us.

9 MR. VON BONE: Thank you very much.

10 Q. And when you were visiting with the Prosecution, did you give to
11 the Prosecution any indication -- excuse me. Did you give to the
12 Prosecution any indication that on that -- in that area or on that
13 location would have been a detention centre?

14 A. No, we didn't talk about anything with the Prosecutor. He
15 called me after some time to explain some things, but as I was a
16 Defence witness, I did not accept that.

17 Q. I understand. Please --

18 A. He also called my son, who is 15 years, old three times. The
19 first time to verify the number, and the other two times I don't know
20 why he called him. And my son is only 15 years old. Whether it was
21 by mistake, I don't know. Whether they called him by mistake. Or
22 maybe because my son has the name of my paternal uncle Kadri. Maybe
23 that was the reason, but that was not clear to me.

24 Q. I just want to put the following to you. If the Prosecution
25 says that you gave indications where the detention building would be,

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1 what would you say?

2 MR. DE MINICIS: I am sorry, Your Honour.

3 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait. Defence --

4 Mr. Witness, take off your headphones, please.

5 Yes.

6 MR. DE MINICIS: I don't know where this is coming from. Just
7 this is wildly inappropriate. I don't -- I really don't know what
8 the basis for that is.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay.

10 Defence Counsel, for me, it's also not clear where are you
11 pointing at, so could you give a clarification before asking the
12 question to the witness, why you are asking this question and on what
13 basis.

14 MR. VON BONE: The basis is the document of the Prosecution,
15 100949, the Official Note of the Prosecution's office regarding a
16 visit to Zllash --

17 PRESIDING JUDGE VELDT-FOGLIA: Mm-hm.

18 MR. VON BONE: -- with this witness. That is my basis. And I'm
19 -- that is the basis, Your Honour.

20 PRESIDING JUDGE VELDT-FOGLIA: Can you cite it?

21 MR. VON BONE: Sure.

22 Q. "The position of detention buildings was recreated on the basis
23 of Prosecution witness statements, 2006 photos made by UNMIK in case
24 2002/0014, as well as indications of Selatin Krasniqi made to the
25 Defence during his interview and to the SPO team on the site."

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1 PRESIDING JUDGE VELDT-FOGLIA: Can we call up that document. It
2 is not a question. We will call up that document, but I would like
3 to have the reference.

4 MR. VON BONE: Yes. That is the reference that I have. That is
5 the reference that I just gave.

6 PRESIDING JUDGE VELDT-FOGLIA: Can you repeat it to Madam Court
7 Officer -- or suffice it, Madam Court Officer, to pull it up.

8 MR. VON BONE: It is a document --

9 THE COURT OFFICER: No, Your Honours. If counsel could provide
10 ERN number.

11 MR. VON BONE: The ERN number is not on the document, but there
12 is an ERN number of the contents of the disk that apparently this is
13 on. I think the best indication that I have here is the
14 Official Note of 1 June 2021, and the ERN number would be 100949. It
15 is on the top right of that document.

16 MR. DE MINICIS: Your Honour, if I can provide the ERN.

17 MR. VON BONE: Okay.

18 MR. DE MINICIS: It would be 100949 to 100951 RED.

19 MR. VON BONE: Okay.

20 PRESIDING JUDGE VELDT-FOGLIA: And, Mr. Prosecutor, would you
21 like to comment on what Defence Counsel is pointing out before --

22 MR. DE MINICIS: If Defence Counsel could read the part of
23 the Official -- sorry. If Defence Counsel could please read the part
24 of the Official Note that suggests that -- and the page that supports
25 the suggestions he made to the witness, then we can take it from

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1 there, Your Honour.

2 PRESIDING JUDGE VELDT-FOGLIA: Yeah.

3 MR. VON BONE: I have cited that.

4 PRESIDING JUDGE VELDT-FOGLIA: Could you say to us where on this
5 page it is?

6 MR. VON BONE: Sorry. It is the - one, two, three - fourth
7 paragraph, Your Honour. And then it is from the second sentence on.

8 MR. DE MINICIS: Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait. I see two people
10 standing. And I thought Victims' Counsel was first.

11 Madam Victims' Counsel, please.

12 MS. PUES: Thank you, Your Honours.

13 I wonder whether the evidence screen is in front of the witness,
14 and, if so, the Albanian version of that is on there, which would, of
15 course, somewhat undermine our discussion on -- and him taking his
16 headphones --

17 PRESIDING JUDGE VELDT-FOGLIA: I think now everything is out of
18 the screen. But it's ...

19 MS. PUES: Just at this point maybe be useful to wait until we
20 have finished the discussion before the witness is then confronted
21 with the evidence possibly.

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

23 [Trial Panel and Court Officer confer]

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you
25 usher the witness out of the courtroom.

1 Mr. Witness, Madam Court Usher will usher you out of the
2 courtroom. We will discuss a matter that -- with regard to a
3 question that you will be asked. So as soon as we are done with the
4 discussion, you will be asked to come into the courtroom again.
5 Thank you.

6 [The witness stands down]

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, you can
8 bring the document again on our evidence screen.

9 Mr. Prosecutor, you have the floor.

10 MR. DE MINICIS: Your Honour, the part -- thank you. The
11 paragraph that Defence Counsel referred to clearly states that:

12 "The position of the detention buildings was recreated on the
13 basis of Prosecution witness statements, 2006 photos made by UNMIK in
14 case 2002/0014, as well as indications of Selatin Krasniqi made to
15 the Defence during his interview and to the SPO team on site."

16 Now, Your Honour, we will explore this with the witness if
17 Your Honours would like, but, of course, we went on a site visit and
18 we -- Mr. Krasniqi, the witness, being the owner and being familiar
19 with the layout of the place at the time, helped us understand where
20 buildings that were no longer there were before they were demolished.

21 That's it.

22 So, like, the map and the detention sites were not -- we never
23 claimed that, as Defence Counsel suggests, Mr. Krasniqi told us where
24 the detention site was. That is a -- Defence Counsel is giving a
25 spin to our Official Note. He is giving an interpretation which

1 frankly does not stand on its legs. It's -- we specified that it was
2 a number of factors that helped us recreate the position of the
3 detention site; chiefly, the statements of our witnesses, the
4 pictures of UNMIK, as well as the assistance of Krasniqi who
5 confirmed where certain buildings were.

6 So I think that the proposition that Defence Counsel put to the
7 witness is perhaps not a fair one. It's a suggestion that one cannot
8 draw from what is stated there in the Official Note. But ...

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

10 Defence Counsel, you have the floor.

11 MR. VON BONE: Yes. If there is anything unfair, Your Honour,
12 it is that it is what is written there. It does not say "buildings,"
13 it says "detention buildings." So it is the qualification of the
14 Prosecution using that while Mr. Krasniqi has never seen any of the
15 photographs that are with this document, because there's photographs
16 too. He has never indicated any -- made any indications on
17 photographs. Nevertheless, it is the assertion of the Prosecution
18 that, in fact, that Mr. Krasniqi gave indications to that effect to
19 the SPO team on the site or would have given it to the Defence. He
20 never gave such indications.

21 PRESIDING JUDGE VELDT-FOGLIA: I would propose that you ask the
22 witness if he has ever given indications to you, as Defence, or to
23 the SPO, that there was a detention centre on those premises. I
24 think -- you may --

25 MR. VON BONE: That there was a detention -- I think --

1 PRESIDING JUDGE VELDT-FOGLIA: No. You can ask him if he knows
2 or he thinks that there was a detention centre. And you can ask him
3 if he said that to you or he said that to the SPO. That is a fair
4 question. And -- to put this judicial Official Note to him I think
5 would only confuse because you can read it in different ways. And
6 I'm not going to express myself on how it has to be read now, but I
7 see you are right, of course, to ask if he has ever said anything of
8 this kind to you or to them. But I would limit it to that.

9 MR. VON BONE: Okay. I think I asked that question, but I will
10 do it again.

11 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, I didn't hear you.

12 MR. VON BONE: I think I asked that question, but I will do that
13 again. I think that was the question that I gave, in fact, to the --

14 PRESIDING JUDGE VELDT-FOGLIA: No. Your question was --

15 MR. VON BONE: Well, we can read --

16 PRESIDING JUDGE VELDT-FOGLIA: -- was also implying that the SPO
17 had said that, and I would keep the question more clear-cut, if that
18 was said, without saying that the SPO is supposing that he has said
19 that.

20 So I'm going to usher the witness in again, and I don't think
21 there is a need for now to have this document on the screen.

22 MR. DE MINICIS: And, Your Honour, just the last thing.

23 We just really want to have the regard clear that our Official
24 Note does not suggest that did -- that text does not suggest that we
25 claimed that Mr. Krasniqi told us here was a detention centre. It

1 just does not say that.

2 PRESIDING JUDGE VELDT-FOGLIA: Your position is clear; and I
3 think that Defence Counsel's position is also clear. And what I'm
4 try to indicate is that I'm not going to take a position on that at
5 this moment in time.

6 [The witness takes the stand]

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.
8 Defence Counsel, please proceed.

9 MR. VON BONE:

10 Q. Mr. Witness, have you ever given indication to the Defence
11 whether there was a detention centre, a detention house, or a
12 detention structure on the location in Zllash that we discussed?

13 A. No, I didn't, because there wasn't any. And I have to explain,
14 Defence Counsel, as to what I spoke with the Prosecutor. I only
15 asked him how was Salih Mustafa and the others, Hashim and Kadri. I
16 only asked him about them, whether they were fine and whether
17 health-wise they were okay.

18 Q. And did you get an answer to that question?

19 A. He said they were fine.

20 Q. Okay. And did you give ever any indication to the Prosecution
21 Office, while you were there on that visit on that site, that there
22 was a detention centre, a detention building, or a detention
23 structure or any place where people were detained? Did you ever give
24 such indication to the Prosecution's Office?

25 A. No, never. Not at all. In fact, I did not stay with them at

1 all. I stayed at the granary, because it was raining. They were at
2 the tree that can you see there. They took pictures.

3 Q. Mm-hm, okay. And was there anything else discussed with you?

4 A. No. There was an interpreter, if I'm not mistaken, but we did
5 not speak. We continued then to the Zllash school. They took some
6 pictures there as well.

7 Q. And let me interrupt you here because I just want to remain on
8 the site at the granary where you were. Did they ask about any
9 particular building to you that was standing there, that used to
10 stand there?

11 A. No. No, no.

12 Q. Okay. Mr. Witness, yesterday you said that when you came to
13 The Hague, you remembered the date of the 17th of April; do you
14 recall that, that you said that?

15 A. Yes.

16 Q. Okay. And you recalled that there was some politicians speaking
17 or whatever the news was. There was some -- what -- could you just
18 refresh us with what about you heard?

19 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would like, as
20 soon as you can, of course --

21 MR. VON BONE: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: -- a reference for this and then
23 we can cite the witness exactly on what he has said. Because, for
24 now, I don't want to refresh -- him having refresh us --

25 MR. VON BONE: No.

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1 PRESIDING JUDGE VELDT-FOGLIA: -- our memory on what he said
2 yesterday.

3 Please cite that part and then we can do a follow-up question.
4 If you want to clarify something, please proceed.

5 MR. VON BONE: Yes.

6 Q. What was it that you heard on the news or ...

7 A. I watched the news. I saw Orhan Ismajli. He is in the
8 Democratic Party of Kosovo. He gone to visit the cemetery in Viti of
9 Marec, and then I remembered the events. I also saw family members
10 of the fallen.

11 Q. Okay. Thank you very much for that. And were you ever involved
12 in politics yourself or a member of a party?

13 A. No, no.

14 Q. Or support this particular politician?

15 A. Yes.

16 Q. Okay.

17 A. Yes.

18 Q. From which party is he then?

19 A. The Alliance for the Future of Kosovo. Until 2000, as a family,
20 as a village, we were all in the Kosovo Democratic Party, and after
21 2000, some started to support this party and some other parties.

22 Q. Last question on this issue.

23 MR. VON BONE: I'll wrap it up, Your Honour.

24 Q. While you were in the KLA or in whatever unit you were in, did
25 you have any feeling at the time in 1999, April/March 1999, whether

1 there was any distinction regarding peoples who were member of a
2 political group or any other distinction? So members of KLA or
3 whoever, was there any distinction to that effect?

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please, wait a
5 moment.

6 Can you take off your headphones, Mr. Witness.

7 MR. DE MINICIS: Could Defence Counsel explain how this stems
8 from our cross-examination?

9 PRESIDING JUDGE VELDT-FOGLIA: I will ask the Defence Counsel,
10 but I'm not always so strict on what question you are allowed to ask
11 if I think it can help to clarify things.

12 But, Defence Counsel, could you --

13 MR. VON BONE: First of all, I wanted to connect it to whether
14 this particular politician was maybe at the time in the KLA or not,
15 and we discussed yesterday also membership of any kind of KLA or
16 whatever, and I just wanted to make clear whether there was any
17 separation in the KLA or so that he ever experienced.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. What kind of separation?

19 MR. VON BONE: Political. Politically speaking.

20 PRESIDING JUDGE VELDT-FOGLIA: Within the KLA.

21 MR. VON BONE: Yes, within the KLA. As he was a --

22 PRESIDING JUDGE VELDT-FOGLIA: I see the point of the Prosecutor
23 that it is -- I don't think it is related to what we discussed
24 yesterday, but I will allow you to ask the question.

25 For our reference, I was informed that it's page 154, lines 3 to

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1 7, where the witness said:

2 "And you say that you were following the news. Now, what is it
3 that you saw in the news that was relevant for you to remember this
4 date?

5 "I saw some comrades, family members had gone to Viti of Marec.
6 People from -- politicians."

7 So it's page 154, lines 3 to 7.

8 MR. VON BONE: Yeah, and I believe it was on the
9 Victims' Counsel's question if I -- anyway, it doesn't matter.

10 PRESIDING JUDGE VELDT-FOGLIA: Yes, it does matter because we
11 need to have it on record --

12 MR. VON BONE: Okay. Okay. So --

13 PRESIDING JUDGE VELDT-FOGLIA: -- so it's now ...

14 MR. VON BONE: Page 75, line 9 to 12 of yesterday's transcript.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we have two
16 references and we will check this one too.

17 So please proceed but I --

18 MR. VON BONE: Just a -- this is the wrap-up question --

19 PRESIDING JUDGE VELDT-FOGLIA: No. Defence Counsel --

20 MR. VON BONE: Oh, sorry.

21 PRESIDING JUDGE VELDT-FOGLIA: -- please. It's not for me. It
22 is for everybody here present who doesn't speak the English language
23 that you should wait until I have finished.

24 Please proceed with this question, but I would insist on not
25 dwelling too much on this point.

1 MR. VON BONE: I won't.

2 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

3 MR. VON BONE: I won't, Your Honour. Thank you very much. I'll
4 keep [indiscernible] it is the last question that I have.

5 Yes, please.

6 Q. Mr. Witness, while you were in the KLA or any unit that you were
7 in, have you ever noticed or experienced, seen or heard from people
8 around you, that there would be made a distinction as to political
9 party affiliation in order to join the KLA?

10 A. No, Defence Counsel. It is worth to mention that all my family
11 -- and I heard in the indictment that the LDK is mentioned. All my
12 family, the whole village of Zllash, the entire Gollak area, and the
13 founder of the LDK, Shefki Gashi, who was also part of the war, they
14 were all LDK. Also, a neighbour of mine, he was also member of the
15 LDK. So there was no affiliation or affiliation didn't matter. The
16 matter -- what mattered was to liberate Kosovo.

17 I don't know who is making up all these differences. The only
18 goal we had was to liberate Kosovo. There were no political
19 convictions or political affiliations. It didn't matter to which
20 party you belonged.

21 Q. Okay.

22 A. I would actually request, if possible, to call those people as
23 your witnesses, Shefki, Ismet Beqiri, Alush. They would bring
24 assistance and aid to our house.

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, let's stick to the

1 questions you are posed. Thank you for that.

2 [Specialist Counsel confer]

3 MR. VON BONE: Your Honour, we have finished our questioning.
4 Thank you very much.

5 Q. Thank you very much, Mr. Witness, for your time.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I would like to go
7 back to a picture that has been shown to you by the Defence Counsel.
8 And that is, Madam Court Officer, REG00-0015. It is the picture with
9 the several buildings. Yes.

10 And Mr. Witness, what I would like to know, we see here building
11 4A, yeah, and was this building 4A, was it connected to building 5?

12 THE WITNESS: [Interpretation] No. There was an empty space
13 between them.

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

15 And building 4 --

16 THE WITNESS: [Interpretation] But very small empty space.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you for that. And
18 between building 4A and the building on the right-hand side, where
19 you have put some markings, was there a connection on the ground
20 floor between those two buildings?

21 THE WITNESS: [Interpretation] Only 1 metre is connected.

22 PRESIDING JUDGE VELDT-FOGLIA: But could you pass from building
23 4A to the building at the right-hand side?

24 A. No.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. That -- that

1 suffices.

2 Maybe, Madam Court Officer, is it possible to zoom in a little
3 bit more with the emphasis on the buildings on the -- 4A and the
4 building on the right-hand side. Okay.

5 You say that building 4A and the building next to it, they were
6 connected for 1 metre. So wall to wall; is that what you mean? So
7 there was no space between it?

8 THE WITNESS: [Interpretation] No, they were connected.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. That suffices
10 for now, Mr. Witness. Thank you for that.

11 Yes. Rejoinder for the SPO?

12 MR. DE MINICIS: None, Your Honours.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay.

14 And, Victims' Counsel, are there any questions left for you.

15 MS. PUES: No, thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then, Mr. Krasniqi,
17 you have been asked several questions by the Defence Counsel and by
18 the Specialist Prosecution Office and also by the Victims' Counsel
19 yesterday. It's now the turn of the Panel to ask you some questions.
20 And it might allow us to gain some more clarity with regard to what
21 you already stated yesterday and today, although there have already
22 been some questions.

23 I'm going to see if the colleagues have questions for you and
24 then I will come back to you.

25 [Trial Panel confers]

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1 JUDGE DEKKERS: No thank you. My question has been answered by
2 your question. Yes, thank you.

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

4 JUDGE BITTI: Thank you, Madam Presiding Judge.

5 Questioned by the Trial Panel:

6 JUDGE BITTI: Mr. Witness, yesterday on page, I think, 108 and
7 109, you said that in "February or March that I realised that there
8 was a Brigade 153, a BIA guerrilla unit."

9 I'm speaking about the compound in Zllash where you were.

10 And then you said:

11 "The person of Karadak left and went to another base ..."

12 So do I understand correctly that there was also a person from
13 Karadak in that compound but that that person left in February or
14 March? Is that correct?

15 A. Your Honour, not only one person, but there were several persons
16 from the Karadak zone. Until they created their own zone, some
17 members of that zone stayed in our house. In other words, there were
18 also members of Karadak operational zone.

19 JUDGE BITTI: Okay, okay. That's not exactly what you said
20 yesterday, but I understand.

21 On page 110, line 25 of yesterday's transcript, you were
22 speaking about meeting between KLA members and members of your family
23 in 1998 in order -- when they actually accepted that the compound in
24 Zllash would be used by KLA.

25 And you mention one name Agron. Did you refer to

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1 Agron Xhemajli?

2 A. Yes.

3 JUDGE BITTI: Okay.

4 A. I did not meet him afterwards. I don't know where he went to.

5 JUDGE BITTI: So you don't know what was his role eventually in
6 the KLA or what was he doing in 1998-1999?

7 A. No, I don't know.

8 JUDGE BITTI: Okay. Yesterday you were speaking about a moment
9 when you came back to Prishtine on 3 April. That was page 62. And
10 you said that you went to Prishtine and you came back the same day,
11 apparently.

12 But in your Defence statement, DSM00008, at the question:

13 "Did you stay the entire time from November 1998 until
14 April 1999?"

15 You said:

16 "Until the offensive took place, more or less, most of the time
17 I stayed in this place. Incidentally, I would go to Prishtine. I
18 would stay there two days, but never more than three days."

19 So why, on 3 April, did you go only for one day, or did you stay
20 more time in Prishtine?

21 A. Your Honour, I said on the 3rd. I cannot be accurate whether it
22 was 3rd or 4th. I don't know that for sure. My family came in
23 Zllash on 1 April. They stayed for three days, if I'm not mistaken,
24 in our house there. I asked my father to find a place nearby, and
25 they moved then to that other house, which was about 250 metres away

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1 from our own house.

2 And I went then to Prishtine to take some food and bring that to
3 the family.

4 JUDGE BITTI: And my question was: How much time did you stay
5 in Prishtine? Because usually you would stay in Prishtine two to
6 three days, but not to go and come back in the same day. So I don't
7 understand why at that moment --

8 A. No. I went to pick up the foodstuffs and then returned. I did
9 not stay there. But you need 12 to 13 hours to get there in that
10 time. Most of the time we would go on foot or by tractor.

11 JUDGE BITTI: Okay. So you -- maybe you didn't come back the
12 very same day?

13 A. I returned somewhere at night. I don't know exactly when. But,
14 as I said, it was some 12 or 13 hours that it took me to get there.

15 JUDGE BITTI: Okay. Another question. On page 48 yesterday's
16 transcript, line 11 you say:

17 "... somebody called me."

18 Did you have a phone?

19 A. Are you referring to the 24th or 27th of March?

20 JUDGE BITTI: Yes.

21 A. No, we didn't have phones at that time. I said he came and
22 called me in the neighbourhood where I lived, which was near the
23 Medresa in Prishtine.

24 JUDGE BITTI: Okay. Yesterday at page 41, lines 1 and 2, you
25 spoke about the Serbs coming 23 years ago on that day, so on

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1 21 April 1999, so in Zllash, and you said that the Serbs destroyed
2 it.

3 Were you referring to the compound where you were living?

4 A. They destroyed everything. Whatever they saw in front of them.

5 JUDGE BITTI: If you look at the pictures that you have been
6 looking to from 2006, actually this is not true. The compound is not
7 destroyed. The buildings are still there, several of them.

8 So why are you saying that it was destroyed?

9 A. The building, the oda - now I don't remember the number, if you
10 put the map, then I can explain it to you - that one was shelled.

