

1 Thursday, 24 March 2022

2 [Open session]

3 [The accused entered court]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning. I see that we are  
6 in the same composition as yesterday, so I note that for the record,  
7 if that's sufficient.

8 Oh, yes. Please, could you announce the case. Sorry, I went  
9 too quick.

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

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

13 Then, again, I think that we are in the same composition as  
14 yesterday, so I would refrain from repeating who is present here.  
15 However, for the record, I say that we are Trial Panel I, of course,  
16 and that Judge Mikula is still participating remotely.

17 We will continue today with the testimony of the Defence Witness  
18 200, Mr. Brahim Mehmetaj.

19 Madam Court Usher, could you please usher the witness into the  
20 courtroom.

21 [The witness takes the stand]

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Mehmetaj, good morning.

23 THE WITNESS: [Interpretation] Good morning.

24 PRESIDING JUDGE VELDT-FOGLIA: Welcome back to the  
25 Specialist Chambers.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2720

1 THE WITNESS: [Interpretation] Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: You can hear me fine, yeah?

3 THE WITNESS: [Interpretation] Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well. How are you doing?

5 THE WITNESS: [Interpretation] I'm well, thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay, very well. Mr. Mehmetaj, I  
7 remind you that you're still under oath to tell the truth, yes? You  
8 understand that. And I will now give the floor to Madam Prosecutor.  
9 She will continue with her cross-examination.

10 Madam Prosecutor, please proceed.

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

12 WITNESS: BRAHIM MEHMETAJ [Resumed]

13 [Witness answered through interpreter]

14 Cross-examination by Ms. D'Ascoli: [Continued]

15 Q. Good morning, Mr. Mehmetaj.

16 A. Good morning.

17 Q. I have some photos that I would like to show you.

18 MS. D'ASCOLI: Can I please have on the screens SPOE00222617.

19 Q. We can now see the photo on our screens. Mr. Mehmetaj, are you  
20 familiar with this photo? Have you ever seen it before?

21 A. I know the people on this photograph.

22 Q. Okay. Can you tell us who these people are? We can start from  
23 the one kneeling, towards the bottom part of the photo. Do you know  
24 who this person is?

25 A. I will start with the one kneeling. That is Agron.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2721

1 Q. Can you say -- sorry. Can you please say first name and last  
2 name when you know them.

3 A. I know him only by that name. I don't know his surname.

4 Then the one with the blue cap is Salih Mustafa.

5 And Fatmir Sopi is on the other side. That would be on the left  
6 side as I look at it.

7 So it is Fatmir Sopi, Salih Mustafa, and Agron kneeling.

8 Q. And do you know when this photograph was taken?

9 A. No.

10 Q. Or where this photograph was taken?

11 A. No. No, I wasn't present. I don't know.

12 Q. Okay.

13 MS. D'ASCOLI: Can we please move to another photograph.

14 SPOE00222690.

15 Q. We now have the photograph on the screens.

16 I have the same questions. Are you familiar with it? And can  
17 you -- do you recognise any of the people depicted in this  
18 photograph?

19 A. I think I know all of them, yes.

20 Q. Can you please tell us their names, starting from the person  
21 kneeling at the bottom right-hand side of the photo.

22 A. Salih Mustafa is kneeling.

23 Q. And this is the left-hand side --

24 A. Ahmeti Jusufi --

25 Q. -- of the photo, sorry, just to ...

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2722

1 A. As I'm sitting, on the right is Ahmeti Jusufi; on the left is  
2 Salih Mustafa; Fatmir Sopi is standing; and the other person is  
3 somebody we called Shaqa [phoen]. I don't remember his last name.  
4 He was from the Karadak operational zone. While Jusufi, he was the  
5 commander of Karadak operational zone.