11 JUDGE BITTI: Okay. I will ask the Court Officer to put --
12 thank you very much, Court Officer.

13 So in the picture which we have in front of us, you are telling
14 me that, if I understood you well, it's 3, 4, 5 which were destroyed
15 by shelling, but actually shelling did not come. 14, 13, 12, 11 and
16 10 were not destroyed by shelling. That's what you are telling me?

17 A. Your Honour, 2, 3, 4, and 5 were burnt to the ground. 12 and 19
18 were shelled.

19 JUDGE BITTI: 12 and which one? There is no 19.

20 A. 19. 13, 14 were not. At that time only 13 was intact.

21 JUDGE BITTI: Actually, if we look at the picture, 12 is still
22 standing on 2006. So is 10, 13, and 14. So if it would have been
23 shelled, those houses would have been totally destroyed.

24 A. Your Honour, it was demolished by the tank. I have other
25 photographs that I took after the war - I don't know whether counsel

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1 has it - and there you can see very well how it was shelled.

2 JUDGE BITTI: Wait a minute. Shelling is not the same as the
3 tanks coming on the compound and destroying it completely.

4 So was it shelled from far away? Did the tank arrive at the
5 compound? What are you telling me?

6 A. The tank shelled it from a close distance, as far as we could
7 understand. If you see the photograph, from the left-hand side, the
8 walls -- may I?

9 JUDGE BITTI: Yes, please.

10 A. In this direction. It was shelled from this direction. And
11 there are photographs. I think the counsel has a photograph. There
12 are two persons on that photograph.

13 JUDGE BITTI: So you're telling me that the tanks from the Serbs
14 were shelling from a distance, maybe a short distance, but from a
15 distance, and they were shelling the compound.

16 So you're telling me that the Serbs did not reach this compound.
17 They didn't go inside of the compound with their tanks, or did they?

18 A. I don't know, Your Honour, because I wasn't there. But from
19 what we saw later, how we found the building, 12 was hit from a tank,
20 2, 3, 4, 5 were burnt down.

21 JUDGE BITTI: Okay. So do I understand more or less that
22 actually the compound was hit by shelling, mostly?

23 MR. VON BONE: Yes, Your Honour, if -- for assistance maybe,
24 there is photographs indicated by the -- if we go to the Attachment
25 9, attachment 11, and I think it is Attachment 7 --

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1 PRESIDING JUDGE VELDT-FOGLIA: So DSM0034. That's Attachment
2 11. I can --

3 MR. DE MINICIS: Your Honour, DSM00032 I believe shows the
4 compound from the outside, from the place where the witness has put
5 the arrow.

6 PRESIDING JUDGE VELDT-FOGLIA: Yes. That's Attachment 9.

7 MR. VON BONE: Yes. Another one is obviously --

8 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

9 MR. VON BONE: -- Attachment 7 --

10 PRESIDING JUDGE VELDT-FOGLIA: -- if you want to be of
11 assistance to the Panel, if you can suggest -- because you have now
12 mentioned several pictures. If there is one picture you think that
13 would be of most assistance then --

14 MR. VON BONE: Well, I think the Attachment number 9, I think,
15 which is --

16 PRESIDING JUDGE VELDT-FOGLIA: So DSM00032.

17 MR. VON BONE: That is ... that is ...

18 JUDGE BITTI: Yes, maybe we can --

19 PRESIDING JUDGE VELDT-FOGLIA: Yes, Madam Court Officer, she's
20 looking at it.

21 MR. VON BONE: 00032, I think, yes. Yeah, this is from the
22 outside.

23 JUDGE BITTI: Okay. Is this -- the building which was
24 building -- could we have together with this picture the picture we
25 had just before so that -- because I would like to ask the witness if

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1 that building is building 12, but I guess from the other side.

2 A. Yes, Your Honour, it is this building.

3 JUDGE BITTI: And that's taken from outside of the compound on
4 the other side, that picture is taken from outside of the compound.
5 Am I correct?

6 A. Yes, yes.

7 JUDGE BITTI: And what you indicate is that, actually, tanks
8 were shelling. Indeed, there is apparently one part which is
9 destroyed which is on the left of this picture. And I see also a
10 door. That's a door. And on the left of the door there is a
11 shelling, I guess, from a tank which destroyed partly that building.

12 Am I correct?

13 A. Your Honour, I circled these two places on the photo. So the
14 building was demolished because the building was made up of mud --
15 made with mud.

16 JUDGE BITTI: Okay. When you say "demolished," it was
17 demolished by shelling?

18 A. Yes, from the tanks.

19 JUDGE BITTI: Yes, I understand that. Thank you very much.
20 Thank you very much for that, Mr. Witness.

21 I have just -- could we please keep the picture for the moment.

22 I have one last question for you.

23 On that building, so that building which is 12, you explained
24 both in the statement to the Defence and also yesterday to the
25 Victims' Counsel, on page 153, that the walls were made of mud and

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1 hay. There was a basement on that house, on number 12, which we see
2 also on the picture on the right-hand side, and you said also
3 yesterday that that building, the basement, was also made of mud and
4 hay.

5 Did you go to that basement?

6 A. That is where I grew up. That is where I spent my holidays.
7 There was no concrete except for the building number 2. That one was
8 with "beton." The rest of the buildings were made from mud.

9 JUDGE BITTI: Okay. So in that basement you said that the wall
10 was of not good quality. This is DSM00011. Do you remember if in
11 that basement you could see through the wall? Would you see, for
12 example, the light coming in?

13 A. Your Honour, there was also a window. I don't know whether that
14 can be seen on the photograph. There is another photograph where you
15 can see that the building had a window.

16 JUDGE BITTI: So that building in the basement, there was also a
17 window?

18 A. Yes, yes. Look at it better, because you can see that there is
19 a window there.

20 JUDGE BITTI: Okay. I have no further questions. Thank you
21 very much for your clarifications.

22 Thank you, Madam Presiding Judge.

23 PRESIDING JUDGE VELDT-FOGLIA: I have one last question before
24 we wrap this testimony up, Mr. Witness.

25 Yesterday you stated that the BIA stayed in Zllash. That is,

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1 for the reference, page 11, 2 till 5.

2 So people of BIA, if I understood well, stayed there. Yeah.

3 A. Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: You also told us that the head of
5 BIA -- let me see. That you realised that the head of BIA was Cali.
6 And that is page 111 --

7 A. Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: -- 3 to 12, yes.

9 A. Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Then I was re-reading your
11 statement for the Defence, which is DSM00013, and then the question
12 was -- that was the statement that you give to the Defence Counsel.

13 "Did Cali have any authority over this location?"

14 And from the context I understand that you are talking about
15 Zllash and where your family houses were.

16 A. Yes, yes.

17 PRESIDING JUDGE VELDT-FOGLIA: And then you would say:

18 "Cali would come for one or two days. No one even knows who he
19 is. The other soldiers did not know him. A humble person, good."

20 And then you say:

21 "He had no influence."

22 And I understand he had no influence over that location. But
23 did he --

24 A. Yes.

25 PRESIDING JUDGE VELDT-FOGLIA: -- have influence over the

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1 members of the BIA unit that were in Zllash?

2 A. Of course, he did. Of course, they obeyed. He was his
3 commander. That is only normal.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. Just to make it clear
5 because here you said to the Defence "he had no influence." But I
6 could not understand that, how he can be a leader -- wait, wait, how
7 he can be a leader and not have influence. Although, maybe it can,
8 but in this specific case. If you are the leader, you are the one
9 giving the orders.

10 A. It depends on the impressions that people impress upon you.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay. But let's not go in that.
12 He was the head of the BIA. That's what you told us. There were --
13 BIA stayed at Zllash. Yeah? And if I understand you well, when you
14 said that he had no influence, you were trying to say that he had no
15 influence over his members.

16 A. I don't understand the influence, what you mean to say by it.

17 PRESIDING JUDGE VELDT-FOGLIA: Yeah. Did Mr. Mustafa, being the
18 leader of the BIA, yeah, have authority over the members of the BIA
19 who were at Zllash?

20 A. When Mr. Mustafa arrived there, everyone respected him.

21 PRESIDING JUDGE VELDT-FOGLIA: My question was: Did he have
22 authority over the members of BIA who were there?

23 A. Of course, he did have authority.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Then you have
25 clarified my question.

1 Associate Prosecutor; Julie Mann, our Case Manager for today.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

3 Victims' Counsel, I see are you in the same composition.

4 And, Defence Counsel, I see that you are also in the same
5 composition.

6 And Mr. Mustafa is here with us. Very well.

7 We will now proceed to hear the testimony of Defence
8 Witness 1500, Mr. Muhamet Ajeti.

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

10 [The witness entered court]

11 PRESIDING JUDGE VELDT-FOGLIA: Good morning, Mr. Ajeti. Welcome
12 to the Specialist Chambers. Can you hear me fine?

13 THE WITNESS: [Interpretation] Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. First of all, how are
15 you?

16 THE WITNESS: [Interpretation] I'm well. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Good. We will today start with
18 your testimony, and you're called to testify before the
19 Specialist Chambers in the case of the Specialist Prosecution Office
20 against Mr. Salih Mustafa in order to assist the Panel to reach a
21 verdict. And after you have taken your solemn declaration to tell
22 the truth, you will be asked questions by the counsel for the
23 Defence, the counsel for the Prosecution, and then the
24 Victims' Counsel. And then, at the end, the Panel, the Judges here,
25 can ask you questions. Yes?

1 I would like to provide you with some guidance for answering the
2 questions that you will be asked. And, Mr. Ajeti -- do I pronounce
3 your name well, Ajeti?

4 THE WITNESS: [Interpretation] Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please listen
6 carefully to each question and if you don't understand, feel free to
7 ask the question to be repeated. We want you to tell us the truth,
8 and to tell us what you saw, what you experienced, what you sensed,
9 what you heard. If you found out in some other way, then you should
10 say so.

11 You may not remember all the details of the events, and there's
12 nothing wrong in saying to us, "I don't know," "I don't remember."
13 Please answer the questions and if clarification is needed, then we
14 will ask you in order to clarify. But when you are deviating in your
15 answers, we will stop you if needed.

16 And I remind you that you may refuse to answer questions that
17 could be incriminating you.

18 Do you understand all this?

19 THE WITNESS: [Interpretation] Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: I would like to give you some
21 practical advice for your testimony, Mr. Ajeti.

22 Everything what we say here is translated and recorded, so it is
23 very important that you talk into the microphones.

24 And maybe this should be put, Madam Court Usher, a little bit
25 nearer to the witness. The interpreters will inform us if there is a

1 problem.

2 So it is important that you talk into the microphones, that you
3 speak clearly, and that you speak at a slow pace to allow the
4 interpreters to translate everything that is said.

5 You should only start speaking when the person asking you a
6 question has finished. And that's a very important one. So please
7 count up till five in your head after the question has finished and
8 then start talking. Because that will allow the interpreters to
9 finish the translation and that will allow -- to avoid overlapping
10 speakers.

11 If I raise my hand, please stop talking, because I prefer not to
12 talk because then I would interfere with what you are saying. So I
13 will just raise my hand and then you try to finish your sentence, and
14 then I will tell you what is the matter.

15 Sometimes you will be asked to take off your headphones or you
16 will be ushered out of the courtroom if we have to discuss a question
17 before it is posed to you.

18 If you have any questions, if you need a break or you want to
19 tell the Panel something, please raise your hand and I will give you
20 the floor.

21 Did you understand all this?

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

23 PRESIDING JUDGE VELDT-FOGLIA: Very well. Do you speak English,
24 Mr. Ajeti?

25 THE WITNESS: [Interpretation] No.

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

2 As I must do with every witness, I will now ask you to read your
3 solemn declaration to tell the truth. And I remind you that it is an
4 offence within the jurisdiction of the Specialist Chambers to give a
5 false testimony.

6 Do you understand that?

7 THE WITNESS: [Interpretation] Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Usher, could you
9 please assist the witness with his solemn declaration. He already
10 has it. Okay.

11 Mr. Ajeti, please read the text provided to you.

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

16 WITNESS: MUHAMET AJETI

17 [Witness answered through interpreter]

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Ajeti. You are
19 now under oath to tell the truth.

20 We can begin with the questioning of Mr. Ajeti, starting with
21 the questioning by the Defence Counsel. And, Defence Counsel, you
22 have estimated two hours, I saw, in the list for your questioning of
23 this witness. And as usual, please inform us if you think that there
24 is a change.

25 You have the floor.

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1 MR. VON BONE: Thank you very much, Your Honour. I do not
2 believe that I will use the entire time.

3 PRESIDING JUDGE VELDT-FOGLIA: We have an extended day. We have
4 an extra session and a shorter break. And, yes, it's a general
5 remark we need -- we will use the time we need, but let us be all
6 focused in what we do today, as always.

7 MR. VON BONE: I will.

8 Your Honour, thank you very much.

9 Examination by Mr. Von Bone:

10 Q. Good afternoon, Mr. Witness. Or good morning still.

11 A. Good afternoon.

12 Q. I want to go through a couple of topics with you, and that's all
13 there is to it.

14 Mr. Witness, do you recall in 1999 that NATO forces began
15 striking in Kosovo?

16 A. Yes, I do remember, Counsel.

17 Q. Do you know what date that was?

18 A. Yes. 24 March 1999.

19 Q. Thank you very much. And at the time, what was the village or
20 the city that you were living in?

21 A. I was in Prishtine the day the NATO bombing started, in my
22 house.

23 Q. Okay. And do you remember whether at the moment that these NATO
24 strikes happened, whether there was any particular change that you
25 could experience in Prishtine?

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1 PRESIDING JUDGE VELDT-FOGLIA: Change of what kind?

2 MR. VON BONE: Yeah.

3 Q. Change of the situation.

4 A. When NATO bombing started, of course, there was a difference.
5 Initially, we were happy.

6 Q. And I asked whether there was any change in the situation.
7 Could you describe a little bit that.

8 A. That night, there wasn't much of a difference except for my
9 family and myself being happy about it, but the change began the
10 following day.

11 Q. And could you explain to us what was the change that actually
12 then happened.

13 A. We noticed the difference because the Serb forces started moving
14 about more. The population became more upset after having initially
15 been happy. But following that, the Serb forces started to move and
16 population started to leave their houses.

17 Q. And were there many people that were leaving their houses?

18 A. I did not notice much difference in the first days, but some of
19 them did. Most of them had other houses in the villages around
20 Prishtine, but later on they also started to be expelled forcibly
21 from their own houses.

22 Q. Mm-hm. And when they were expelled, where would people go to?

23 A. Mainly -- the citizens of Prishtine, they mainly went towards
24 Gollak.

25 Q. I see. Do you know why they would go to Gollak?

1 A. Fear was the reason. Fear from Serb forces because they
2 expelled them, they beat them, so such cases.

3 Q. And why would they go to Gollak and not to any other region?

4 A. It was impossible to go to other zones. Prishtine is connected
5 to Gollak. It was closer and it was easier for people from Prishtine
6 to go to there as opposed to Drenica. Gollak is closer to Prishtine
7 and that is the reason why they went there. It was a zone that was
8 more or less free.

9 Q. And what do you mean with a zone being "more or less free"?

10 A. At the time there were no fightings or there were no Serb forces
11 in Gollak, and that is why they went to Gollak. Some of them also
12 had their own houses there, so in that sense.

13 Q. I see, I see. And did you actually leave yourself Prishtine?

14 A. Yes.

15 Q. And were did you go?

16 A. The day I left Prishtine, I went to Zllash village.

17 Q. I understand. Were you a member of the KLA yourself?

18 A. Yes.

19 Q. And since when was that?

20 A. I joined KLA at the end of June or beginning of July in 1998 in
21 Shala e Bajgores, Llap operational zone.

22 Q. And Shala e Bajgores, could you indicate for us from Prishtine
23 which direction that is. Is that, for example, north, east, south,
24 west?

25 A. You can go to Shala e Bajgores from Mitrovica but also Podujeve.

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1 If you ask me where I went, I did not travel on asphalt roads, but I
2 took secondary roads.

3 Q. And how would you travel?

4 A. I went by bus from Prishtine to the village of Majac. From
5 Majac, there were no other buses there. I walked all the way to
6 Shala e Bajgores. More accurately to the village of
7 Shala e Bajgores.

8 Q. I understand. And was it there that you joined the KLA?

9 A. Yes.

10 Q. And was that a particular brigade, unit, or -- anything?

11 A. When I went to Shala e Bajgores, there was a school where the
12 Llap operational zone were stationed. I think I explained that to
13 you. The first time I went there I was returned because they said
14 that I was too young but also the number had reached its maximum
15 capacity.

16 The following day, I went to the same place and I insisted to
17 stay there and then I was allowed to join.

18 Q. I see. And how old were you at the time?

19 A. I was 17 years old. 17 years old and two or three months.

20 Q. Okay. You said that you left Prishtine and you went to Zllash.
21 Approximately when was that? How long was that after the NATO
22 bombings?

23 A. If I'm not mistaken, it was 30 or 31 March 1999. That is the
24 date when I left Prishtine. These two dates, these are the two
25 possible dates when I left. I'm not very certain about the accurate

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1 date.

2 Q. Okay. And how did you actually go to Zllash?

3 A. Do you mean the means of transportation that I used?

4 Q. Exactly, that is what I was --

5 A. We walked there. We walked.

6 Q. Okay. How long did it take you to go to Zllash?

7 A. I think it was four to five hours. We walked four to five
8 hours, perhaps six. I can't remember exactly.

9 Q. And at the time, could you use the -- at the time, could you use
10 the normal roads to go to Zllash?

11 A. No. No, mountainous roads.

12 Q. All right. I understand. Why was it that you went to Zllash?

13 A. A large part of the KLA was there, and that is why I went to
14 Zllash.

15 Q. I see. And what part of the KLA was there?

16 A. The Llap operational zone, part of the Llap operational zone.

17 Q. I see. And did you go there as a -- in your capacity as a
18 soldier or as a displaced person? Or how can I see -- were you sent
19 to Zllash or did you just go voluntarily there?

20 A. I went there with some other soldiers who I met in Prishtine.
21 We left Prishtine and we went to Zllash. A group of ten to 15 of us.
22 I don't remember exactly how many soldiers. But with some of the KLA
23 soldiers we went to Zllash.

24 Q. And now when you say "Zllash," what exactly do you mean by
25 "Zllash"? Where exactly did you go?

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1 A. To the village of Zllash and there are some houses there.

2 Q. Did you know anybody there? Why you went to that particular
3 place?

4 A. We went there because I had been there previously in December of
5 1998, and most of the soldiers, we knew where to go, to a house where
6 they knew some soldiers. I knew the persons that I went there with,
7 but I also knew the persons who were already there.

8 Q. I see. And could you describe that location for us. If we --
9 yeah, could you describe the location that you say there were some
10 houses there.

11 A. The place where we went is above the school in Zllash. Perhaps
12 a kilometre, 700, 800 metres to a kilometre.

13 Q. Okay. And is that -- okay.

14 You went there. And did you stay there or what did you do?

15 A. We arrived there in the morning before dawn and I stayed there
16 for four or five hours. I slept a little bit. And the following
17 day, I went to look for my family who moved to Kecekolle at my
18 father's uncle's. I found them there, and I stayed two or three days
19 with my father's family in Kecekolle.

20 Q. Okay. And the fellow soldiers that went with you to Zllash, did
21 they remain in Zllash?

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you can also ask
23 what did the -- because now it is for the third time that you already
24 put the answer in your question. So the first time was why did they
25 go to Zllash. That would have been better than give four possible

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1 answers. And I won't tell them all. But, now again, just tell them
2 what did those fellow men do when you left.

3 MR. VON BONE:

4 Q. The fellow soldiers that you went with to Zllash, where did they
5 go to?

6 A. They stayed there. They stayed in Zllash. And when I returned,
7 I met a part of those soldiers.

8 Q. I understand. When you arrived in Zllash, what was the
9 situation there? I mean, was this -- what -- could you describe what
10 the situation was, in terms of whether there were many people there
11 or not?

12 A. When we arrived in Zllash to that house, I remember that the
13 yard was full of people. They were busy with the population,
14 accommodating them. So it was a bit busy. There were many people
15 there. I don't know exactly how many. Perhaps 50 to 60. There were
16 women, children, soldiers, when we arrived there on the 30th or 31st
17 of March. The yard was brimming with people. There were rooms where
18 people were accommodated --

19 Q. I see.

20 A. -- who had arrived there before we did.

21 Q. And where could these people be accommodated?

22 A. They slept there.

23 Q. I see. And you said "I went there to a house," but how -- were
24 there more houses than one or -- could you describe that location?

25 A. Perhaps there were two houses, one next to each other or

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1 opposite of each other. Two houses in one yard.

2 Q. And what else was there; if you recall?

3 A. What do you mean by "what else"?

4 Q. In terms of buildings, people. Maybe soldiers.

5 A. The houses were there. Two houses full with people. Anything
6 else in particular, I can't remember. Perhaps you can ask the
7 question.

8 Q. Were there more than two houses there, in terms of structures
9 standing?

10 A. I think, and as far as I know, there were two houses that were
11 habitable, where people could sleep.

12 Q. Okay. And --

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, one thing is not
14 clear to me.

15 Mr. Witness, were those houses -- were they staying next to each
16 other or opposite, in front of each other? Because you gave two
17 answers. You said they were next to each other or maybe opposite to
18 each other. So I don't know what you mean.

19 THE WITNESS: [Interpretation] Your Honour, I said they were
20 across from each other, in the same yard.

21 Is this clear now?

22 PRESIDING JUDGE VELDT-FOGLIA: Across from each other. For me,
23 it's not -- still not clear. Was there one house here and then a
24 yard and the other one here? Or next to each other?

25 THE WITNESS: [Interpretation] Like this two.

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1 PRESIDING JUDGE VELDT-FOGLIA: No, please explain it in words.

2 THE WITNESS: [Interpretation] In front of each other.

3 PRESIDING JUDGE VELDT-FOGLIA: In front of each other. Okay.

4 In front of -- so the front door of the one house was opposite to the
5 front door of the other house. Do I see it well?

6 THE WITNESS: [Interpretation] Yes, Your Honour. They were in
7 the same yard across from each other. So facing each other.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 THE WITNESS: [Interpretation] As far as I remember, this is how
10 they were positioned.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 Defence Counsel, please proceed.

13 MR. VON BONE:

14 Q. And you moved to Kecekolle, you said. For about how long did
15 you stay there? And let me first -- why did you go there?

16 PRESIDING JUDGE VELDT-FOGLIA: Wait.

17 Mr. Witness, can you take off your headphones. Put them in
18 front of you, please. Yes, thank you.

19 Mr. Prosecutor, you have the floor.

20 MR. MICHALCZUK: Your Honour, this question has been asked and
21 answered, especially when it comes to the number of days the witness
22 stayed there. I could give very quickly a reference, if necessary.
23 So this is page 49, lines from 18 to 22.

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

25 Two, three days and went to visit his family.

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1 MR. MICHALCZUK: In Kecekolle, that is correct.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes, okay.

3 MR. VON BONE: Yeah. Thank you very much --

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, if you want --
5 wait, wait. If you want to do a step-up question because you want to
6 clarify something, please refer to that. Don't re-ask. And then you
7 can ask your follow-up question.

8 MR. VON BONE: Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 MR. VON BONE:

11 Q. Mr. Witness, you said that you went to your family and then --
12 excuse me.

13 Mr. Witness, you said you went to your family and then you came
14 back to Zllash. And could you tell us, did you stay there in Zllash,
15 when you had returned from Kecekolle from your family?

16 A. I, after staying with my uncle's two or three days, I returned
17 to Zllash. And until the launching of the offensive, I stayed in
18 Zllash during the day. I went back to my uncle's to eat there or to
19 stay there because they were close by, since the house in Zllash was
20 overpopulated. So I would say that most of the time I stayed with my
21 uncles during the nights. But during the day, I returned to Zllash
22 until the beginning of the offensive in Viti of Marec village.

23 Q. And do you recall when the offensive of Viti of Marec started?

24 A. I think it was about the 16th of April. So until -- from that,
25 until the end of the battle, I remained in Viti. I believe it was on

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1 the 16th that I went there.

2 Q. I understand.

3 MR. VON BONE: Court Officer, I would like to show a photograph
4 to the witness.

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

6 Defence Counsel, what is the photo about?

7 MR. VON BONE: It's a photograph of the compound that we know.

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. Just little bit of
9 specification so I know what is coming up and I can give permission
10 to the Court Officer.

11 Madam Court Officer, please proceed.

12 MR. VON BONE: It is DSM00629. It's an aerial photograph.

13 Q. Mr. Witness, do you see the photograph on your screen?

14 MR. VON BONE: Maybe we can zoom in a little bit.

15 THE WITNESS: [Interpretation] Yes. Yes, I can see it quite
16 well.

17 MR. VON BONE:

18 Q. Okay. Do you recognise this place?

19 A. Yes.

20 Q. Could you tell us what is that place.

21 A. That's the place where we went from Prishtine to Zllash. These
22 are the houses I referred to earlier.

23 Q. Okay. And when you arrived in Zllash, could you just go like
24 that to these houses, or was there any -- did you have to identify
25 yourself as a soldier?

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1 A. We didn't need to identify ourselves. We just went there. We
2 knew that there were soldiers there and so we went.

3 Q. Okay. And apart from soldiers, were there also other people?

4 A. Yes, Counsel.

5 Q. What kind of people?

6 A. As I said earlier, there were civilians, quite a large number,
7 after people came -- moved -- fled Prishtine.

8 Q. And you were a soldier. Soldiers that were there, do you know
9 from where they actually were?

10 A. Most of them were from the Prishtine municipality, the soldiers.

11 Q. I understand that. But do you know if they belonged to any
12 particular brigade or other units or a zone? What -- do you know
13 that?

14 A. Mainly they were soldiers from Zllash. Maybe later they went to
15 other brigades, but there were soldiers from other brigades.

16 Q. And this --

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, the question
18 has, for me, not been answered. I want it a little bit more
19 specific.

20 Soldiers, what do you mean with "soldiers from Zllash"? These
21 soldiers, did they belong to a brigade or to a unit?

22 THE WITNESS: [Interpretation] Your Honour, I couldn't know all
23 the soldiers, but I know some of them. I met them in December of
24 1998. Some of them were from the brigade. But in 1998, I didn't
25 know what brigade they belonged to.

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1 PRESIDING JUDGE VELDT-FOGLIA: Excuse me. "I didn't know what
2 brigade they belonged to." You didn't know in 1998. And did you
3 know that in March or April 1999?

4 THE WITNESS: [Interpretation] Some of them were from the
5 brigade. But I don't know about all of them.

6 PRESIDING JUDGE VELDT-FOGLIA: What do you mean when you say the
7 word "brigade"? Because we have learned by now that there were
8 brigades with different numbers.

9 So which brigade are you referring to?

10 THE WITNESS: [Interpretation] Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: So which one? Which specific
12 brigade?

13 THE WITNESS: [Interpretation] Brigade 153. There have been some
14 soldiers in that -- there may have been soldiers from that brigade,
15 namely, 153, in that house.

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

17 THE INTERPRETER: Microphone.

18 PRESIDING JUDGE VELDT-FOGLIA: Were there soldiers from other
19 brigades, as far as you know?

20 THE WITNESS: [Interpretation] There were soldiers from Prishtine
21 guerrilla unit and from Brigade 153.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, for next time, if
23 there's a question asked to you, please give a specific answer. You
24 are here to provide the Panel with information you have, and I don't
25 want to lose time by getting these half answers and that I have to

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1 insist after the Defence Counsel already asked a question to elicit
2 this information. Really. That I don't want. You had this
3 information. You could have given it right away. Please.

4 Defence Counsel, you have the floor.

5 MR. VON BONE:

6 Q. Mr. Witness, when you look at this photograph, and I want to
7 recall your memory whether when you arrived there and left there - I
8 want to speak specifically about this particular group of buildings
9 that we are seeing - was there a fence around it?

10 A. No, I didn't see any fence.

11 Q. Was there a gate where people needed to enter? A gate with a
12 bar?

13 A. Most of the place were open. You could enter it. It didn't
14 have a fence, so you could enter it from all directions, from all
15 parts to this house.

16 Q. I understand.

17 PRESIDING JUDGE VELDT-FOGLIA: No, no. Wait, wait, wait. Can
18 you take off your headphones, please, Mr. Witness.

19 THE INTERPRETER: More than half of it without a fence.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we have the
21 picture here in front of us, isn't that right, and if I understand
22 well, the witness has that picture too?

23 MR. VON BONE: Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes. So I prefer that you ask
25 him questions without him having the picture in front of him.

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1 Because if I see him looking at the screen, I don't know if he is
2 recollecting it from his memory or that he is seeing it from the
3 photograph.

4 So --

5 MR. VON BONE: I understand, Your Honour. Just --

6 PRESIDING JUDGE VELDT-FOGLIA: No, no. There's no but. You
7 asked him about the fence and a gate, and I see him looking at the
8 screen and then giving an answer.

9 So it's not a problem for Madam Court Officer if we ask her to
10 take it away, ask your question, and then we put it on again. Just
11 not to influence the witness with information that he is not
12 providing from himself. It is in our common interest to understand
13 what he knows and what -- and that he describes from his memory.

14 MR. VON BONE: That's fine, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer --

16 MR. VON BONE: Let's remove the photograph.

17 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I see you
18 standing. Please.

19 MR. MICHALCZUK: Yes, Your Honours. You might correct me if I'm
20 wrong, but when the discussion between yourselves and the witness
21 ensued, there was the reminder of the interpretation and I believe
22 the reminder was -- it was the reminder of what Mr. Ajeti has said.
23 The reminder was that there was partially a fence or there was
24 partially no fence.

25 Could we double-check with interpreters whether, indeed, this

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1 line was there. Because the line was, I think, partially there was
2 no fence which could imply that partially there was a fence.

3 Just for the clarity of the record.

4 PRESIDING JUDGE VELDT-FOGLIA: I'm looking at it now and my
5 colleague indicated 57, line 13: "More than half of it without a
6 fence." That's what the interpreter says, and I assume that the
7 interpreter was interpreting what the witness was saying.

8 MR. MICHALCZUK: That is exactly what I was referring to. If it
9 is there, I apologise for my intervention.

10 PRESIDING JUDGE VELDT-FOGLIA: No, no, we all want to have it
11 clear on record. Thank you.

12 Defence Counsel, I will give you the floor again.

13 And I will ask Mr. Witness to put on his headphones again.

14 Could you put on your headphones again. Thank you, Mr. Witness.

15 MR. VON BONE: Let me just consult for a moment, Your Honour.

16 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Defence Counsel.

17 [Specialist Counsel confer]

18 MR. VON BONE: Yes, Your Honour.

19 And I would like to refresh the memory of the witness and I
20 would like to put up DSM00626.

21 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
22 Officer.

23 MR. VON BONE: And then page 12. And the bottom of the page. I
24 think it would be page 12. Is that page 12?

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

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1 THE INTERPRETER: Microphone.

2 PRESIDING JUDGE VELDT-FOGLIA: I think it's the --

3 MR. VON BONE: Bottom of the page.

4 PRESIDING JUDGE VELDT-FOGLIA: -- bottom of the page that you
5 are --

6 MR. VON BONE: Referring to.

7 PRESIDING JUDGE VELDT-FOGLIA: -- that you are referring to.

8 MR. VON BONE: That's right, I think, yes.

9 Q. Mr. Witness, when you -- do you recall when you were interviewed
10 by myself?

11 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, sorry to
12 interrupt you, but I have received a request from the stenographer if
13 you could or -- speak more loudly or speak closer to the microphone.

14 MR. VON BONE: Okay. I'll do that, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Very kind.

16 MR. VON BONE:

17 Q. So when you spoke to me, I will cite what you said to me on the
18 question. And the question was:

19 "Do you recall if there was a fence around the entire location?"

20 And that was when the aerial photo was shown.

21 And your answer was:

22 "What can I say, it was more open than it was closed. People
23 could come and go, and there were some remnants of a fence, but it
24 was not a closed area. One could enter with a car and go all the way
25 to the top and exit."

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1 Do you recall that you said that to the Defence?

2 A. Yes.

3 Q. And is that correct?

4 A. Yes.

5 Q. So when you just stated that there was half of it fenced, what
6 did you exactly mean with that?

7 PRESIDING JUDGE VELDT-FOGLIA: He said: "More than half of it
8 without a fence."

9 MR. VON BONE: "More than half of it without a fence."

10 Q. That's what you said here just earlier, and I just told you what
11 you said at the time in your statement. And my question was: When
12 you said "more than half of it was fenced" --

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

14 MR. VON BONE: Without a fence --

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

16 MR. VON BONE: Okay.

17 Q. What did you mean?

18 A. The question was could anyone enter and leave the place? I said
19 half of the space was without a fence. So people could go and come
20 out of it freely. Maybe 50 per cent, I would say, was without a
21 fence. Because the fence was down. It was -- there was no fence.

22 Q. And the fence that was there, was that remnants of a fence, as
23 you say in your statement? So remnants or leftovers of a fence, I
24 would call it?

25 A. It was a kind of wooden fence. Some was -- part of it was not

1 there. It was on the ground. It was open. You could enter it.

2 Q. Okay. And my -- and this is what you recall, to be exact, from
3 when you arrived there in Zllash at the end of March or beginning of
4 April?

5 A. This is how I remember it. Even in December of 1998, it was
6 like this. I don't think there was any difference, big difference.

7 Q. Okay. And just from your memory, do you know whether there was
8 a gate with a bar that you need to enter that area?

9 A. There was no gate, to my recollection. It was open.

10 Q. Okay.

11 MR. VON BONE: I would like to show the photograph of a couple
12 of structures, Your Honour, which are -- can be seen at DSM00631. It
13 is structures that we have seen.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please
15 proceed.

16 MR. VON BONE:

17 Q. Mr. Witness, we see here a photograph, and on the very left of
18 it I see some wood standing. Is that what -- what you would call --

19 PRESIDING JUDGE VELDT-FOGLIA: No, no.

20 MR. VON BONE:

21 Q. What would you call that?

22 PRESIDING JUDGE VELDT-FOGLIA: Okay. Open question, please.

23 MR. VON BONE:

24 Q. What would you call that?

25 A. It is a kind of fence. It was the part where there was a fence.

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1 You can see they are old wooden slats.

2 Q. And do you recognise, actually, the buildings that are on that
3 photograph?

4 A. Yes.

5 Q. And how -- how do you remember these buildings? Is there, in
6 particular, any building that you remember?

7 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I don't
8 understand the question. Please be more specific. Do you remember
9 these -- is there any building that you remember? What -- what --

10 MR. VON BONE: Yeah, is there any specific building that you
11 remember from the buildings that we see. It is as open as I can get
12 it, Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes, but I find it very --

14 MR. VON BONE: If it's not specific enough --

15 PRESIDING JUDGE VELDT-FOGLIA: No, no, it's non-specific and I
16 want you to reformulate it.

17 MR. VON BONE:

18 Q. The building -- these three buildings, do you remember that
19 these were on that location that we just saw on the other photograph?

20 A. Yes, I remember them, all these houses.

21 Q. And do you know what they were used for?

22 A. One of them, B and C, in April were used for soldiers to sleep.
23 Until the wounded were brought there.

24 Q. Okay. And did you sleep there yourself?

25 A. I don't remember to have slept there.

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1 Q. So how do you know that soldiers slept there?

2 A. Of course, the soldiers slept there - maybe the population also
3 - before the offensive. But in December, they were not habitable.
4 When I came back, I saw that they were, like, painted and restored.
5 So I am not -- I cannot be sure in what room the soldiers slept and
6 in what room the civilians. But the main thing is that one of them
7 was transformed into a makeshift hospital. All the wounded were
8 brought there.

9 Q. And do you recall when it was transformed into a makeshift
10 hospital?

11 A. I don't remember that. But it was around the 20th of April,
12 when we returned there with wounded. We placed the wounded there.
13 There was Dr. Teuta and some others. Because some other wounded had
14 already arrived there before me. So when I arrived there, I found --
15 I saw that it was -- I couldn't say a proper hospital, but it a
16 makeshift hospital where people were given aid, medical aid.

17 Q. Were you given yourself medical aid there?

18 A. Yes, I had a checkup because I sustained an injury on my back.

19 Q. Okay. And do you know anybody else who received medical aid
20 there?

21 A. Personally? I sent -- I carried two wounded, Avni Haziri and
22 Syle Viti [phoen] from Viti of Marec. They were seriously wounded.
23 I remember these two because I brought them. But there were others.
24 Sokol was wounded. Some others. I can't remember all their names.
25 But two I know, because I personally carried them with two other

1 comrades; that is, Avni Haziri and Syle Viti. Both of them wounded.

2 Q. Do you know how long before 20 April this building was
3 transformed into a makeshift hospital?

4 A. I already said, Counsel, I don't know when. I know that when
5 the war broke out, or fightings were being waged, I carried the
6 wounded there. But maybe during these two, three days of fightings,
7 it was transformed into this makeshift hospital where the wounded
8 were administered the first aid there.

9 Q. Okay. Apart from that building, there is two other buildings on
10 this photograph. Do you know what those buildings were?

11 A. The first one on the left, I remember when we came from
12 Prishtine, on the next day I saw that it was used for -- as a
13 granary. And that it was used -- it was being used also to
14 accommodate the population.

15 Q. And the building in the middle, do you know where it was used
16 for?

17 A. I don't know about that. Maybe like a shed. I don't know. I
18 can't be specific.

19 Q. And the building in the middle, have you ever seen whether that
20 building was guarded by armed guards or guards?

21 A. No, I didn't see any guards there.

22 Q. And the building to the right, in the period that you were
23 there, in April 1999, have you seen any guards there?

24 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we are now
25 talking about the building with the three arrows, B, A, C.

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1 MR. VON BONE: A, B, and C, yes, Your Honour.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes --

3 MR. VON BONE: Yes, the building to the right.

4 PRESIDING JUDGE VELDT-FOGLIA: Yes, but it's good to be specific
5 for the record. Thank you.

6 MR. VON BONE:

7 Q. So I will once again repeat my question.

8 The building that you can see which is marked A, B, C, have you
9 ever seen any guards there standing, guarding that building in the
10 period of April 1999 when you were in that period there?

11 A. I didn't see guards there.

12 Q. Have you ever heard from people that were there on that
13 location, whether there were any people being detained in either one
14 of these buildings or anywhere else on the location?

15 A. No, I never heard about that.

16 Q. Have you ever seen whether there were any people detained there?

17 A. I didn't see detained people there.

18 Q. Okay. Do you know a person with the name Rrahman Dini?

19 A. Yes.

20 Q. Who was he?

21 A. Rrahman Dini was one of the KLA superiors, a KLA soldier, a
22 former political prisoner. I knew Rrahman Dini before I became a
23 soldier. He was a neighbour. He was much older than me, but I do
24 know Rrahman Dini.

25 Q. Have you seen Rrahman Dini on this location in the period of

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1 April 1999?

2 A. Yes.

3 Q. How often did you see him?

4 A. In April, I didn't stay long in this house, but I met him many
5 times. Whenever I went there, I would almost always see him. I
6 don't know how long I stayed there myself, some ten days, but I did
7 see him.

8 I also saw him in December 1998, and we actually stayed together
9 for a longer time then because the situation was calmer.

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

11 Can you take off your headphones, Mr. Witness. Thank you.

12 Defence Counsel, the witness just said:

13 "In April I didn't stay long in that house, but I met him many
14 times."

15 For me, it's not clear what the witness means with "that house."

16 Was he staying in the same house as Mr. Rahman Dini or was it
17 one of the houses where he was sleeping in at Zllash location?

18 MR. VON BONE: I'll ask.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes. Let us clarify what he is
20 telling us.

21 MR. VON BONE:

22 Q. Mr. Witness, you --

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

24 Thank you, Mr. Witness, for putting on your headphones again.

25 MR. VON BONE:

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Examination by Mr. Von Bone

1 Q. Mr. Witness, was Rrahman Dini staying in a particular house
2 there, sleeping there? Did you mean that?

3 A. For which period are we talking about?

4 Q. April 1999.

5 A. In April, I do not remember exactly where he slept because I
6 would see him generally during the day.

7 But if you're asking me for December 1998, I know that he slept
8 in these other houses because we also slept there.

9 As for April, I don't remember because there were many people,
10 civilians, soldiers, so I don't know exactly where he slept. But I
11 would see him in the yard, outside.

12 Q. I understand. Mr. Witness, what was the position of
13 Mr. Rrahman Dini? I understand he was a soldier, but what was his
14 position; do you know that?

15 A. I don't know exactly what his position was, but I know that he
16 was an important person. I'm not sure about the position he had, but
17 you could see that he was an important figure. Something like a
18 commander. He was a commander, but I don't know exactly what kind of
19 commander, what exactly his position was.

20 Q. Okay. And do you know with which brigade or unit he was?

21 A. It depends on the period of time. As far as I know --

22 Q. In April 1999.

23 A. I think that he ended up in the brigade. I think so. I'm not
24 sure.

25 Q. Okay.

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1 PRESIDING JUDGE VELDT-FOGLIA: What brigade? What number?

2 THE WITNESS: [Interpretation] I believe, Your Honour,

3 153 Brigade.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 MR. VON BONE:

6 Q. But do you know that for a fact that he was with it or just you
7 think it is?

8 A. I think it was 153. I don't -- if you ask me for December, I
9 could be more precise because at that time, Brigade 153 did not exist
10 and Rrahman Dini was a soldier.

11 Q. I understand. Do you know a person with the name of
12 Agron Xhemajli?

13 A. Yes.

14 Q. Who is he?

15 A. Agron Xhemajli was a member of the Kosovo Liberation Army. I
16 met Agron there in December, and that's from where I know him.

17 Q. Have you ever seen Agron Xhemajli on the location in Zllash
18 where we were just speaking about in April 1999?

19 A. Counsel, I met Agron Xhemajli in December 1998, but I don't
20 remember meeting him in April. There were movements, a lot of
21 movements in that time, so I cannot say with certainty whether I met
22 him in April or not.

23 Q. Okay. I understand you say you did not meet him.

24 PRESIDING JUDGE VELDT-FOGLIA: No. He said, "I don't remember."

25 MR. VON BONE:

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Examination by Mr. Von Bone

1 Q. You don't remember that you meet him.

2 A. I don't remember.

3 Q. Yes, I understand.

4 MR. VON BONE: I would like to refresh the gentleman's mind,
5 Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

7 MR. VON BONE: DSM00623. And then a little bit at the second
8 half of the page.

9 Q. Mr. Witness, when you spoke with us, I asked you the following
10 question:

11 "Did you have at the time in April 1999 contact with
12 Agron Xhemajli?"

13 And your answer was:

14 "I believe I saw him, but at this time I do not talk with him at
15 the time, if I recall well. At the time the KLA had expanded a lot,
16 and Agron was on the move a lot."

17 Do you remember saying that?

18 A. Yes. This is what I said. I do not remember exactly where I
19 met him. I believe I met him in April, but where exactly, I don't
20 remember.

21 Q. Okay.

22 MR. VON BONE: I would like to go into private session,
23 Your Honour.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes, Madam Court Officer, could
25 you bring us into private session.

Witness: Muhamet Ajeti (Private Session)

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1 [Private session]

2 [Private session text removed]

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Witness: Muhamet Ajeti (Private Session)

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1 [Private session text removed]

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1 [Private session text removed]

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14 [Open session]

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

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much.

17 Defence Counsel, please proceed.

18 MR. VON BONE:

19 Q. Mr. Witness, do you know Salih Mustafa?

20 A. Yes.

21 Q. And how do you know him?

22 A. I know Salih Mustafa from October, mid-October 1998. Then I
23 knew him as Cali, not as Salih Mustafa.

24 Q. Okay. And did you see him ever in April 1999 at the location in
25 Zllash where you were speaking about?

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1 A. No, I didn't see him in Zllash.

2 Q. Do you know -- did you meet him at any other time in the war;
3 and, if so, could you indicate when that would be?

4 A. I met Salih Mustafa in October, sometime in October 1998, in
5 Prishtine. It was during those days when we wanted to flee
6 Prishtine, leave Prishtine. So I met him with the wounded in the
7 village of Koliq during the war. It was when we were sending the
8 wounded there.

9 Q. And in which period of time was that? Could you be more
10 specific.

11 A. It was, I think, on 21 or 22 April, when I met him in Koliq.

12 Q. And what was he doing there exactly; do you know?

13 A. When we arrived at Koliq with the wounded, he came there. I met
14 him with part of the wounded, because we went there separately in
15 groups. And that's where I met him, in Koliq, when we gathered there
16 all the wounded.

17 Q. And what kind of things did he do there regarding -- what was he
18 doing there?

19 A. At that time, our main concern was how to bring the wounded to
20 Majac of Llap. That was our concern. And I know that he asked for
21 the wounded to set off as soon as possible and he wanted someone who
22 knew the way. And since I had stayed and moved around in Majac,
23 together with some other soldiers, I took the wounded towards Majac
24 and we brought them all there, to Majac.

25 Q. Was that a difficult road to go to Majac?

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1 A. It was a war zone. It was quite difficult. It took us almost
2 two days to get there. In terms of distance, it wasn't that far.
3 The morning found us in Vranidoll, if I'm not mistaken. And we could
4 not cross the main road Prishtine-Podujeve because of the Serb
5 forces, so we stayed there for the whole day with the wounded. And
6 in the evening, when it became dark, we crossed on the other side of
7 the road. Part of the soldiers from Majac came. They took us from
8 there and they escorted us to Majac.

9 Q. Have you ever heard of BIA, B-I-A?

10 A. Yes.

11 Q. What was it?

12 A. BIA was the guerrilla of the city. A guerrilla that was
13 operating or active in the town.

14 Q. And do you know if -- do you know if -- what kind of activities
15 they would do in town?

16 A. They mainly engaged in supplies, with supplies of clothes and
17 medicaments that they would distribute in the area of Llap.

18 Q. Okay. And did you know any other people from the BIA?

19 A. I do know, of course.

20 Q. Okay. And who do you know?

21 A. From soldiers?

22 Q. Yes.

23 A. I know many. Now, I don't know whether to mention them or not.

24 Q. Let me just -- let me put it like that --

25 A. Soldiers, comrades.

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1 Q. Yes, I understand. But let me be more clear to you.

2 At the time that you were -- in April 1999, did you know at that
3 time other people from BIA, people from BIA?

4 A. Yes.

5 Q. And who did you know?

6 A. If you want me to tell you the names, I will. I know part of
7 them with whom I went to Viti and spent most of the time in Llap in
8 Shala. Avni Haziri, Mustafe Ajeti, Shahin Haziri [phoen], so some of
9 them. I cannot know more -- all of them because I was mainly active
10 in that area of Llap.

11 Q. I understand.

12 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I just want
13 to -- were you a member of BIA?

14 THE WITNESS: [Interpretation] For a certain period, yes. It
15 depends on the time-frame that you're interested in, Your Honour.

16 PRESIDING JUDGE VELDT-FOGLIA: No, it doesn't depend. You were
17 a member of BIA. And then my next question would be: When were you
18 a member of BIA?

19 THE WITNESS: [Interpretation] I think that I was member of the
20 guerrilla BIA from October, mid-October, when I met with
21 Salih Mustafa and some other friends in Prishtine. But later, again,
22 I was active in Majac, but even then I considered myself as soldier
23 of Salih Mustafa. From October 1998.

24 PRESIDING JUDGE VELDT-FOGLIA: No, no -- okay. Until when? I
25 would like to have less or more a date. From October 1998, you say.

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1 And then what? Till when?

2 THE WITNESS: [Interpretation] Your Honour, during the time we
3 stayed in Shala e Bajgores, after the Kacandoll offensive, we went to
4 Lupq e Eperme village where we stayed for some time. There they told
5 to us go to Prishtine. In Prishtine we met Salih Mustafa.

6 PRESIDING JUDGE VELDT-FOGLIA: No, no -- I was asking for a
7 date. Till when? I'm not asking you about a lot of cities. I'm
8 just asking you till when or -- yes? So please --

9 THE WITNESS: [Interpretation] Until the liberation of Kosovo, I
10 was member of the Prishtine guerrilla.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay. And please can you give me
12 the date? I'm not here to put words in your mind. So when was that
13 moment?

14 THE WITNESS: [Interpretation] Liberation of Kosovo happened on
15 12 June. I think that that's the date where everything ended and I
16 consider it as the end of the war.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Defence Counsel, you have the floor.

19 MR. VON BONE: Are we stopping at 1.00, Your Honour?

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

21 MR. VON BONE: Then I think it's the best time to stop, to be
22 quite honest.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well.

24 Then I have one more question for you, Mr. Witness.

25 Did you have a nickname during the war?

1 THE WITNESS: [Interpretation] Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: And what was that?

3 THE WITNESS: [Interpretation] Shyt Mareci.

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

5 I will now ask Madam Court Usher to accompany you out of the
6 courtroom. You will be -- you will have the possibility to have
7 lunch. One hour we will take for lunch, and I hope to see you back
8 at 2.00. Thank you.

9 THE WITNESS: [Interpretation] Thank you.

10 [The witness stands down]

11 MR. VON BONE: Your Honour, I think that after lunch -- we take
12 an hour lunch? I think I had not have many more questions. A couple
13 only. So just to inform the other parties about that. So if it
14 would be five minutes or maximum ten, it would ...

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. So very shortly.

16 MR. VON BONE: [Overlapping speakers] ... to have a break at
17 that time, so that's why I ...

18 PRESIDING JUDGE VELDT-FOGLIA: Very well.

19 Then we will have a one-hour lunch-time.

20 The hearing is adjourned.

21 --- Luncheon recess taken at 1.01 p.m.

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

23 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. And, for the
24 record, we are in the same composition.

25 Before we continue with the testimony of the witness, I would

1 like to table a discussion of a tentative nature, and I do it now
2 because I prefer not to do it at the end of the day because I don't
3 know how much pressure there will be on the finalizing the testimony
4 or -- we shall see.

5 But because I will be asking submissions from the parties and
6 the Victims' Counsel, I think it's good to dedicate some five or ten
7 minutes to the following.

8 We want to table a discussion of a tentative nature for planning
9 purposes up until the closing statements in this case. And, of
10 course, it's just a discussion and it's just to see where we could be
11 in three months.

12 As it stands now, the following steps are left and foreseeable.
13 That is, the testimony of -- after today, if we finalize it, of the
14 last two Defence witnesses on the 11th and the 12th and, as a reserve
15 day, the 13th of May; the unsworn statement of the accused and
16 questions of the accused -- to the accused by the Panel pursuant to
17 Rule 142 of the Rules of Procedure and Evidence on 19 May. And
18 there's also an extra session on 20 May in the morning. We expect
19 the expert report by iMMO which is due on 13 May, with the
20 possibility for -- with the possibility to give submissions on the
21 reports that will be presented and, of course, a testimony in court
22 if necessary.

23 We will have the closing of the Defence case pursuant to Rule
24 131 of the Rules of Procedure and Evidence. We will have the
25 possible evidence called by the Panel pursuant to Rule 132 of the

1 Rules of Procedure and Evidence. We will have the possible evidence
2 in rebuttal pursuant to Rule 127(2)(d) of the Rules and Rule 133.
3 The possible evidence in rejoinder pursuant to Rule 127(2)(e) and
4 Rule 133. The closing of the evidentiary proceedings pursuant to
5 Rule 134(a) of the Rules of Procedure and Evidence.

6 And, in addition, the Panel is currently considering, before
7 closing the evidentiary proceedings, to setting a deadline for
8 disclosure of evidence pertaining to sentencing, only, of course, in
9 case of a conviction, but we would like to do it at that moment in
10 time, with submissions to be made in the final trial briefs and/or in
11 the closing statements, pursuant to Rule 162(1) of the Rules of
12 Procedure and Evidence.

13 Instead, the Panel is currently considering - so this is all of
14 a tentative nature - to hold reparation proceedings only after the
15 judgement, in case, of course, of a conviction on one or more counts
16 entered. However, the Panel will proceed in this approach with the
17 preparatory steps such as the possible appointment of a financial
18 expert and setting a deadline to present his or her report and to
19 receive submissions on the report, as these steps are time and
20 energy-consuming.

21 And with the above in mind, the Panel wishes to seek submissions
22 from the parties and the Victims' Counsel on whether they would be
23 willing to shorten the time-limits for final trial briefs, victims'
24 impact statements, and/or closing statements, pursuant to Rule 134 of
25 the Rules of Procedure and Evidence, with a view to holding the

1 hearing on the closing statements on 14 and 15 July; or whether only
2 the final trial briefs are feasible before the summer judicial break.
3 And the Panel - and I want to emphasise that - the Panel does not
4 intend to shorten these crucial deadlines as they are prescribed in
5 the Rules of Procedure and Evidence *proprio motu* unless all parties
6 and the Victims' Counsel agree to that.

7 And to this effect, the Panel orders the parties and the
8 Victims' Counsel to file their submissions on the above matter, after
9 consultation with each other, if necessary, by Monday, 9 May 2022.

10 And with that information in mind, we would then further
11 consider how to proceed.

12 So this is, for now, what the Panel has in mind for the coming
13 period. And a lot of the -- the topics mentioned follow from the
14 Rules of Procedure and Evidence, but it's good to have them put all
15 together and to try to do some planning in this regard. And not
16 everything is foreseeable, so it is just planning and just thinking
17 it through, where we stand before -- when it comes to the summer
18 recess. Because it's important that we proceed as efficient as
19 possible. And that's also a very important aspect of a fair trial.
20 So to keep this in mind is, for the Panel, very important. We should
21 proceed in an efficient manner and as speedily as possible.

22 So this is it for now.

23 And I think that then the moment has come that we continue with
24 what we started this morning.

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

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1 [The witness takes the stand]

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

3 THE INTERPRETER: Microphone for Your Honour.

4 PRESIDING JUDGE VELDT-FOGLIA: I think now it will be better.

5 Mr. Witness, welcome back. Can you hear me fine?

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

7 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will now proceed
8 with your testimony, and I will give the floor to the Defence Counsel
9 to continue with the last part of his examination-in-chief.

10 Defence Counsel, you have the floor.

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

12 Q. Good afternoon. Mr. Witness, when you left Prishtine to go to
13 Zllash, and at some point you arrived in Zllash, I mean you left
14 Prishtine after 24 March, the NATO bombings, I'm talking about that
15 particular time, did you have a satellite telephone or something?

16 PRESIDING JUDGE VELDT-FOGLIA: What is a "something"?

17 MR. VON BONE: Something that you could call with.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. Let's call it like that.

19 THE WITNESS: [Interpretation] No. No, we didn't have
20 telephones.

21 MR. VON BONE:

22 Q. Okay. And while you were in Zllash in April, could you use any
23 satellite telephone or regular telephone or radio communication?

24 A. I did not communicate by telephone or by radio communication. I
25 didn't have that either.

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Examination by Mr. Von Bone

1 Q. Okay. While you were in Zllash in April 1999, did you ever
2 receive any order from Salih Mustafa?

3 A. No.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you take off
5 your headphones. Thank you very much.

6 Mr. Prosecutor, you have the floor.

7 MR. MICHALCZUK: Just for the clarity of the record, there was a
8 question before the break about whether the witness met
9 Mr. Salih Mustafa. Now we have to hear that there was no
10 communication by phones, remote communications. And now the question
11 is: Did you receive the orders from Salih Mustafa? How? If he
12 didn't see Salih Mustafa in April 1999.

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, your reply.

14 MR. VON BONE: I agree.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. But then --

16 MR. VON BONE: There was no -- there was no order in any form.
17 So that is what the answer is then.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. But then we leave it here.

19 MR. VON BONE: Yes.

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

21 MR. VON BONE: We have no further questions.

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

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please repeat
24 your -- the gratitude. I think he didn't hear it because of the ...

25 MR. VON BONE:

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Cross-examination by Mr. Michalczuk

1 Q. Thank you very much, Mr. Witness. We have concluded our
2 questioning. I thank you for your time.

3 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

4 Mr. Witness, we will now continue with the examination by the
5 Specialist Prosecution Office, and that's the counsel on the other
6 side of the room.

7 Mr. Prosecutor, you have the floor.

8 MR. MICHALCZUK: Thank you, Your Honours.

9 Cross-examination by Mr. Michalczuk:

10 Q. Mr. Ajeti, good afternoon.

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

12 Mr. Prosecutor.

13 THE WITNESS: [Interpretation] Good afternoon.

14 PRESIDING JUDGE VELDT-FOGLIA: Sorry to interrupt you. But I
15 realise that I still have to give an oral order with regard to the
16 documents that you will be using, so apologies for that. And I will
17 first give my oral order and then you will be given the floor.

18 MR. MICHALCZUK: Of course, Your Honours.

19 PRESIDING JUDGE VELDT-FOGLIA: Very well. The SPO has requested
20 leave from the Panel, via e-mail dated 21 April of this year, at
21 9.07, to use 19 newly disclosed items in its cross-examination of the
22 Defence Witness 1500. The material concerned was disclosed
23 immediately thereafter, at 9.13.

24 The Panel notes that the newly disclosed items are limited in
25 length and scope. Some are open-source materials, and have been

1 collected by the SPO in recent dates in preparation for the witness's
2 cross-examination. The Panel also considers that the Defence and
3 Victims' Counsel have had sufficient time to study them. Further,
4 the Defence does not oppose the use of these items by the SPO.

5 Accordingly, the Panel finds that the SPO has shown good cause
6 for not disclosing the material previously and authorises the SPO to
7 use it during its cross-examination of the Defence Witness 1500,
8 pursuant to paragraph 31 of the Decision on the Conduct of
9 Proceedings.

10 And this concludes the Panel's oral order.

11 Mr. Prosecutor, you may proceed now with the cross-examination
12 of the witness.

13 MR. MICHALCZUK: Thank you, Your Honours.

14 Q. Mr. Ajeti, again, good afternoon.

15 A. Good afternoon.

16 Q. I'm the counsel who is going to examine you right now, and I
17 would kindly ask you to listen very carefully to my questions and to
18 answer my questions in a short, precise manner without expanding or
19 adding on. If I need some more information from you, I would kindly
20 ask you to expand. Otherwise, try to stay within the remit of my
21 question, the scope of my question.

22 Mr. Ajeti, do you have a Facebook account?

23 A. Yes, I do, Mr. Prosecutor.

24 Q. Mr. Ajeti, what political party do you support?

25 A. I am a member of the Prishtine branch of the Alliance.

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Cross-examination by Mr. Michalczuk

1 Q. Could you expand? Is that the full name, Alliance, or does it
2 have a longer name, this party?

3 A. Alliance for the Future of Kosovo, or AAK.

4 Q. Mr. Ajeti, today before the break you told us that you were a
5 member of BIA from October 1998 until the liberation of Kosovo in
6 June 1999; correct?

7 A. Yes.

8 Q. The reference to the transcript of today is on page -- it's page
9 75, lines from 20 to 24; and also page 76, line from 16 to 18.

10 You also said that from October 1998 you considered yourself a
11 soldier of Salih Mustafa; is that correct?

12 A. Yes.

13 Q. Page 75, lines 20 to 24.

14 Do I understand that Salih Mustafa at that time was your
15 commander?

16 A. Yes, Salih Mustafa was the commander of the guerrilla.

17 Q. Mr. Ajeti, could you tell the Court what was your specific role
18 or position in the BIA unit?

19 A. I was a soldier.

20 Q. Did you have any other particular assignment, apart from being
21 just a plain soldier?

22 A. No, I had no specific duties.

23 Q. What was your relationship, Mr. Ajeti, with Salih Mustafa after
24 the war?

25 A. After the war, he was my friend. We met each other. I spent

1 more time with him in 2018, 2020.

2 Q. What is your current relationship with Mr. Mustafa? Are you
3 still friends?

4 A. Yes, I still consider him a friend.

5 Q. Today before the break, we were discussing the BIA unit, and you
6 told us that in April 1999 you knew many members of BIA and I believe
7 you gave us a few names of BIA soldiers. Correct?

8 A. Not many. The names of some of them.

9 Q. The names of some of them. We discussed this today, and it's in
10 the transcript of today's session, page 75, lines from 1 to 10.

11 I have reviewed the transcript in the break, and I think that we
12 didn't manage to record all the names that gave before the break. So
13 for the benefit of Panel and all of us here, maybe you could tell us
14 those names of BIA members again. Please.

15 Those BIA members whom you knew in April 1999.

16 A. The ones that I mentioned earlier, Avni Haziri, Shaip Bislimi
17 [phoen], Mustafe Ajeti. If you need to, I can mention other names,
18 Isa Kastrati.

19 Q. And other members of that unit who were of higher position. You
20 mentioned Salih Mustafa before, like the head of that unit, do you
21 know any other members who occupied higher positions in BIA in
22 April 1999?

23 A. I believe Isa Kastrati was one of those, one of the commanders.

24 Q. What was his precise position within BIA? So Salih Mustafa was
25 the commander and Isa Kastrati was a commander of what? A subunit?

1 Could you define it for the Court.

2 A. As far as I know, Mr. Prosecutor, he was the deputy commander of
3 the guerrilla. This is what I know of. I think that he was in that
4 position.

5 Q. Mr. Ajeti, do you know the person whose name is Brahim Mehmetaj?

6 A. Yes.

7 Q. Do you know his nickname?

8 A. Yes, Bimi for short.

9 Q. Was he a member of BIA unit during the war?

10 A. Yes.

11 Q. What was his position within the BIA unit?

12 A. I know Brahim Mehmetaj after the war. I met him in village of
13 Sharban. I didn't know what his position was, but I learned of his
14 position later. But I didn't know that during the war. I did not
15 have the opportunity to meet him. Apart from one.

16 Q. Okay. But do you know what his position was in April 1999 in
17 the BIA unit?

18 A. Do you mean if I knew then or do I know now? At the time I
19 didn't know.

20 Q. No, from what you have just told us, I understand that you did
21 not meet Brahim Mehmetaj during the war; is that correct?

22 A. No, I met him once only. Only once. I remember it as an event
23 that occurred in Sharban. He was in an ambush. He was in danger.
24 That is what they said, that Bimi was ambushed, and that is what I
25 remember of that.

1 Q. And when was it, when you met Bimi?

2 A. If I'm not mistaken, that was in May 1999. I'm not certain
3 whether it was the beginning or mid-May, but it was May.

4 Q. When did you find out about Bimi being in BIA unit?

5 A. That is what I learned in the village of Sharban.

6 Q. In May 1999; correct?

7 A. Yes, Mr. Prosecutor.

8 Q. So did you find out his position at that time in the BIA unit?

9 A. No, not his specific position but that he a higher position.
10 You could see that he was in a high-ranking position.

11 Q. So, Mr. Ajeti, we asked you about BIA members. You mentioned a
12 few names, Mr. Haziri, Mr. Ajeti, Mr. Kastrati. Why didn't you
13 mention Mr. Mehmetaj as one of the members of the BIA if, as you are
14 claiming right now, he was of a higher position?

15 A. Mr. Prosecutor, you asked me about that time. I can now give
16 you the names of 100, perhaps not 100, but more names. But I
17 mentioned the names that I knew then and the names of the people I
18 fought with. I now know that Brahim was there. But I mentioned the
19 other names, many other names, that I now know were there. But at
20 the time I didn't know all of them. I only knew a number of them.

21 Q. Mr. Ajeti, what is your current relationship, if any, with
22 Brahim Mehmetaj, aka Bimi?

23 A. Well, now we are both activists at the Alliance branch and this
24 is what brings us together. He's my friend. We worked together in
25 election processes.

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1 MR. MICHALCZUK: Your Honours, I would like to show a document
2 to this witness with your permission that demonstrates the issue of
3 the relationship of the witness with Brahim Mehmetaj.

4 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

5 MR. MICHALCZUK: Madam Court Officer, I would like to pull up a
6 document SPOE00325825 to SPOE00325826, and the English translation is
7 the same, with ET at the end. If you could put both documents on the
8 same screen.

9 Not this one, Your Honours. Not this one. I'm talking about --
10 excuse me, maybe I got it wrong. I will need just a second,
11 Your Honours --

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed.

13 MR. MICHALCZUK: -- just to find out which it is.

14 Could we just -- the end, it could be 825, at the end. No, this
15 is not the one. Maybe 26. Could we check it, Your Honours. At the
16 end, it should be 26 maybe. Yes, that's the one. Yes.

17 Q. Mr. Ajeti, who is on this photograph?

18 A. Brahim Mehmetaj, Bimi.

19 Q. And the second person?

20 A. Myself, Muhamet Ajeti.

21 Q. Mr. Ajeti, you posted that photograph on your Facebook account
22 on 12 February 2021. And if we can take look at the description of
23 this photo, I've got in front of me the English translation and I
24 could quickly read it.

25 It goes like:

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1 "My friend in the war and peace, I wish you success in these
2 elections."

3 I don't need to read the rest.

4 So from this caption, from your comment, it seems that
5 Brahim Mehmetaj was your friend not only at peace but also during the
6 war. Is that the case?

7 A. He became my friend after the war but I also considered him a
8 friend during the war. Because I met him only once. And I consider
9 all of the people who I fought together with as friends. But we
10 continued after the war with our friendship.

11 Q. Mm-hm.

12 MR. MICHALCZUK: Your Honours, I would like to show the witness
13 another document demonstrating the same issue, namely the
14 relationship between the witness and Mr. Brahim Mehmetaj.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

16 MR. MICHALCZUK: This would be the document SPOE00325827 to
17 00325827, and the English translation is with the same number with
18 the ET at the end.

19 Q. Mr. Ajeti, this is the photo that you posted on your Facebook
20 account on 27 January 2021; is that correct?

21 A. Yes.

22 Q. If we read the inscription that you put under this photograph,
23 it goes:

24 "As always, we are walking together on the path that leads us to
25 join success."

1 "As always," so it seems that have you a close and long-term
2 relationship with Brahim Mehmetaj. Is that correct?

3 A. This was a picture that was posted during the election. He's a
4 friend of mine on this political journey. We knew each other very
5 little during the war, but we continued with our friendship after the
6 war and we began this journey together after the war.

7 Q. Yes. But you are friends. Are you political allies, the same
8 party, AAK, and when I asked you to nominate and to name several BIA
9 members, you nominated several of them but did you not mention
10 Brahim Mehmetaj. And the reason for that?

11 A. Mr. Prosecutor, when you asked me about some soldiers, I
12 mentioned the soldiers that I knew at that time. But at that time I
13 did not know Brahim Mehmetaj. I say this in full responsibility.
14 That is the reason why I did not mention him.

15 Q. Mr. Ajeti, do you know Bahri Gashi?

16 A. Yes, I know him, Mr. Prosecutor.

17 Q. Where do you know him from?

18 A. I know Bahri Gashi from being a member of the guerrilla.

19 Q. Did you know him during the war?

20 A. Yes, I knew him.

21 Q. Did you know him during the war as a member of BIA guerrilla
22 unit?

23 A. Yes.

24 Q. What was his position in BIA?

25 A. When I met him -- Bahri came to Kosovo a little bit later.

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1 Before the offensive, I think I only saw him once. But after the
2 offensive, I met him more and I -- that where I learned that he was
3 the deputy commander of the guerrilla.

4 Q. What was his nickname or nom de guerre during the war?

5 A. Bafta was the nickname of Bahri Gashi.

6 Q. If he was the deputy commander in BIA, as you now claim, my
7 question remains, as in relation to Mr. Brahim Mehmetaj, why didn't
8 you mention Bahri Gashi when I asked you about the members of BIA and
9 you're telling us only about him when I tease this name out of you?

10 A. Mr. Prosecutor, if you ask me, I will answer. In the period
11 that you mentioned, I mentioned some of the soldiers. In the period
12 of April, I did not know all of them. And I mentioned some of them.
13 I was not asked to mention all of them, which I am doing now.

14 Q. Mr. Ajeti, just to be clear, you were in the BIA unit from
15 October 1998 until the liberation of Kosovo, you mentioned,
16 June 1999; correct?

17 A. Yes, correct. That is what I consider myself of being a member
18 of -- during that period.

19 Q. You mentioned Salih Mustafa as your commander; correct?

20 A. Commander of the guerrilla.

21 Q. For a certain period of time, Bahri Gashi was a deputy
22 commander. You did not mention him. We also know that for a certain
23 period of time also Brahim Mehmetaj, aka Bimi, was deputy commander
24 of Salih Mustafa. You didn't mention that person either.

25 A. Mr. Prosecutor --

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1 Q. My question is why didn't you mention them when I asked you
2 initially about members of BIA whom you knew in 1999?

3 A. Mr. Prosecutor, you asked me to mention some of the names that I
4 knew. I mentioned the names of those who were closer to me. And I
5 said I will mention some of the names who were in the unit, not all
6 of them.

7 Q. I understand. But would you agree with me, Mr. Ajeti, that
8 prominent members of the BIA were those who should be mentioned on
9 the question what were the members. You mentioned Salih Mustafa.
10 And then you mentioned a couple of people who were not
11 deputy commanders. Isa Kastrati was an exception. You failed to
12 mention Bahri Gashi. You failed to mention Mr. Brahim Mehmetaj.

13 Okay, but let's leave it here. Let's leave it here.

14 What is your current relationship with Mr. Bahri Gashi, if any?

15 A. Bahri Gashi, we are both politically active. He's the -- he's
16 also in the Alliance. He participated in the election. He is a
17 member of the assembly. We both work in the same branch.

18 Q. I have one question. Did you see at any point in 1999 - April,
19 May, it doesn't matter - either Bahri Gashi or Brahim Mehmetaj in the
20 compound of Selatin Krasniqi, the compound that you discussed today
21 with the Defence Counsel?

22 A. I did not see Brahim Mehmetaj. I first time I met Brahim
23 Mehmetaj in the village of Sharban. Bahri Gashi, I saw him, I think
24 that was the day when we withdrew the wounded, when we were getting
25 ready to withdraw the wounded from there on 20 or 21 April. That is

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1 when I met Bahri Gashi.

2 Q. Mm-hm, okay. Thank you.

3 MR. MICHALCZUK: Your Honours, I would like to, with your
4 permission, of course, pull up a document which is the Defence
5 statement of Selatin Krasniqi dated 23 February 2021. It's
6 DSM00001-DSM00017, page 13.

7 PRESIDING JUDGE VELDT-FOGLIA: Please proceed. A small
8 explanation why you would like to --

9 MR. MICHALCZUK: Yes. I would like to put this document up just
10 to ask the witness whether he agrees with Selatin who mentions the
11 presence of both men in Zllash in the compound.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay.

13 MR. MICHALCZUK: And I would like to seek his position on this
14 part of the statement.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

16 MR. MICHALCZUK:

17 Q. Mr. Ajeti, listen to what your friend Selatin Krasniqi said to
18 the Defence on 23 February 2021.

19 "Q. And other members of the BIA unit, were they there?"

20 And the answer of Selatin was:

21 "I met Bimi and Bahri. Shpend was in the beginning with BIA and
22 then joined the Brigade 153. They're also young soldiers and they
23 would stay there briefly and would depart for the offensive.

24 Isa Kastrati stayed there, and even today I don't know whether he was
25 in BIA. People like Bimi and Bahri would stay there only for a short

1 period of time, so it was with Cali."

2 And then on the same page, he also continues specifically about
3 Bimi, saying the following:

4 "I have not heard of it and I have never seen it. And no one
5 can say that Bimi stayed on the location also a very brief time. And
6 at all times I'm speaking about the location of the house in Zllash.
7 Bimi also stayed there for a very brief time, and when he would go
8 there, one night or two nights and then he would go."

9 Selatin Krasniqi also confirmed that Brahim Mehmetaj, Bimi, and
10 Bahri Gashi were BIA members. On page 116, lines 8 to 10 of today's
11 transcript.

12 So it seems from the testimony of Mr. Selatin Krasniqi and his
13 statement that he gave to the Defence that, indeed, both persons,
14 Brahim Mehmetaj called Bimi and also Bahri Gashi, were in that place,
15 that compound, in Zllash.

16 Did you meet Brahim Mehmetaj there? He was a deputy commander
17 as you claimed.

18 A. Mr. Prosecutor, we are referring to the month of February here,
19 as far as I understood. But since 24 December until the NATO
20 bombing, I was in Majac village with Avni Haziri, with Mustafe Ajeti,
21 and Shaip Haziri [phoen]. On 24 December 1998 until 4 or 5 days, one
22 week before the bombing, that is the period when we stayed in the
23 village of Majac. So I cannot speak to that period of time. I don't
24 know.

25 Q. This part is not referring only to February. This part, when it

1 was discussed with the Defence, referred to that period of time which
2 is within our interests, March-April 1999. Selatin Krasniqi is
3 saying that Bimi, Brahim Mehmetaj, and Bahri Gashi were there. We
4 have established also with you that both of them were
5 deputy commanders.

6 So how is it possible that you, a long-term BIA member, did not
7 know about the presence of Brahim Mehmetaj and Bahri Gashi in Zllash?

8 A. Mr. Prosecutor, I did not meet Brahim Mehmetaj in Zllash, ever.
9 I am certain of this. The first time I saw him was in Sharban when
10 he fell into an ambush, and that was the first time I met him.

11 Q. I'm going to ask you very briefly about other members of the BIA
12 unit. Do you know the person nicknamed Tabuti?

13 A. Yes.

14 Q. Do you know his full name and surname?

15 A. Yes, Mr. Prosecutor.

16 Q. What was his -- or is his full name and surname?

17 A. Nazif Musliu, his first name and last name.

18 Q. Was he the member of the BIA?

19 A. Yes.

20 Q. What was his position, if any, in the BIA unit in April 1999?

21 A. I don't know what position he had. He was a soldier. Nazif or
22 Tabut, I know him since childhood because my house is very close to
23 his. We are in the same neighbourhood. And I know that he was a
24 soldier but I don't know what his exact position was.

25 Q. You were in Zllash, as you said to the Defence, in April 1999.

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1 Did you see him in Zllash in April of that year?

2 A. I didn't see him. I don't remember seeing him.

3 Q. So you didn't see him or you don't remember seeing him? They
4 are two different answers.

5 A. I didn't see him. Otherwise, I would have remembered. But I
6 didn't see him. As I said, I know him from my childhood.

7 Q. Mr. Ajeti, I have another name for you. This name is Afrim or
8 Afrimi. Was a person named or nicknamed Afrimi or Afrim a member of
9 the BIA unit?

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

11 Q. Was there any Afrim in the BIA unit? Any person with such a
12 first name?

13 A. I don't remember an Afrim being there. Maybe there was, but I
14 don't remember a soldier by that name.

15 Q. Do you know the nickname Vdekja, if I pronounce it correctly,
16 Vdekja, in the context of BIA unit?

17 A. I didn't know him.

18 Q. The person whose name and surname is Ilmi Vela, was that person
19 a member of the BIA unit?

20 A. I don't know that person. I don't know a person by the name of
21 Ilmi Vela.

22 Q. Do you know the person, as a member of the BIA unit, nicknamed
23 Dardan?

24 A. I know a certain Dardan.

25 Q. Was he a member of BIA that Dardan that you know?

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1 A. I believe he was part of BIA. I met him once in December.

2 Q. December 1998 or 1999?

3 A. 1998. December of that year.

4 Q. What is the name and surname of this person, Dardan?

5 A. If it's the Dardan I have in mind, I think his first name is
6 Kujtim, if I'm not mistaken, but I do not know his last name.

7 Q. What was his position in the BIA unit, of this Kujtim? Kujtim
8 or Kujtim, could you say that again?

9 A. I don't know what his position was. That could be the name, if
10 we are talking about the Dardan I knew.

11 Q. You said that you met him in 1998. Did you meet him in
12 April 1999, the period of time that we are most interested in?

13 A. No.

14 Q. Are you still in contact with any of those persons that I have
15 mentioned? Again, Tabuti, Nazif Musliu; Dardan, the name Kujtim.
16 Are you touch with them still?

17 A. No. I don't have any connection with him from recently. I
18 haven't seen Nazif for two or three years because now I live in a
19 different neighbourhood, not where I used to live before. So I can't
20 remember when was the last time I saw him. So I don't have a
21 continuous contact, so to say.

22 Q. What about Dardan?

23 A. No.

24 Q. So no current contacts?

25 A. No.

1 MR. MICHALCZUK: Your Honours, I would like to show the witness
2 a photograph from the war time, possibly, depicting him and also
3 others.

4 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

5 MR. MICHALCZUK: Madam Court Officer, I would like to -- I would
6 like you to pull up a document SPOE00325840 to 00325840.

7 Could you make it a little bit bigger? Even bigger, if
8 possible. Yes, yes, that would suffice, I believe.

9 Q. Mr. Ajeti, this is the photo that you yourself posted on your
10 Facebook account on 25 May 2014. Do you remember posting that
11 photograph?

12 A. If I'm not mistaken, maybe I was just tagged. I don't remember
13 sharing this photo. I don't remember this photo, whether it was
14 shared by me or by someone else.

15 MR. MICHALCZUK: Could we zoom out a little bit, zoom out just
16 to see the right-hand side of this photograph.

17 Q. As you could see, Mr. Ajeti, this is the photograph that you
18 posted yourself and also we could see in the right top corner several
19 people mentioned there. Do you remember posting this now?

20 A. I wasn't sure whether it was shared by me or not, this
21 photograph. That's what I said.

22 Q. So it was posted by you. Do you confirm that?

23 A. Yes.

24 MR. MICHALCZUK: Could we again make a close-up just to see all
25 the -- I think this would suffice. Thank you very much.

1 Q. Mr. Ajeti, in the caption at this photograph you mentioned
2 several names. For example, you mentioned the name of Muhamet Ajeti,
3 yourself. Could you tell the Court where you feature in this
4 photograph?

5 A. Yes. Here on the photo is Commander Remi, Avni Haziri, Mustafe
6 Ajeti, Shaip Bislimi, I don't know if I mentioned him, and Dardan.
7 That is Kujtim.

8 Q. But my question was where are you on this photograph? Could you
9 tell the Court? Are the first person from the left? First person
10 from the right? Could you tell precisely who is who sitting on this
11 photograph. Let start maybe from right to the left.

12 You have this computer on the right-hand side, so the first
13 person sitting next to the computer, what is his name?

14 A. That's me.

15 Q. The second person sitting next to him, what's his name?

16 A. That's Shaip Bislimi.

17 Q. The third person, sitting next to him?

18 A. That is Commander Remi, Rrustem Mustafa.

19 Q. The fourth person sitting next to [Overlapping speakers] ...

20 A. The fourth person is Avni Haziri.

21 Q. And the last person sitting there?

22 A. That's Mustafe Ajeti.

23 Q. There is this person sitting in the very, very middle with a
24 visible KLA badge on his arm. Who is that person?

25 A. That's Dardan. That is, Kujtim.

1 Q. Thank you very much for this answer. But when I asked you
2 before, what is the name and surname of Dardan, your answer was:
3 "Kujtim. I don't remember his surname."

4 On this photograph, however, posted by yourself, it says quite
5 precisely Kujtim Qerimi. So why didn't you tell the Court the
6 surname before? I understand that you knew it when you posted that
7 photo.

8 A. I didn't remember his last name, Mr. Prosecutor. It's been a
9 long time. Otherwise I would have mentioned it.

10 Q. Mr. Ajeti, you mentioned this person Mustafe -- this person, if
11 I -- Mustafe Ajeti, yes. Is that person related to you? You have
12 the same surname.

13 A. No. He is from Gjilan by origin. We are not blood related. We
14 just have the same last name. And he's been my friend from the
15 beginning of the war.

16 Q. I understand. Out of these persons, these six persons on the
17 photograph, who of them were in the BIA unit?

18 A. We were all BIA. Except Commander Remi, but I can say he was
19 BIA too, because he was the commander of everybody.

20 Q. Could you tell the Court when this photograph was taken?

21 A. As far as I know, it was taken in December 1998, because that's
22 the only time where we had a camera. And after that, we didn't have
23 any to make photographs.

24 Q. And where was this photo taken?

25 A. In Zllash.

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1 Q. In which building? In which location more precisely in Zllash?
2 Do you remember that?

3 A. At that place which we discussed earlier. In one of the houses
4 there.

5 Q. In that taller house out of the trees visible on the photograph
6 or one of those lower houses? In which house? If you could be more
7 precise.

8 A. It's not in front of me, I can't see it, but it's the house that
9 is on the right side when you look at the photograph.

10 Q. Mr. Ajeti, today - and we have it on page 77 of today's
11 transcript, line 5 - I believe that Your Honour asked you about your
12 nickname or pseudonym, and you said that it was Shyt Mareci; is that
13 correct?

14 A. Yes.

15 Q. During the war, did you go by any other nickname?

16 A. No.

17 MR. MICHALCZUK: Your Honours, in this case I would like to show
18 the witness his own -- part of his own statement given to the Defence
19 where he discusses the issue of the pseudonym.

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MR. MICHALCZUK: Madam Court Officer, this is the Defence
22 statement of Muhamet Ajeti, DSM00615 to 00632, on page 11. It starts
23 from the question: "Do you know if people ..."

24 Yes, it's at the very, very top of the page.

25 Q. Mr. Ajeti, listen to the exchange that you had with the

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1 Defence Counsel on the issue of pseudonyms of yours -- pseudonym of
2 yours.

3 "Q. Do you know if people called you maybe sometimes Shyt or
4 Shyti?"

5 And your answer was:

6 "Maybe they called me like that. But in Prishtine, they would
7 call me at my regular name, and people in Zllash, they called me Shyt
8 Mareci. It could be that some addressed me as Shyt, but I don't
9 recall that."

10 Did you say that to the Defence?

11 A. Yes.

12 Q. So in a nutshell, it's possible that somebody knew you by the
13 nickname Shyti and they were calling you in this way?

14 A. Yes.

15 MR. VON BONE: Excuse me. Address --

16 PRESIDING JUDGE VELDT-FOGLIA: Shall we wait until witness takes
17 off his headphones.

18 MR. VON BONE: Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you take off
20 your headphones. Thank you.

21 Defence Counsel, please.

22 MR. VON BONE: Not Shyti, but Shyt.

23 PRESIDING JUDGE VELDT-FOGLIA: No, but also Shyti I saw, Shyti.

24 MR. MICHALCZUK: It is both. In the question you have both,
25 Your Honour.

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1 MR. VON BONE: In the question you have it, but in the answer.

2 I -- I -- "but" --

3 PRESIDING JUDGE VELDT-FOGLIA: No, wait, wait.

4 MR. VON BONE: -- "some addressed me as Shyt, but I --

5 PRESIDING JUDGE VELDT-FOGLIA: "Do you know if people called you
6 maybe sometimes Shyt or Shyti?" And then: "Maybe they called me
7 like that ..."

8 So -- and then he answered with -- then he finishes with:

9 "It could be that some addressed me at Shyt, but I don't recall
10 that."

11 MR. VON BONE: That's right. That's what I said.

12 PRESIDING JUDGE VELDT-FOGLIA: But I see -- and then we have the
13 next question:

14 "Do you know if anybody else in the compound in Zllash was
15 called Shyt or Shyti?"

16 And then his answer:

17 "There was another person who fought in [indiscernible] and he
18 was called Shyt as well."

19 I understand that the Defence Counsel is pointing out that the
20 witness himself is saying the word "Shyt" and not "Shyti."

21 But his first answer is not a denial of the two names, but I
22 leave it for what it is.

23 Mr. Prosecutor, please proceed.

24 MR. MICHALCZUK: I could leave this issue where it is.

25 Q. However, I would like to ask you, Mr. Ajeti -- yes, please. I'm

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1 too fast today. I apologise.

2 Mr. Ajeti, how did Salih Mustafa call you during the war?

3 A. Salih Mustafa called me Shyt Mareci or whatever was easier for
4 him. Shyt Mareci is a name of a fighter of a time in Marec, and that
5 was the meaning of my nickname.

6 So he would call me Shyt Mareci. Sometimes he would find it
7 easier to address me with Shyt only, so this is how it was.

8 Q. Mr. Ajeti, today you mentioned Agron Xhemajli. And we have it
9 on page 68, lines 22, 23; and also on page 69, lines 1 to 4. Do you
10 remember mentioning Agron Xhemajli in this court earlier today?

11 A. I was asked earlier, yes, I remember.

12 Q. How did Agron Xhemajli call you during the war?

13 A. I had just a little contact with Agron during that April period.
14 It was in December, I don't remember how he called me. I think it
15 was Shyt Mareci.

16 MR. MICHALCZUK: Your Honours, I would like -- with your
17 permission, of course, I would like to read to the witness a very
18 short part of the transcript of the interview with Agron Xhemajli
19 where he discusses exactly this issue of pseudonyms.

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MR. MICHALCZUK: Madam Court Officer, I would like you to pull
22 up part of the transcript of the SPO interview with Agron Xhemajli
23 dated 2 July 2020, ERN number 076501-TR-ET, Part 2, pages 28, lines
24 from 10 to 13; and then page 29, lines 11 and 12. First let's move
25 to page 28, lines from 10 to 13.

1 Q. Mr. Ajeti, this is the short exchange between the Prosecutor and
2 Mr. Agron Xhemajli.

3 "Q. Who is Shyti then?

4 "A. A young man, one of the soldiers.

5 "Q. A BIA soldier?

6 "A. He was with both, the brigade and the BIA."

7 And then on next page, page 29, lines 11 and 12:

8 "Q. What was Shyti's full name?

9 "A. His first name is Muhamed. I can't remember his family
10 name."

11 So, to me, it seems that Agron Xhemajli knew Shyti, that was the
12 nickname of a person called Muhamed. Is he referring to you,
13 Mr. Ajeti?

14 A. Probably, yes.

15 Q. I would like to slightly change the topic, and I would like to
16 discuss the relationship and contacts between you and Salih Mustafa
17 after the war but before his arrest.

18 Had you been in touch with Salih Mustafa before his arrest?

19 A. Excuse me. The last time I met Salih Mustafa was when I had
20 applied for a visa, a working visa for Slovenia, so just before
21 leaving for Slovenia - I left on 1 or 2 August - I met him. So it
22 could have been 28 or 29 July 2020. That was the last time I met
23 him. So from Slovenia, then I went on to Germany.

24 Q. Before that time, 28 July 2020, had you been in contact with
25 Salih Mustafa?

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1 A. Yes.

2 Q. Are we talking about contacts in person? Are we talking about
3 contacts via phone or in any other way?

4 A. In all ways. In phone, by person, we would meet up. Spend time
5 together.

6 Q. Speaking about the phone contacts, how frequent were they?

7 A. I don't remember how frequently, but whenever we would want to
8 call each other, we would. I don't know how many times exactly.

9 MR. MICHALCZUK: Your Honours, I would like to show the witness
10 a document which speaks about this issue, contacts between the
11 witness and Salih Mustafa, in the period preceding his arrest.

12 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

13 MR. MICHALCZUK: Madam Court Officer, I'm talking about the
14 document SPOE00325853 to 00325864, and I would like to show the
15 witness, for now, only the very first page of this, of this document.
16 And only, if possible, the upper part. If you could zoom in
17 immediately to the upper part. Just the first box.

18 Q. Mr. Ajeti, take a look at the first box. It's close to
19 number 1. It says the "parties," first box left-hand side, and it
20 shows the following number as you can see. I'm not going to read it
21 because it's in open session, but could you say whose number can you
22 see here in this box?

23 A. That's my number and that's Salih Mustafa's number.

24 Q. As you could see in this box, close to your number there is a
25 name. Could you read it to the Court? Just the name, not the phone

1 number of yours but just the name there.

2 A. You're referring to the first number; right?

3 Q. Yes. But don't tell the Court the number because it is there.

4 But tell me what name is attached to this number.

5 A. Shyti AAK. Underneath the phone number.

6 Q. This is the -- this is the way that Salih Mustafa registered you
7 and your number in his phone. So do you confirm that Salih Mustafa
8 also knows you as the person nicknamed Shyti?

9 A. Yes.

10 Q. Mr. Ajeti, if I told you that from June 2019 to September 2020
11 you exchanged over 100 calls with Salih Mustafa, would that be about
12 the right number of phone contacts with him, in this period of time?

13 A. It could be. We spoke frequently, but I can't give you a
14 number. It could also be 200. But what you are saying is probably
15 true.

16 MR. MICHALCZUK: Your Honours, just to have it on the record, I
17 would like to scroll down the whole document to the very, very end.

18 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
19 Officer.

20 MR. MICHALCZUK:

21 Q. Take a look, Mr. Ajeti, these are the contacts that took place
22 between you and Salih Mustafa, and the total number of the calls
23 exchanged between you and Salih Mustafa amounted to 113 calls. Would
24 you agree with me that you had been in contact with Mustafa with that
25 frequency, in this number of calls that you exchanged?

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1 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, for the moment, I
2 think we stopped at page 1, number 6.

3 MR. MICHALCZUK: The whole document, Your Honours, is on pages -
4 and I believe I gave it before - SPOE00325853 to 00325864. So there
5 are several pages --

6 PRESIDING JUDGE VELDT-FOGLIA: I know.

7 MR. MICHALCZUK: -- containing all the phone contacts made
8 between Salih Mustafa and this witness.

9 PRESIDING JUDGE VELDT-FOGLIA: It was more to give a hand to
10 Madam Court Officer. Or maybe we could directly go to the last page.
11 Is that possible?

12 MR. MICHALCZUK: The last page should be 864. Yes, yes, it is
13 here, yes.

14 PRESIDING JUDGE VELDT-FOGLIA: And then we have the number of
15 1 --

16 MR. MICHALCZUK: Yes.

17 Q. So the last call that was made between you and Mr. Mustafa
18 before the arrest is the 113th call made on 11 June 2019.

19 Sorry, this was the -- actually this was the first one because
20 we go in reverse order. So on the first page we've got the last
21 calls made, and on the last page of this document we've got the first
22 connections.

23 PRESIDING JUDGE VELDT-FOGLIA: I see.

24 MR. MICHALCZUK: So the last call was actually in
25 September 2020.

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1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 MR. MICHALCZUK:

3 Q. So would you agree that you were in frequent phone contact with
4 Mr. Salih Mustafa in that period of time?

5 A. Yes, yes.

6 Q. Mr. Ajeti, were you also exchanging with Salih Mustafa instant
7 communications, messages, using various instant messengers before his
8 arrest?

9 A. Yes. On WhatsApp or Viber. It is possible that we did exchange
10 messages in one of these two. I don't know in which one. Maybe on
11 both of them.

12 Q. Were they frequent contacts via those communicating platforms?

13 A. I don't know exactly. I don't remember.

14 Q. But my precise question is were these contacts daily, weekly,
15 monthly?

16 A. Well, maybe weekly. Maybe two, three times a week. It
17 depended. As I said before, between 2018 and 2020, I had the
18 opportunity to see him more. We met more frequently.

19 Q. Mr. Ajeti, in those instant communications, how was Mr. Mustafa
20 calling you?

21 A. When we sent messages, you mean?

22 Q. When you were exchanging those messages, as you said, via Viber
23 or WhatsApp.

24 A. I don't remember what he called me when he texted. I don't know
25 exactly. It's been a long time. I don't know what we wrote, what

1 the communication was about. But we did communicate through Viber or
2 WhatsApp.

3 Q. Did it happen that he called you "my son"?

4 A. Yes, of course.

5 Q. Did it happen that you -- that you called him "commander" in
6 those communications?

7 A. I don't believe I called him "commander," but I would call him
8 "Babush" - it's sort of an expression - in the messages.

9 Q. And what is Babush or Babushi? What does it mean?

10 A. It's a sort of respect. Babush means father. And Babush is an
11 expression. He called me "my son."

12 MR. MICHALCZUK: Your Honours, just for the sake of
13 demonstrating this exact -- this issue, I would like to very quickly
14 pull up one document and then we will move on.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Prosecutor.

16 MR. MICHALCZUK: So I would like to show the witness the
17 document SPOE00325865 to SPOE00325876. English translation is almost
18 at the same numbers but the first is SPOE00325866. And the remaining
19 part is the same SPOE00325876-ET.

20 Q. So this document - I'm not going to be very specific what it is
21 - but it shows the communications exchanged via WhatsApp and Viber
22 between you and Salih Mustafa.

23 MR. MICHALCZUK: And if I kindly ask Madam Court Officer to
24 scroll down to the very last page. We could do it on both versions,
25 English and Albanian.

1 Q. There is a message sent on 1 August by Salih Mustafa, Cali, to
2 you, Mr. Ajeti, in which Salih Mustafa said the following:

3 "Did you arrive, my son? Did you settle?"

4 So it seems that -- sorry?

5 A. Yes, that's probably when I travelled to Slovenia. Asking me
6 whether I arrived, whether I settled.

7 Q. And then he called you "my son"; correct?

8 A. Yes, that is what he wrote.

9 MR. MICHALCZUK: Could we, but this time only using Albanian
10 version of this, go to page number 3, which is SPOE00325867.

11 Q. On 22 June 2019, in reply to Salih Mustafa's instant message,
12 you sent him the following text from your phone number, it is in
13 Serbian or Serbian/Albanian, and it says:

14 "Zashto Komandante." What does it mean, "Zashto Komandante"?

15 A. I don't remember this message. I don't remember what I wanted
16 to say by it. I don't know. I don't remember. I can see the
17 number, but I don't know what I wanted to say at the time. So it
18 depends on what we were talking about earlier in the message. But I
19 can see that I referred to him as "commander."

20 MR. MICHALCZUK: Your Honours, I would like to show the witness
21 another document, and we are looping back to the issue of BIA, the
22 issue that we discussed before. So I would like to, with your
23 permission, show the witness a certain document.

24 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

25 MR. MICHALCZUK: Madam Court Officer, it is on page

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1 SPOE00222578, 00222578.

2 Could you scroll it a little bit up? Yes.

3 Q. Mr. Ajeti, I'm just talking about this logo which can you see at
4 the bottom of this document. Do you know this logo, Mr. Ajeti?

5 A. Yes, I have seen it.

6 Q. What is this logo?

7 A. The logo is from the BIA guerrilla and above that are the three
8 heros - Ilir, Bahri, and Agron. It is the date when it was created.
9 As you can see, it is 20 May 1998 in Prishtine.

10 Q. So this is the date when BIA unit was created. Is that what you
11 are saying?

12 A. That is what it says.

13 Q. Did you ever send this logo to Salih Mustafa?

14 A. Maybe I did. I am not sure.

15 MR. MICHALCZUK: I'd like to show the witness a certain document
16 which proves this issue. If I have your permission I would
17 dictate --

18 PRESIDING JUDGE VELDT-FOGLIA: Yes, please proceed.

19 MR. MICHALCZUK: -- the ERN number. This is on the document
20 SPOE00325846 to 00325846.

21 Q. So, Mr. Ajeti, this document shows that on 17 June 2019, upon
22 the request of Salih Mustafa sent on that day, you sent him this
23 logo. Do you confirm that? Can you see that on the screen? In the
24 green box you've got Cali asking you for something, and then in the
25 blue box you sent him the logo attached. 17 June 2019.

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1 Can you see that?

2 A. Yes. So he asked me to send him the logo and I did.

3 MR. MICHALCZUK: Your Honours, I would like to show the witness
4 a few photographs from the time of war, with your permission, and I
5 will have some questions regarding that.

6 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Prosecutor.

7 MR. MICHALCZUK: Madam Court Officer, the first one would be on
8 page SPOE00325825 to SPOE00325825. And the English translation is
9 with the same number with ET at the end. Thank you.

10 Q. Mr. Ajeti, this is the photo that you posted on your Facebook
11 account on 11 June 2021; is that correct? Could you tell the Court
12 who features on this photo?

13 A. You can see myself and Salih Mustafa, Cali, in the photo.

14 Q. Where was this photo taken?

15 A. The photo was taken in Zllash.

16 Q. Do you remember in which building?

17 A. On the -- in the building to the right, the picture was taken in
18 December 1998.

19 Q. The message that you posted with this photo - I'm going to read
20 just part of it - says the following thing:

21 "I'm proud that, as a 18-year-old fighter, I had a commander
22 like you ..."

23 So could you tell us why did you post this photo with this
24 comment? Again, we are talking about the year 2021. So, at this
25 time, Salih Mustafa is already in detention of the Kosovo Specialist

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1 Chambers.

2 So could you tell the Court why you posted that with this
3 particular comment?

4 A. I posted this photo on my personal Facebook. The reason was
5 perhaps it was either the creation of the KLA or the 28 November, and
6 that is the reason why I posted this photo.

7 Q. Was it also the reason to show your support to Salih Mustafa?

8 A. It depends how you take it. Of course, I posted it. I am
9 proud, I continue to be proud, and that is all.

10 Q. No. My question was did you post it also as a support to
11 Salih Mustafa who was, at that time, already in the detention?

12 A. Mr. Prosecutor, I cannot support him just by posting a photo. I
13 support him morally. I support him morally and I continue to support
14 him morally.

15 MR. MICHALCZUK: Your Honours, I would like to continue with a
16 few more photographs, not too many.

17 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I'm looking at
18 the clock, and it's almost time for the break. So we can continue,
19 of course, with the photographs and maybe then we have a natural
20 moment? This is a question.

21 MR. MICHALCZUK: Yes. Your Honours, could we just show two
22 photographs with a few follow-up questions and then we could go for a
23 break. This would be my suggestion.

24 PRESIDING JUDGE VELDT-FOGLIA: We are just searching for a
25 natural moment. So please proceed like this.

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1 MR. MICHALCZUK: Yes. Your Honours, do I have your permission
2 to show the witness another photograph?

3 PRESIDING JUDGE VELDT-FOGLIA: Yes, you have.

4 MR. MICHALCZUK: Thank you very much.

5 The document, Madam Court Officer, would be
6 SPOE00222559-00222559. And this is the photo that is already in
7 evidence in this case.

8 Q. Mr. Ajeti, please take a look at this photograph and tell the
9 Court whether you recognise people featuring on it.

10 A. Yes, Mr. Prosecutor, I know them.

11 Q. Could we then start from the persons who are standing. Who is
12 the person standing on the left-hand side of this photograph?

13 A. To the left of the photograph or -- I am one of them and
14 Agron Xhemajli.

15 Q. So the person with -- in a -- sporting a black cap with the
16 Kosovo Liberation Army logo, what's his name? The person standing?

17 A. Agron Xhemajli.

18 Q. And the person standing next to him is you, Mr. Ajeti; is that
19 correct?

20 A. That is myself, Muhamet Ajeti.

21 Q. The person in the black beret crouching, who is that person?

22 A. That is Salih Mustafa.

23 Q. And the person crouching next to him?

24 A. Fatmir Sopi.

25 Q. Could you tell the Court where and when was this photograph

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1 taken.

2 A. The photo was taken in Zllash in the house that I mentioned
3 earlier. These are the -- all the photos that were taken during the
4 war was in 1998. So in Zllash.

5 MR. MICHALCZUK: Maybe the last photograph, Your Honour, before
6 the break.

7 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

8 MR. MICHALCZUK: SPOE00222587-00222587. This is another photo
9 that is already in evidence in this case.

10 Q. Mr. Ajeti, who features on this photograph?

11 A. Salih Mustafa and I.

12 Q. When and where was this photograph taken?

13 A. In Zllash, but we are outside. It's not inside the house. You
14 can see it was snowing, so it's somewhere outside of the house. I
15 don't know exactly when, but it was outside, outdoors. I have not
16 seen this photo after the war, but Salih Mustafa is in the photo and
17 myself. I've never seen this photo before, or I have forgotten about
18 it.

19 Q. Was it within the compound that you discussed today before with
20 the Defence Counsel or somewhere else in Zllash?

21 A. I don't remember, Mr. Prosecutor. I don't know exactly. I can
22 see myself in the photo and Salih Mustafa, but I don't know where the
23 picture was taken. It's been 23 years since then.

24 MR. MICHALCZUK: Your Honours, it's a natural moment to go for a
25 break.

1 PRESIDING JUDGE VELDT-FOGLIA: Very well. Thank you,
2 Mr. Prosecutor.

3 Madam Court Usher, could you usher the witness out.

4 Mr. Witness, we will have a break till 4.00 and then we will
5 continue with your testimony. Thank you.

6 THE WITNESS: [Interpretation] Thank you.

7 [The witness stands down]

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Mustafa, it's -- you're not
9 allowed to talk now, and you know it.

10 Very well. We will continue with the hearing at 4.00.

11 The hearing is adjourned.

12 --- Recess taken at 3.33 p.m.

13 --- On resuming at 4.00 p.m.

14 PRESIDING JUDGE VELDT-FOGLIA: We start with calling
15 appearances. And at my right-hand side, I notice a change of
16 composition.

17 Mr. Prosecutor, you have the floor.

18 MR. MICHALCZUK: We are almost in the same composition, however,
19 Prosecutor Silvia D'Ascoli was replaced by Prosecutor of mine,
20 Prosecutor Filippo De Minicis.

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

22 MS. PUES: Good afternoon. Yes, indeed, Your Honours. My
23 co-counsel Brechtje Vossenbergh has left now and it's just me.

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

25 MR. VON BONE: No changes, Your Honour.

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

2 Very well. Should I have to repeat it, Madam Stenographer?

3 Yes, because if you don't have the calling of the appearances -- I'm
4 very sorry, but I -- although you noticed who is there. Okay. Yes,
5 I understand, but I think that at least the composition is noted. I
6 think that will do.

7 Very well.

8 We will continue now with the testimony of Witness 1500.

9 Mr. Prosecutor, could you give an indication how much time you
10 think you would be needing?

11 MR. MICHALCZUK: If everything goes well and smoothly, it should
12 be one hour from now.

13 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, I don't think I
14 understood.

15 MR. MICHALCZUK: It should be one hour from now.

16 PRESIDING JUDGE VELDT-FOGLIA: One hour from now. Okay. So
17 then it will be 5.00. We will see. Maybe we have to look for
18 another solution. Very well.

19 Madam Court Usher, could you bring the witness in.

20 [The witness takes the stand]

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

23 THE WITNESS: [Interpretation] Thank you.

24 PRESIDING JUDGE VELDT-FOGLIA: -- continue with your testimony
25 and I will give the floor again to the Prosecution.

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1 Mr. Prosecutor, you have the floor.

2 MR. MICHALCZUK:

3 Q. Good afternoon, Mr. Ajeti.

4 A. Good afternoon.

5 Q. I showed you before the break a photograph featuring four
6 persons. One of them was you. There was Fatmir Sopi, Salih Mustafa,
7 and also Agron Xhemajli. Do you remember that?

8 A. Yes, Mr. Prosecutor.

9 Q. Do you remember why Agron Xhemajli was there, in Zllash, when
10 that photo was taken?

11 A. At the time when the picture was taken, in December, he stayed
12 there as a soldier in one of the house. These two houses were in
13 use. One of them was also from Fatmir Sopi, and Agron Xhemajli
14 stayed there for as long as I stayed there.

15 Q. Did he stay in the same house together with Salih Mustafa at
16 that time?

17 A. Can you please repeat the question? I didn't understand it.

18 Q. Yes. Did Agron Xhemajli stay in the same house with -- where
19 Salih Mustafa was also staying at that time in 1998?

20 A. Yes, in those three or four rooms where we all stayed. There
21 weren't many soldiers, but the ones -- the ones that there were, in
22 1998.

23 Q. Which KLA unit did Agron Xhemajli belong to?

24 A. In the period of December, I don't know what unit he belonged
25 to. He was a soldier. At a later stage, I know that he was in the

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1 brigade Brigade 153, in 1999. But in 1998 ...

2 Q. Do you know whether Agron Xhemajli at any point in 1998 or 1999
3 ever cooperated with Salih Mustafa?

4 A. I don't know. I know that we all stayed there together. I
5 think that he cooperated.

6 MR. MICHALCZUK: Your Honours, maybe first the question and then
7 I would ask Your Honours for a kind permission to show another
8 photograph, one of the last ones of today.

9 Q. Mr. Ajeti, speaking about the period of time after the war, even
10 about recent times, did it ever happen that you socialised together
11 with Salih Mustafa and Bahri Gashi -- sorry, Brahim Mehmetaj,
12 Salih Mustafa, and yourself?

13 A. We did socialise with Cali and Bafta after the war.

14 MR. MICHALCZUK: Yes. Your Honours, I would like to show the
15 witness very quickly a photograph. It's SPOE00325835-00325835.

16 PRESIDING JUDGE VELDT-FOGLIA: And the reason is?

17 MR. MICHALCZUK: And the reason is that I would like to confirm
18 that also in more present times the witness, Salih Mustafa, and other
19 members of the BIA were also socialising. We are talking about most
20 recent times.

21 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

22 MR. MICHALCZUK:

23 Q. This is the photo that you posted on your Facebook account,
24 Mr. Ajeti, on 3 March 2019. Do you remember posting it?

25 A. Yes.

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1 Q. So I can see that the persons from the right is yourself,
2 Brahim Mehmetaj, Bimi, and Salih Mustafa; correct? The first three
3 persons?

4 A. Yes.

5 Q. Who is the person sitting next to Salih Mustafa?

6 A. That is Bahri Gashi, Bafta.

7 Q. And the last person, in the green jacket?

8 A. That is Mustafe Ajeti.

9 Q. Where was this photo taken; do you remember?

10 A. As far as I can see from the picture, it was in March 2019. On
11 3 March.

12 Q. My question was where.

13 A. In one of the restaurants in Prishtine.

14 Q. Thank you.

15 MR. MICHALCZUK: We can remove this photograph.

16 Q. Mr. Ajeti, in your testimony today, before the break, you
17 indicated that when you went to Zllash at the end of March 1999, you
18 slept there for four, five hours, and then you went to Kecekolle to
19 look for your family, where you spent two, three days with your
20 father's family; is that correct?

21 MR. MICHALCZUK: I'll give the references in a moment.

22 Q. Is that correct?

23 A. Yes.

24 MR. MICHALCZUK: Page 49, lines from 18 to 22, Your Honours.

25 Q. On page 53, lines 15 to 21, you also said today that after these

1 days, you returned to Zllash. And until the launch of the offensive,
2 you stayed there during the day and you would go back to Kecekolle to
3 stay there during the night. And it was like this until the
4 beginning of the offensive in Viti of Marec village. Correct?

5 A. Yes, Mr. Prosecutor.

6 Q. Mr. Ajeti, were there also days during which you were not in
7 Zllash but elsewhere? During the days.

8 A. If I was not in Zllash, I remember I went with Avni Haziri,
9 whose family was in Krileve or Glllogovice village, I'm not sure. We
10 went there for one day in one of these days before the offensive.

11 Q. And it was in April 1999; correct?

12 A. Yes, yes.

13 Q. Were there any other similar occasions during which, in
14 April 1999, you left Zllash and went somewhere else during the day?

15 A. During this period of April, I don't remember that I went
16 anywhere else.

17 Q. I would like to talk to you very briefly about your relationship
18 with Selatin Krasniqi. Could you tell the Court what is your current
19 relationship with Selatin Krasniqi?

20 A. At the moment we have no particular relations. I haven't seen
21 him in a long time. But I know him from before the war. We lived in
22 the same neighbourhood. We went to the same school. He's older than
23 I am, but we know each other.

24 Q. When was the last time when you saw Selatin Krasniqi?

25 A. Your Honour, can we go into private session, please?

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1 [Private session text removed]

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Witness: Muhamet Ajeti (Private Session)

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1 [Private session text removed]

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5 [Open session]

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

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

8 Mr. Prosecutor, please proceed.

9 MR. MICHALCZUK:

10 Q. Mr. Ajeti, you gave at some point this year a statement to the
11 Defence; is that correct?

12 A. Yes, Mr. Prosecutor.

13 Q. After you had given that statement, did you ever talk to
14 Selatin Krasniqi about the statement, the fact that you gave it, or
15 the content of the statement that you provided to the Defence?

16 A. No.

17 Q. Do you know whether Selatin Krasniqi at some point gave a
18 statement to the Defence?

19 A. No. I learned about that *[REDACTED] Pursuant to In-Court Redaction
Order F395RED.*

20 *[REDACTED] Pursuant to In-Court Redaction Order F395RED.*

21 Q. What did you learn *[REDACTED] Pursuant to In-Court Redaction Order
F395RED.*

22 *[REDACTED] Pursuant to In-Court Redaction Order F395RED.*

23 *[REDACTED] Pursuant to In-Court Redaction Order F395RED.*

24 *[REDACTED] Pursuant to In-Court Redaction Order F395RED.*

25 *[REDACTED] Pursuant to In-Court Redaction Order F395RED.*

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1 [REDACTED] Pursuant to In-Court Redaction Order F395RED.

2 [REDACTED] Pursuant to In-Court Redaction Order F395RED.

3 Q. So I understand that you know each other from the past,
[REDACTED] Pursuant to In-Court Redaction Order F395RED.

4 [REDACTED] Pursuant to In-Court Redaction Order F395RED.

5 [REDACTED] Pursuant to In-Court Redaction Order F395RED.

6 [REDACTED] Pursuant to In-Court Redaction Order F395RED.

7 [REDACTED] Pursuant to In-Court Redaction Order F395RED.

8 Q. At some point, I understand that [REDACTED] Pursuant to In-Court
Redaction Order F395RED.

9 [REDACTED] Pursuant to In-Court Redaction Order F395RED. Didn't you have
a chance to talk there? Did you talk

10 there?

11 A. No.

12 Q. Mr. Ajeti, have you been following this trial, the sessions that
13 were publicly televised?

14 A. I have, some of them, not all, but a part of the hearings.

15 Q. Could you tell me which witnesses did you follow?

16 A. I think I followed the most Nuredin Ibishi, Commander Leka,
17 Brahim Mehmetaj also. Not all of it, part of it only. I don't
18 remember any other witness that I followed. But I followed them
19 partially. I followed the hearings partially.

20 Q. Did you follow yesterday's testimony of Selatin Krasniqi?

21 A. Yes, some fragments, some parts, but not all.

22 Q. Mr. Ajeti, today you told us that you were in Zllash in
23 April 1999; correct?

24 A. Yes.

25 Q. You also said that you were staying within the compound of the

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1 family of Selatin Krasniqi; correct? At that time.

2 A. Yes.

3 Q. However, in the testimony of Selatin Krasniqi from yesterday --

4 MR. MICHALCZUK: And I'm talking, Your Honours, about page 117,
5 lines from 3 to 5.

6 Q. -- he said that he doesn't remember seeing you. He said the
7 following things:

8 "I'm not quite concerned. And I didn't see them until the
9 offensive. In fact, I saw him," namely you, "in Prishtine that day
10 when Prishtine was attacked by the Serb forces, and then I did not
11 see him again until the offensive."

12 He said the following on page 119, lines 1 to 4.

13 The question:

14 "So what's the answer? Did you see Mr. Ajeti at the compound
15 before the offensive?"

16 And Selatin Krasniqi said:

17 "I don't remember. I don't remember. He might have been there,
18 but I don't remember. I -- I can't say yes or no."

19 So, Mr. Ajeti, you were -- have you known Selatin Krasniqi for a
20 long time. You grew up together. You lived as neighbours for some
21 time. You allege that during the war you stayed in his compound,
22 that there was some kind of closer relationship. However,
23 Selatin Krasniqi does not remember seeing you in Zllash. What would
24 you say to that?

25 A. Mr. Prosecutor, there were many people there. He may have

1 forgotten. I know I saw him, but Selatin might not remember it
2 because he was engaged in other duties there as well. He might have
3 forgotten it or have another reason.

4 Q. You are saying that you saw Selatin Krasniqi but he might not
5 have seen you; is that what you are saying?

6 A. He might have forgotten to say that we saw or that could be a
7 lapse in his memory, because it's been a long time since those
8 events.

9 Q. Let's change the topic slightly. Today when you were answering
10 the questions by the Defence, you spoke about that compound and you
11 said that there was an improvised medical facility there; is that
12 correct?

13 A. Yes.

14 Q. On 18 January 2022, one of the brigade commanders from
15 Brigade 153, Fatmir Sopi, testified in this court about that
16 location, that compound in Zllash. It's on pages -- page 2116, lines
17 from 14 to 27.

18 When he was talking about that compound, he never mentioned any
19 medical facility there. He mentioned a medical facility in Zllash
20 but he mentioned that it was located somewhere else. And this is
21 what he said before this Court:

22 "Was there any ambulance in or around Zllash to transport people
23 if they would need medical attention?

24 "A. No, we didn't have the ambulance in that sense. But I had
25 in mind a house that -- we call it "ambulance" in Albanian, even when

1 people -- when we speak about clinic where people go to get medical
2 care, attention, to get an injection. A place where a sick person
3 could go to and get medical care. There was a house in the eastern
4 part of the school whose owner was Sahit Gashi."

5 Fatmir Sopi testified also on the same issue on the next day,
6 19 January 2022, in this court. And he indicated that the medical
7 facility where wounded and sick people were kept in Zllash was around
8 2 kilometres from the compound of Mr. Krasniqi, where you were
9 allegedly staying. It's on page 2170, lines from 16 to 19.

10 And this is the exchange between the Prosecutor and Mr. Sopi:

11 "Q. I understand. My question would be how far was that
12 location where you kept the wounded and the sick from the compound
13 occupied by the BIA unit?

14 "A. Even in relation to that, it could be 2 kilometres."

15 So Fatmir Sopi, the commander of Brigade 153, was saying that
16 there was medical facility in Zllash but not in the compound when --
17 where you said it was.

18 Are you suggesting that Mr. Fatmir Sopi is not telling the
19 truth?

20 A. Excuse me, Mr. Prosecutor, whether there were other clinics or
21 other places, I know of one in Viti where we fought. There was a
22 building where -- called outpatient clinic where people would go.
23 But the wounded people who were wounded during the fightings, they
24 received medical care in Zllash. It could be that there was
25 someplace lower in the village at Sahit, but all of us who were in

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1 Marec and that arrived from other places, we all received medical
2 care at that place.

3 Q. Fatmir Sopi, who was one of the commanders of Brigade 153, and
4 he lived in Zllash most of his life, if not all of his life, is
5 saying that in the compound that we are -- we have been discussing
6 today, there was no medical facility. Would you agree with me that
7 Fatmir Sopi, a high-level commander knowing the place, would know
8 better where the medical facility where it was and where it was not?

9 A. Mr. Prosecutor, I don't know what Mr. Fatmir Sopi said. I did
10 not hear him. But I know that I carried two people with my own two
11 hands to that house. And there was also the doctor Teuta Hadri,
12 Ibadete, and Qerim Kida who came later. That was the place where
13 wounded received medical care. If there was a place that was used
14 earlier in the outpatient clinic, but the wounded were treated there.

15 I say this with full responsibility. Maybe Fatmir Sopi confused
16 matters, but I stand behind what I said, that the wounded received
17 the medical care there from -- and from that place, they went to
18 Majac.

19 Q. Mr. Ajeti, today you said - and it's on page 73, line 3 - that
20 you did not see Salih Mustafa in Zllash in April 1999; is that
21 correct?

22 A. I did not meet him in Zllash in April.

23 Q. However, Salih Mustafa himself, when he gave the statement to
24 the Prosecution, said the following things about Zllash.

25 MR. MICHALCZUK: And, Your Honours, it would be statement of

1 Salih Mustafa, transcript of the SPO interview with Salih Mustafa
2 069404-TR-ET, Part 7, 20 November 2019, on page 10, lines 16 to 21.

3 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Madam Court
4 Officer.

5 MR. MICHALCZUK:

6 Q. Salih Mustafa said the following things:

7 "Until before the bombardment started, and that would have been
8 until 23 and 24 March, the place that I stayed the most was Sofali In
9 Prishtine and Butovc. After this period of time, which was 24, 25
10 March 1999, until the offensive finished, which was on 22 April, I
11 might have slept there overnight two times, three times, for a couple
12 of nights."

13 He was talking about Zllash.

14 Salih Mustafa continued in the same statement about his presence
15 in Zllash. And this would be the same part of the transcript.
16 However, it would be on page 12, lines from 3 to 9 -- 8.

17 "Q. Were you yourself personally in Zllash before the Serbian
18 offensive started on or about 16 April 1999?"

19 Salih Mustafa said: "Yes."

20 "Before the offensive started, how long had you been in Zllash
21 for?"

22 "A. I would usually stay a day too."

23 He continues further about the same issue. And this is in the
24 same transcript, the same part, Part 7, page 22, from lines 17 to 22.

25 "That's right. That's right. The offensive started on 16th and

1 I left Zllash either on 12th or 13th or 14th. And I've said it was a
2 couple of days. It's now been a long time. I cannot be precise
3 about the date."

4 "Okay. There we are. That's your answer?

5 "Yes. However, as I mentioned, I went back there on 20 April."

6 So Salih Mustafa himself, as you heard, said that he was in
7 Zllash at some points for a few nights, for shorter or longer periods
8 of time.

9 He was your commander from already 1998, and you're claiming
10 that you did not see your commander who came to Zllash in April 1999?

11 A. Mr. Prosecutor, I said earlier that during this period I spent
12 with my uncles two or three days and then I moved. And it could have
13 been in one of these two or three days when I was in Gllogovice. I
14 don't remember seeing him. I don't know. I didn't see him.
15 Salih Mustafa might have arrived there, but I don't remember seeing
16 him.

17 I'm not saying that he lies, but it might have happened that I
18 didn't see him. We were either helping another family move to
19 another location. We were not there the entire time. We were not
20 static.

21 Q. What I'm puzzled about is that he was your commander through all
22 those months during the war and you said, "I was his soldier." And
23 when he was there, when he was coming, you were not even interested
24 to find out when he is coming, where he was staying. You were not
25 interested to meet your commander. I don't understand this. Please

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1 try to help me with that.

2 A. Not during this period. I didn't meet him during this period.
3 I met him in Prishtine one day before I left Prishtine. Or the last
4 day before I left Prishtine I met him in Koliq. After we withdrew
5 the wounded, I saw him with a number of soldiers. There was a
6 corridor that was created so that we could escort the wounded, and I
7 met Salih Mustafa in Koliq.

8 Q. We'll come to that a moment because I have a few questions on
9 that. But let's talk about the fact whether you saw or met
10 Salih Mustafa or not in April 1999 in Zllash.

11 Speaking of the presence of Salih Mustafa in Zllash, also
12 Selatin Krasniqi confirmed in the statement that he gave to this
13 Court that he saw Salih Mustafa in Zllash.

14 And this is the transcript of yesterday's testimony of
15 Selatin Krasniqi, page 75, lines 20 to 25. It is also on the next
16 page, page 76, lines from 1 to 10.

17 And he said that he saw Salih Mustafa during the offensive in
18 Zllash. He also said that Salih Mustafa was in Zllash before the
19 offensive. And he said he stayed for one night and then Selatin saw
20 him on 21 April in Zllash.

21 So, again, it seems that Salih Mustafa, in that period of time,
22 April 1999, was in Zllash and he was seen by the person who was close
23 to you at that time, Selatin Krasniqi. And you are claiming that you
24 did not see your commander there?

25 A. I did not see him in that period. When the offensive started,

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1 the day when we set off for Viti of Marec, I knew -- I know that when
2 I arrived in the morning, we were kind of preparing to get to Viti.
3 So in the evening, I was in Kecekolle and together with the soldiers,
4 we made the preparations in the evening, and then the next day we
5 left for Viti of Marec.

6 I did not see him. If I had seen him, I would have said so, but
7 I don't remember seeing him.

8 Q. Mr. Ajeti, you have touched upon the evacuation of the wounded
9 from Zllash; correct? Did you participate yourself in the evacuation
10 of the wounded from Zllash in April 1999?

11 A. Yes.

12 Q. Could you tell me exactly when it was, when this evacuation took
13 place from Zllash?

14 A. On 20 April, we came to Zllash from Viti. And on 21 April, we
15 began the evacuation to the village of Marec.

16 I remember that Salih Mustafa was -- in the morning when we set
17 off with the wounded, it was Isa Kastrati, Rrahman Dini, on the 21st.
18 Bahri Gashi as well. And they set off to Majac, to Llap.

19 Q. Just to clarify this issue, you said that you saw at some point
20 during this evacuation Salih Mustafa. Where was it, in which place,
21 that you saw Salih Mustafa?

22 A. In Koliq.

23 Q. Indeed you said the same today. It's on page 73, lines 13 to 18
24 of the transcript.

25 Who was commanding that evacuation operation in Zllash? Who was

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1 the person in charge of the evacuation?

2 A. The day in the morning, I saw Isa Kastrati making the
3 preparations. There was Bahri Gashi and many others whom I don't
4 remember. And we set off towards the village of Majac.

5 Q. But you didn't see Salih Mustafa during that evacuation in
6 Zllash?

7 A. That day, no. In the evening, in Koliq, or the next day.
8 Because it took us long to get to Koliq. But I think we arrived in
9 Koliq in the evening.

10 Q. Mr. Ajeti, I would like to refer you back to the SPO interview
11 with Salih Mustafa where he actually said that he himself personally
12 was in charge of this operation, of the evacuation of the people in
13 Zllash.

14 Listen to this.

15 MR. MICHALCZUK: Your Honours, with your permission, I could put
16 on the screen a very short part of Salih Mustafa's SPO statement.

17 PRESIDING JUDGE VELDT-FOGLIA: Yes, please proceed. It's useful
18 and helpful to read together with you.

19 MR. MICHALCZUK: This is the same part, Part 7, page 14, lines
20 from 8 to 12.

21 Q. Mr. Ajeti, listen to what Salih Mustafa himself said about that
22 evacuation.

23 "However, after the third day of the offensive, they were
24 involved in withdrawing the injured people from the war area and
25 moving them to the military hospital on what we considered to be the

1 Llap side. I was called from a different place to lead this
2 operation, because I was not there."

3 He continues, he continues in the same statement - it's on
4 page 22 and 23, again, Part 7 - in the following way:

5 "When I went back on April 20th, we gathered the injured people.
6 The doctors gave them first aid. We collected our comrades that had
7 fallen in the fighting. On 21 in the morning, we put them in various
8 jeeps, cars, and we started a column, a caravan -- and I meant we put
9 the injured people in the cars, and then we tried to take them away
10 from the offensive towards Llap zone. I did this with the guerrilla
11 soldiers, with my own people."

12 So, Mr. Ajeti, Salih Mustafa said that he was not only taking
13 part in that evacuation but he was the -- in lead of this operation.
14 And you are saying that he was not even there, present? This is in
15 the context of the evacuation from Zllash of the wounded people after
16 the offensive. Are you saying that Salih Mustafa did not tell the
17 Prosecutor the truth about his involvement in that evacuation?

18 A. Mr. Prosecutor, Salih Mustafa is here saying that he was not
19 there but came there. And during the preparations with the wounded,
20 a part of the soldiers took care of security to open the corridor up
21 to the asphalt road. So I believe -- since he said that he came
22 during that time. And we set off first. And when we arrived Koliq,
23 that's when Salih Mustafa came there as well.

24 Q. But Salih Mustafa is not talking about being somewhere else. He
25 is talking about: "We collected our comrades that had fallen in the

1 fighting." And in the morning they left from Zllash. He is not
2 talking about Koliq. He is not talking about waiting there for
3 somebody to bring the wounded. But he himself is taking part in the
4 evacuation of the wounded from Zllash. He is leading that operation.
5 So are you saying that it's not the case, that he was not doing that,
6 what he is claiming?

7 Mr. Ajeti, tell us whether Salih Mustafa was in Zllash during
8 this evacuation or not? He was your commander. He is claiming he
9 was there.

10 A. Mr. Prosecutor, as I said, in the morning I set off with a
11 number of soldiers to secure the road. I'm not saying that
12 Salih Mustafa is lying. He was part of the operation, and I know
13 that he arrived in Koliq. Because, as I said, part of us left first
14 for Koliq. And when we arrived in Koliq, the burden, the most of the
15 burden was on my shoulder up to the next destination because I was
16 familiar with the terrain. Sejdi Veseli, one of the superiors whom I
17 met during the journey, gave me the radio communication.

18 So I was in front to provide security for the road and the
19 wounded were behind. And, as I said, most of the burden was on my
20 shoulder because I was familiar with the terrain, I knew Majac, I
21 knew the superiors there.

22 Q. Yes.

23 MR. MICHALCZUK: Your Honours, also Fatmir Humolli spoke in his
24 in-court testimony about the involvement of Salih Mustafa in the
25 evacuation. With your permission, I could read a very short part of

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1 the in-court testimony, the transcript.

2 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

3 MR. MICHALCZUK: So this is transcript of 1 February 2020 [sic],
4 page 2351, lines from 8 to 19.

5 Q. Question to Fatmir Humolli:

6 "Did Salih Mustafa actually participate in the moving of the
7 wounded from Zllash? Did you see him doing that, removing people,
8 participating in any way in the removal of the wounded people from
9 Zllash?"

10 Answer of Fatmir Humolli:

11 "He was personally involved, Salih Mustafa, because he had a
12 friend of his who was wounded. And I remember that he was -- he went
13 to the wounded.

14 "Q. So you saw him attending the wounded, being with the
15 wounded people?

16 "A. Yes, we were together. He saw me. I saw him. We engaged
17 in the same movements to transport the injured to the ... rear part
18 of the enemy lines."

19 Also Fatmir Humolli, one of the members of the command of the
20 Llap operational zone, said that Salih Mustafa was there helping the
21 wounded in Zllash. Are you still saying that he was not there, your
22 commander, he was not there in Zllash; is that what you are saying?

23 A. Mr. Prosecutor, let's say I've forgotten this. It has been 23
24 years. And you see, I forgot to mention Fatmir Humolli. I know him
25 even better than Cali because I've been with him in Shale e Bajgores

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1 as well.

2 As I said, part of us went first to secure the trip, the road.
3 I'm not saying that Salih Mustafa was not there, but I set off with a
4 group first to secure the road, in the morning.

5 Q. So Salih Mustafa was not there or you don't remember seeing him
6 there, in Zllash, attending the wounded?

7 A. Mr. Prosecutor, it was a very difficult night when we sent the
8 wounded. The next day, I don't know if Cali was there that night or
9 not, but the next day I mostly saw Isa Kastrati and Sokol Sopi, and
10 we were told to begin with securing the road. I know that there was
11 Bahri Gashi and Fatmir Humolli. Now I remember. So we set off
12 towards Celevit and we arrived Koliq.

13 Q. Mr. Ajeti, today upon the question of the Defence you said that
14 you didn't see any people being detained in Zllash; correct?

15 A. Yes, correct. I didn't see people detained in Zllash, nor did I
16 hear about that.

17 MR. MICHALCZUK: Your Honours, in the context of the compound
18 and the statement of the witness that he didn't see anybody detained
19 in Zllash, I would like to show him a photograph.

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MR. MICHALCZUK: This is the photograph appended to the
22 statement that was taken by the Defence. It was also shown today,
23 Defence statement of Muhamed Ajeti, DSM00615 to 00632, page 13.
24 There is a photograph there of the compound with several markings
25 made by the witness himself. Page 13, 1-3.

1 Oh, there should be -- excuse me, there should be the photo.
2 This is the page where it is mentioned. If we could scroll down to
3 attachment number 3. It should be at the very, very end, or almost
4 at the very, very end. That's exactly this one. Thank you so much.

5 Q. Mr. Ajeti, that I believe today with the Defence you were
6 discussing this photograph and you mentioned to the Court what you
7 meant by A, B, C, E, and D. However, on this photograph you can also
8 see a circle. Can you see this black circle?

9 A. Yes.

10 Q. Did you put this circle yourself while you were giving the
11 statement to the Defence?

12 A. I don't know whether it was me or the lawyer, but I think it was
13 me. Yes, yes, it was me.

14 Q. What was that place? Could you tell the Court? This place
15 where there is a circle around.

16 A. The lawyer asked me: What is this? And I said: I don't know.
17 It can be a basement. This was the question.

18 Q. Were you there in that place encircled by yourself during the
19 war?

20 A. In the yard, yes, but I don't remember going inside that
21 location.

22 Q. Mr. Ajeti, looking at this photograph again, was there any
23 building, this one or the building in Zllash, in any other place,
24 used by the BIA unit? I don't believe we had this question and
25 answer to that question today.

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1 Again, was any building in Zllash, in this compound or
2 elsewhere, used by the BIA unit during the war?

3 A. Shall I begin with my answer?

4 In one of these houses, the guerrilla BIA also stayed there.
5 Mostly in the houses to the right, as far as I remember and think.

6 Q. And you're saying that within this compound there was no
7 detention facility, as far as you know; correct?

8 A. I never heard that there was a detention place in this house.

9 Q. However, Mr. Ajeti, Salih Mustafa himself, in his own statement
10 to the SPO, admitted that there were detainees there exactly in that
11 location.

12 MR. MICHALCZUK: And with the permission of Your Honours, I
13 would like to read a very short part of Salih Mustafa's statement and
14 I would have a question or two about it.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

16 MR. MICHALCZUK: For the record, this is transcript of SPO
17 interview with Salih Mustafa, 069404-TR-ET, Part 7, page 6 and 7.

18 Q. Question to Salih Mustafa:

19 "You said that this was also used, the house was used as a
20 detention facility?"

21 Salih Mustafa:

22 "From what I know, just the one room. They had soldiers that
23 had been detained who had violated the rules.

24 "Q. They were held downstairs on the first floor?

25 "A. On the ground floor, yes. In the second room -- the ground

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1 floor also had three rooms. There was a bigger room that was used as
2 a kitchen."

3 And then on the next page, page 7 --

4 THE INTERPRETER: Interpreters kindly ask the Prosecutor to read
5 more slowly.

6 MR. MICHALCZUK: Then on page 7, lines 21 to 25 -- sorry. This
7 is still page 6, line 21-25.

8 "Q. Did you actually witness people, soldiers, being detained
9 at this location?"

10 Answer of Salih Mustafa:

11 "Yes.

12 "Q. On how many occasions do you remember there being persons
13 or soldiers being held at that location?"

14 And on the next page, page 7, line 1, 2, and 3, the answer was:

15 "I would have thought two, three.

16 "Two or three occasions?

17 "I believe so, yes."

18 Mr. Ajeti, would you agree with me that Salih Mustafa, a
19 commander of BIA, would have known better than you whether there were
20 any detainees there or not?

21 A. Mr. Prosecutor, for the period while I was there, that one week
22 in December 1998, I did not see any. Even in the period when I went
23 there after March, I didn't see any. If Salih Mustafa was referring
24 to another period, that I don't know. But I personally did not see
25 any. I was in Majac in March. And when I returned, I did not hear

1 of people being detained there.

2 Of course, Salih Mustafa knows better. But for the specific
3 period of December and the period of after March until I went to
4 Viti, I don't know of a detention facility there. I don't know if he
5 was referring to some other period of time.

6 Q. Mr. Ajeti, today you said that there were no guards in the
7 compound, that nobody was guarding this compound. Is that what you
8 said today?

9 A. I didn't see guards in that place.

10 Q. When Salih Mustafa spoke to the SPO, to the Prosecution, when
11 talking about that room where the detainees were held, admitted
12 himself that Kosovo Liberation Army soldiers were guarding it.

13 MR. MICHALCZUK: And with the permission of Your Honours, I
14 would just quote two lines from Salih Mustafa's statement to the SPO.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

16 MR. MICHALCZUK: This is again Part 7 of the same statement,
17 page 10, lines 23 to 24.

18 Q. The question of the Prosecutor to Salih Mustafa:

19 "Who was guarding the bedroom where the detainees were kept?"

20 And Salih Mustafa answered shortly:

21 "The KLA soldiers."

22 So are you suggesting that Salih Mustafa, a commander there, is
23 not telling the truth that there were guards there?

24 A. Mr. Prosecutor, for the time I was there I didn't see any.

25 There are months when I was not there. But this one-week period in

1 December and the period when I went from Prishtine there until I left
2 for Viti, I didn't see any.

3 Q. Mr. Ajeti, it's not only Salih Mustafa who was talking about the
4 guards. It was also another commander of the KLA, Fatmir Sopi, who
5 also spoke about the presence of the guards in the Zllash compound.

6 MR. MICHALCZUK: And with the permission of Your Honours, I
7 would like to quote the last few lines from the statement this time
8 of Fatmir Sopi about exactly the presence of guards in the Zllash
9 compound.

10 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Prosecutor.

11 MR. MICHALCZUK: This would be the testimony Fatmir Sopi gave in
12 Court dated 18 January 2022, page 2049, lines from 9 to 17.

13 Q. Question to Mr. Fatmir Sopi:

14 "Do you remember whether this house was guarded, this compound
15 was guarded by anyone?

16 "A. In every place where the KLA was stationed, for its own
17 security of course there were guards.

18 "Q. So who were the guards? Did they belong to any unit, that
19 BIA unit or any other unit?

20 "A. I mean that every unit that was stationed somewhere had its
21 own soldiers guarding it. As usual, they appointed someone to do
22 guard duty."

23 Mr. Ajeti, the compound you were talking about, as you claimed
24 yourself, was full of soldiers, BIA soldiers. You also mentioned
25 some other soldiers. And you are telling us that that place was not

1 guarded at all?

2 A. Mr. Prosecutor, I didn't see guards during the period I was
3 there. And I'm telling you with full responsibility that I didn't
4 come across a guard there. And Fatmir Sopi said that earlier -- that
5 there was no hospital, but the wounded were treated there. So maybe
6 he was mistaken. I personally did not meet a guard during the period
7 I was there. And I'm here to tell the truth. I didn't see guards
8 there.

9 Q. Mr. Ajeti, would you agree with me -- sorry, not with me but
10 with Mr. Fatmir Sopi that any military facility where soldiers were
11 present should be guarded? There should be some guards around. He
12 said that himself. Would you agree with him?

13 A. I stand by what I say. And I can only comment on other people's
14 statements. You asked me if I saw guards. I told you that I did not
15 see guards there while I was there, that one-week period in
16 December and the April period. During those two periods, I didn't
17 see guards.

18 Q. So just to sum up this part about the presence or absence of the
19 guards in the Zllash facility. So it was Salih Mustafa, the
20 commander, who was saying there were guards there. Fatmir Sopi, one
21 of the commanders of the Brigade 153, saying there were guards there.
22 In any military KLA establishment there are guards. People are
23 appointed to guard duty.

24 Are you suggesting that that compound, Zllash, was somehow the
25 only KLA facility which didn't have guards?

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1 Let me try to understand it better. It's a military place,
2 military facility. Soldiers from different units. And you are
3 claiming there were no guards.

4 A. Mr. Prosecutor, I came here to testify about things I saw, about
5 the things I heard. I didn't see any during this period. If you ask
6 me about Shala e Bajgores, there, there were guards. I saw guards
7 there. But here, I was for a short time and during that time I
8 didn't see any. If there were guards a little bit further down, that
9 I don't know. But where I was, I didn't see any.

10 MR. MICHALCZUK: I have just a few last questions, Your Honours,
11 and maybe you should continue without the break if Your Honours will
12 allow me.

13 PRESIDING JUDGE VELDT-FOGLIA: There is no break. We will just
14 continue and at 5.30 we will decide what to do. A possibility is
15 that we recall the witness if we still need to do more questioning.
16 It is as it is.

17 MR. MICHALCZUK: Yes.

18 Q. Mr. Ajeti, I asked you before whether in this compound that we
19 were discussing and you have in front of you in this photograph,
20 whether BIA soldiers were using any of those buildings, and you said
21 that, yes, indeed. Are you aware whether any of those buildings was
22 a safe house of that unit, BIA? Of your unit, actually.

23 A. I don't know what you mean by "safe house." Various soldiers
24 during various periods of time stayed there. There were also
25 inhabitants, civilians.

1 Q. Was any place within this compound occupied exclusively by BIA
2 soldiers whenever they were there?

3 A. I can speak more about the December period. In December, we
4 only stayed in the houses on the right-hand side. In December, there
5 were also people from Karadak operational area, Ahmet Jusufi and some
6 of his soldiers. Then I was there these four or five comrades of
7 mine, Rrahman Dini was there, Xhemajli was there, and we all slept in
8 that part of the compound. So that part was mainly that we used.
9 And as far as I understand, that house, the other part was later on
10 lined and began to be used. This is to -- what I know.

11 Q. How about April 1999? Were any places in these buildings used
12 exclusively by BIA unit, April 1999?

13 A. I don't know whether they were used exclusively by BIA or
14 whether there was a place that was exclusively used by BIA.

15 Q. Mm-hm.

16 MR. MICHALCZUK: Your Honours, I would like to read one part of
17 Salih Mustafa's own statement about dealing with the issue of the
18 safe house there.

19 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

20 MR. MICHALCZUK: This is the statement of Salih Mustafa,
21 069404-TR-ET, Part 7, page 5, lines from 8 to 24.

22 Q. Salih Mustafa, quite precisely, talked about this issue. Listen
23 to this exchange between the Prosecutor and Mr. Mustafa.

24 "How many times did you visit this place?

25 "I don't know exactly but many times.

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1 "Why did you visit it?

2 "Because this was the house where my soldiers slept too. We
3 used this house as a safe house.

4 "In this house, when your soldiers were using it, which part did
5 they stay in?

6 "In the first two rooms.

7 "Because I think you said there was a downstairs underground and
8 an upstairs. So was this downstairs or upstairs?

9 "A. Upstairs.

10 "Who did these premises belong to ... who had control of these
11 premises?

12 "KLA.

13 "Within the KLA, which unit?"

14 Salih Mustafa said:

15 "Myself and my soldiers had under control these two particular
16 rooms that we used for ourselves."

17 So as a member of BIA who stayed in Zllash in December, in
18 April, would you confirm what Salih Mustafa said, that there were
19 certain rooms in that house used by BIA when they were there?

20 A. In the period of December, I stayed in one of those rooms. I
21 think that was the last room in the house. There were two bunk beds
22 there. That is where I slept. The other room was used by the people
23 from Karadak zone. One room was used as a living-room. I don't
24 remember anything special about it or that it was special for
25 guerrilla.

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1 Q. And in April 1999, was BIA using these -- this location?

2 A. April, Mr. Prosecutor, was a bit chaotic. Civilians, soldiers
3 slept in the same place. It wasn't very strictly divided.
4 Civilians, families, soldiers, children.

5 Q. I understand. You talked about it before, there were plenty of
6 people there, several soldiers.

7 My question was, in April 1999, did BIA soldiers use any places
8 in that house for themselves?

9 A. Yes. They stayed in the yard, in the houses, in the yard, but I
10 don't know which rooms exactly they used. I slept in one of those
11 rooms for one or two nights, but I never knew in which one in which
12 house or which one of the rooms.

13 Q. You were the member of BIA. You knew BIA members, other BIA
14 members, and you don't know whether they were staying in that
15 particular house? How is that possible?

16 A. I'm not saying that I don't know. But mainly the house to the
17 right, there were four rooms there in that house, the soldiers slept
18 there mainly. Soldiers of BIA and the soldiers of the -- I mentioned
19 earlier of Karadak zone, Agron Xhemajli, as I mentioned. So the
20 soldiers were mixed, to my opinion.

21 MR. MICHALCZUK: Your Honours, perhaps one last quotation, maybe
22 two last quotations, and I will be done with my cross-examination.

23 So with your permission, I would be also very happy to show the
24 witness another transcript, this time of the testimony of
25 Fatmir Humolli, on the same issue about Zllash and BIA there.

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1 PRESIDING JUDGE VELDT-FOGLIA: Okay, please proceed.

2 MR. MICHALCZUK:

3 Q. Mr. Ajeti, Fatmir Sopi testified on this issue on 18
4 January 2022, and we have it on page 2045, lines 11 to 19. And he
5 was talking about using this whole compound as a BIA base.

6 He said the following things:

7 "Q. Did that unit, the BIA unit, occupy any location in Zllash?

8 "A. Yes. They had a location in Zllash.

9 "Q. And where was that unit located? Where was that location?

10 "A. It was in the highest point in Zllash, in the north-east of
11 the village.

12 "Q. What was the distance between your house, Mr. Sopi, and the
13 location of BIA in Zllash?

14 "A. I'm not sure. Maybe 2 or 3 kilometres, something like
15 that."

16 And he continued further, on page 2049, lines 4 to 5:

17 "Are you saying that BIA was occupying the whole compound?"

18 "A. Yes, in that house, yes."

19 Then Fatmir Sopi, during the same session, was shown photograph
20 of the BIA -- of this compound.

21 MR. MICHALCZUK: It's SPOE00128388. We could even come back to
22 the same photograph that was shown to the witness when he was making
23 the markings. We could come back to it.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes, please proceed.

25 MR. MICHALCZUK: Yes. Or we can show the photograph that is

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1 without any markings maybe. It is on our list of exhibits for today,
2 SPOE00128388. Maybe it will be better like this.

3 Q. Fatmir Sopi was shown the photograph of the compound, the
4 photograph that we discussed today at length, depicting these three
5 buildings. And on page 2053, lines 22, and on page 2054, lines 1-7,
6 he said the following things:

7 "Q. Mr. Sopi, I'm going to show you another photograph. For
8 the record is SPOE00128388.

9 "Mr. Sopi, can you see this photograph in front of you?

10 "Yes.

11 "What is on this photograph?

12 "A house, yes.

13 "Today, a few minutes actually, we discussed the BIA location.
14 Is that the location we were talking about?

15 "Yes.

16 "The big house on the right side of the photo, is this the house
17 where BIA soldiers used as their location?

18 "I'm not sure which parts they used, for what they used, because
19 I didn't know the place where they were based, but it is part of that
20 compound.

21 "So before today you said that BIA was using the whole compound;
22 is that correct?"

23 And Mr. Sopi said: "Yes."

24 "Do I understand correctly that BIA was using the compound seen
25 on that photograph? Could you please say that because if you nod, we

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1 don't have it on the record.

2 "A. Yes, yes."

3 So according to Fatmir Sopi, one of the commanders of
4 Brigade 153, BIA was using that compound, more precisely that house
5 on the right-hand side of this photograph. The same compound that
6 you seem to be familiar with and where you spent some time in April.

7 So was BIA using that house as Mr. Fatmir Sopi is claiming?

8 A. The one that we see in the photo or the one that we mentioned
9 earlier? Mr. Prosecutor --

10 Q. This is the same -- this is same photo. The previous one was
11 with your marks on it, with the letters A, B, C, if you remember.
12 This is the same photo but without any markings. This photo was
13 shown to Fatmir Sopi during his testimony in this court.

14 So do you agree with Fatmir Sopi that BIA, your unit, had the
15 location there, using it for their own purposes?

16 A. I did not deny that BIA stayed there. The -- I'm speaking of
17 the house where there were four rooms, and the question was whether
18 one room was specifically for BIA. But mostly, the BIA guerrilla
19 stayed to -- in the house on the right.

20 Fatmir Sopi, what he said, he was born there and the -- the
21 school is 3 kilometres from there, and in 3 kilometres you can arrive
22 to Prishtine. This is 700 or 800 metres from there. I'm not saying
23 that guerrilla didn't stay there. Not there. This is where the
24 wounded and the population stayed. But the other part was used
25 mainly by the guerrilla soldiers.

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1 I thought that you were asking me for one specific room, whether
2 one specific room was used -- used there. But mainly, they used the
3 house that was to the right, on the other part.

4 MR. MICHALCZUK: Just a few seconds of consultation with my
5 colleague, Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, we are going to
7 stop in some minutes whatever -- wherever you are in your
8 cross-examination.

9 MR. MICHALCZUK: Yes, of course.

10 [Specialist Prosecutor confers]

11 MR. MICHALCZUK: Your Honours, that would be the end of my
12 cross-examination.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 MR. MICHALCZUK: Thank you very much.

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

16 I'm now going to see where we stand in the rest of this
17 examination.

18 Victims' Counsel, how long would you have approximately for
19 questioning for the witness?

20 MS. PUES: Your Honours, I have two brief themes I need to ask
21 about, and I might be able to do that in 15 minutes, depends a bit on
22 the focus of the answers.

23 PRESIDING JUDGE VELDT-FOGLIA: Yes. No, but we will see. I --
24 we have till 5.30 sharp. And I think it's important to dedicate the
25 time necessary for the testimony of the witness.

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1 But I will first go to the Defence Counsel to see if he wants to
2 do re-direct.

3 MR. VON BONE: I don't think so.

4 PRESIDING JUDGE VELDT-FOGLIA: You don't think so.

5 [Trial Panel confers]

6 PRESIDING JUDGE VELDT-FOGLIA: We will give it a try, so -- but
7 in bearing in mind that quality goes before speed. But, yes, it
8 would be wonderful if we could do it -- or maybe that's not a good
9 word. It would be better to finish today, but we have limited amount
10 of time.

11 You have the floor.

12 MS. PUES: Thank you, Your Honours.

13 Questioned by Victims' Counsel:

14 Q. Good afternoon, Mr. Witness. Thanks for your information so
15 far. I'm the Victims' Counsel, and I have got a few remaining
16 follow-up questions resulting from what you have said today.

17 How was contact between you and the Defence Counsel established?

18 A. The Defence contacted me. If I'm not mistaken, it was
19 Fatmir Pelaj who did that.

20 Q. And when have you first been approached?

21 A. I don't remember exactly when.

22 Q. This year? Last year?

23 A. In February 2022. I believe a week before we met, the initial
24 contact was made.

25 Q. Okay. Thank you. And then is it correct that your statement

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1 was taken on 20 February 2022?

2 A. Yes.

3 Q. Thank you. Now, every other Defence witness, your friends and
4 comrades, like Brahim Mehmetaj or Selatin Krasniqi, they were all
5 interviewed between February and May 2021, so one year before. Do
6 you have any explanation for that?

7 A. No, I don't have an explanation for that. I was contacted, I
8 gave the statement in February of 2022.

9 Q. Or was there any reluctance to be forthcoming because you might
10 have feared to incriminate yourself and, just as a matter of
11 fairness, let me --

12 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel.

13 Can you take off your headphones, Mr. Witness.

14 Defence Counsel, you have the floor.

15 MR. SHALA: I think this is question for the Defence Counsel,
16 not for the witness. We have decided when and where to take
17 interview from which witnesses and for witness.

18 PRESIDING JUDGE VELDT-FOGLIA: I don't understand what you --

19 MR. SHALA: This question --

20 PRESIDING JUDGE VELDT-FOGLIA: No, please can I finish my
21 sentence always?

22 MR. SHALA: Yeah.

23 PRESIDING JUDGE VELDT-FOGLIA: What is the point you want to
24 make with regard to this question?

25 You have the floor.

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1 MR. SHALA: The point is that the witness is not decided is he
2 going or not to give the testimony to the Defence before he is
3 called.

4 So in time when we called him, he decided to come, and that was
5 happened in February of this year. Yeah.

6 So this is not question for the witness.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your clarification.
8 I will give the floor to the Victims' Counsel and if she thinks that
9 this clarifies enough her question, then it will do. If she wants to
10 rephrase it in a different way, not implying anything that -- or
11 maybe you want to imply -- I see your point, but I don't want to
12 prohibit this question.

13 But I leave it up to you, Victims' Counsel, if this suffices
14 that they called him just later on.

15 MS. PUES: I will reformulate.

16 Q. Mr. Witness, we heard, and this -- as a matter of fairness, in
17 previous testimonies - this is for the Panel, for example, on the
18 23 September 2021, in transcript page 728 - that a person who was, as
19 we heard, detained in Zllash, tortured in Zllash, and later killed,
20 was handed over to a person with the pseudonym Shyti. Confronted
21 with that, was there maybe a reluctance on your part to testify here
22 any earlier?

23 A. No, there was no reluctance. The moment I was contacted I gave
24 the statement. There was no need -- there was no pressure. I went
25 there of my own free will the moment I was contacted by the Defence.

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1 Q. Okay. Thank you. I'll leave it there and turn to a different
2 topic and this is we heard it earlier today at various points that
3 you, in April 1999, before the wounded were evacuated from Zllash,
4 slept at your uncle's house in Kecekolle. That is, for example, on
5 page 53, lines 16-17, of today's transcript. And that you then,
6 during the day, would go to Zllash. What was your reason to go
7 during the day to Zllash from Kecekolle?

8 A. It is better to ask me what was the reason to go to Kecekolle.
9 The reason was that the area was overpopulated and there were -- the
10 conditions were at my uncle's house better for sleeping. That was
11 mainly to do with the conditions, with sleeping conditions. It was
12 better for me there, because my parents were there too.

13 Q. I understand.

14 PRESIDING JUDGE VELDT-FOGLIA: Wait, Victims' Counsel.

15 It is the Victims' Counsel who decides on what question to ask,
16 not you. Okay?

17 THE WITNESS: [Interpretation] I apologise.

18 MS. PUES:

19 Q. So what were the duties or the reasons that took you to Zllash
20 during the day?

21 A. The reason was to return to the area where we served as
22 soldiers. And at night I went to sleep at the same place where my
23 parents. During the day, there were no specific activities that we
24 carried out, apart from helping the villagers there. I didn't have
25 any specific duties, but we had to go and stay where the soldiers

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1 were. And the purpose was to stay there, not to stay at another
2 village.

3 Q. Just to be clear, are you saying you didn't have any specific
4 duties in Zllash, in April 1999, in the midst of the war?

5 A. No, nothing particular. Just regular duties. The main duty
6 when the fighting broke out was to go there and to fight at the
7 frontline in Marec. I had no other duties except for that one.

8 Q. So what did your day in Zllash look like then? Could you
9 describe a typical day. During that first half of April until the
10 wounded were evacuated from Zllash, what did you do during the day?

11 A. During the day, we would move about, we helped the population.
12 I don't remember anything specific that I did. So it was just
13 another regular day. The people were moving. We'd receive supplies
14 or there were new people that came. We'd receive food. So that was
15 it, mainly.

16 The tractors would bring flour or food supplies. That, I just
17 thought of.

18 Q. Did you for that stand what I would describe as perhaps the
19 entrance to the compound we spoke about to receive goods and people?

20 A. I don't remember which entrance they used, but if there was a
21 tractor, he came from the lower part. So he would -- so the tractor
22 would come in the yard. We would offload whatever was on the
23 tractor. If the tractor arrived from the direction of the school.
24 But if you arrive from the direction of Marec, then you would arrive
25 from the lower part. So there were three or four possibilities to

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1 enter the yard. But if there was the tractor, it came from the lower
2 part because the entrance was wider.

3 Q. And if a person would arrive from the lower part, would you be
4 one of those receiving this person?

5 A. No.

6 Q. Did you just receive tractors then?

7 A. No, no, you asked me about the activities. If a tractor
8 arrived, we helped offload it. If a tractor arrived. We didn't have
9 specific duties. It was very quiet during those days until the 16th.
10 Perhaps the two days before that, the helicopter starting flying
11 around. So that was the period during -- during that period that was
12 quieter was to escort civilians or direct civilians to places where
13 they didn't go. If a tractor came to the yard, we would unload the
14 tractor, and such things.

15 Q. Was it quiet or overcrowded in Zllash in that compound?

16 A. No, the month of April, there were many people there. It was
17 overcrowded.

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

19 MS. PUES: I leave it that. Thank you very much.

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

21 Defence Counsel, do you want to re-direct? Okay. We have
22 really limited time. But please.

23 MR. VON BONE: First one in private session, Your Honour.

24 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
25 bring us into private, please.

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Re-examination by Mr. Von Bone

1 [Private session]

2 [Private session text removed]

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15 [Open session]

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

17 PRESIDING JUDGE VELDT-FOGLIA: Very well.

18 Please proceed, Defence Counsel.

19 MR. VON BONE:

20 Q. Mr. Witness, you were interviewed by the Defence. You recall
21 that?

22 A. Yes.

23 Q. Did anybody ever approach you to state something other than the
24 truth, what you have experienced yourself, what you have heard
25 yourself, or what have you seen yourself? Did anybody ever approach

1 you and say, "Please say this" or "please say that"?

2 A. No. No one told me to say anything. And no one knew that I
3 gave the interview.

4 Q. Okay. And you stand by that statement that you gave to the
5 Defence?

6 A. Of course. I stand by it. You told me that I should keep that
7 confidential, that I gave a statement, but the only person that I
8 told, of course, it's only natural, I told my wife. And I also told
9 my brother who is in Germany. He is older than I am. I told him
10 that I will be coming here to testify. And that was all that I told
11 him. I said that I will testify in the process of -- against
12 Salih Mustafa as a witness. And I also told my wife, as I mentioned,
13 but I did not discuss it with anyone else.

14 Q. And did anybody influence you in any manner before you arrived
15 here in The Hague to testify in this case?

16 A. No, no one.

17 Q. Thank you very much.

18 [Specialist Counsel confer]

19 PRESIDING JUDGE VELDT-FOGLIA: Yes, but we have to ...

20 MR. VON BONE: We have no further questions, Your Honour.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 I already -- I will.

23 [Trial Panel confers]

24 PRESIDING JUDGE VELDT-FOGLIA: In one minute, because I don't
25 think I have more time, because really we have to finish. But if

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Questioned by the Trial Panel

1 there is one question, please.

2 Questioned by the Trial Panel:

3 JUDGE BITTI: Thank you, Madam Presiding Judge.

4 Mr. Witness, I have just one question, just a clarification. On
5 20 April, you came back with the wounded to Zllash, and then the
6 following day - so on 21 April - you left the compound in order to go
7 towards Koliq; is that correct?

8 A. Yes, towards Koliq and also Majac.

9 JUDGE BITTI: Thank you very much.

10 I have no further questions, Madam Presiding Judge.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Thank you.

12 Is there rejoinder desired?

13 MR. MICHALCZUK: No, Your Honours. Nothing.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay.

15 MS. PUES: Nothing from our side.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then we are going to
17 wrap it up.

18 Mr. Witness, we have come to the end of your testimony. It has
19 been an intensive day. I will not deny that. And I want to thank
20 you for the effort you have put in giving your testimony, and I'm
21 sure it will be of help for the Panel in order to understand what
22 happened back then and to find the truth.

23 I want to wish you a safe trip home, and I insist that you
24 should not discuss the testimony you have given before this Court
25 with anybody else.

1 So thank you.

2 Madam Court Usher will usher you out.

3 THE WITNESS: [Interpretation] Thank you as well, Your Honour,
4 and all of you present. Thank you.

5 [The witness withdrew]

6 PRESIDING JUDGE VELDT-FOGLIA: Very well. Is there anything
7 that you would like to raise?

8 MR. VON BONE: [Microphone not activated] I will inform the Panel
9 about one thing during the next sessions.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well. Very kind that you
11 want to do it like that.

12 We will resume on Wednesday, 11 May, at 9.30, with the testimony
13 of Defence Witness 1600.

14 And I thank the parties and the Victims' Counsel for their
15 attendance. I thank the interpreters for their patience and their
16 hard work this week, and also for Madam Stenographer - it has been
17 very intensive - the audiovisual technicians, and the security
18 personnel for their assistance throughout this week.

19 The hearing is adjourned.

20 --- Whereupon the hearing adjourned at 5.36 p.m.

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