6 PRESIDING JUDGE VELDT-FOGLIA: And for the record, Fatmir Sopi  
7 is standing on the right side?

8 THE WITNESS: [Interpretation] Yes. As I look at the photograph,  
9 he is on the right side, standing.

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

11 MS. D'ASCOLI:

12 Q. And, again, do you know when the photograph was taken?

13 A. Of course, during the war. But when, I don't know. I wasn't  
14 there.

15 Q. Okay.

16 MS. D'ASCOLI: Can we move to another photograph, please.

17 SPOE00222600.

18 Q. Again, do you recognise any of the people in this photo? Do you  
19 know when or where it was taken?

20 A. On this photograph, I recognise a person in the middle.

21 Q. Okay.

22 MS. D'ASCOLI: Let's -- can we zoom in a little bit so that the  
23 people and the faces are more visible. Thank you. Okay.

24 Q. So you said you recognised the person in the middle?

25 A. May I continue?

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2723

1 Q. Who is -- yeah.

2 A. Yes, I know the person in the middle. That's Salih Mustafa. On  
3 the left is Bahri Gashi, as far as I remember. And the other person  
4 I don't know.

5 Q. And you mean on the left of Salih Mustafa; right?

6 A. On the left of Salih Mustafa is Bahri Gashi.

7 Q. Okay. And I understand you said you don't know the person on  
8 the right; right?

9 A. From this photograph, I don't recognise him.

10 Q. Okay.

11 MS. D'ASCOLI: Let's, please, move to another photograph.

12 SPOE00222631. We're still waiting for the photograph to appear.

13 Again, if we can zoom in.

14 Q. The quality of this photograph is not very clear. But, again,  
15 can you tell us if you recognise anyone, if it is possible, and if  
16 you know when this photograph was taken?

17 A. Because of the quality of the photo, I can recognise Cali, the  
18 commander. But the rest, I don't know them. And to tell you the  
19 truth, they -- I cannot see them properly on this photograph. It's  
20 an old photograph, probably made during the beginning of the war.  
21 But I cannot say who they are.

22 Q. No problem.

23 MS. D'ASCOLI: Can we please move to SPOE00222642.

24 Q. Again, are you familiar with this photograph? Did you ever see  
25 it before? Do you recognise the people in it?

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2724

1 A. Yes. On the right, sitting down, is Cali. Bahri Gashi is on  
2 the left. On the right, standing, Jusuf Shalaku [phoen], responsible  
3 for logistics. And the person on the left, standing, I don't  
4 remember. I don't know him.

5 Q. Okay.

6 MS. D'ASCOLI: Is it sufficient for recognition purposes for  
7 Your Honours?

8 Q. Do you know when this photo was taken?

9 A. I don't know when it was taken. I believe during the war. But  
10 from what is depicted on the photograph in the background, it could  
11 be somewhere in the mountains in Butovc.

12 Q. And why do you think -- do you believe that it was taken during  
13 the war?

14 A. Because of the uniforms and weapons. Of course, this could not  
15 have been taken after the war.

16 Q. Okay. Just a clarification also because I see the name wasn't  
17 captured. You mentioned Jusuf Shalaku?

18 A. Shalaku, yes.

19 Q. And you said he was responsible for logistics. Do you mean  
20 responsible for logistics in BIA?

21 A. Yes, he led the logistics sector of BIA.

22 Q. Okay. Thank you.

23 MS. D'ASCOLI: Let's move to another photo. I have two more and  
24 then we're done. SPOE00222695.

25 Q. Now that we see the photo on the screens, do you recognise any

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2725

1 of these people?

2 A. It's the first time I'm looking at this photo. Apart from the  
3 person in the middle, the other two I don't know. The one in the  
4 middle is Salih Mustafa, Cali.

5 Q. Okay. I have just one more photo, which is a more recent one.  
6 MS. D'ASCOLI: SPOE00222548.

7 Q. This is a more recent photo with you and other KLA associates;  
8 right? Can you tell us who you recognise in the photo?

9 A. Except for one whose name I don't know exactly, the rest I know.  
10 It's Adem Shehu, Fatmir Humolli. If I'm not mistaken, that person's  
11 first name is Avni. I don't know his last name.

12 Q. Okay. So if we move --

13 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, could we indicate more  
14 specifically who is who.

15 MS. D'ASCOLI: Yes, Your Honours. I was going to that.

16 Q. So if we start from the left-hand side of the photo, the first  
17 person that we see, it's Salih Mustafa; right?

18 A. Yes, Salih Mustafa. Then it's me. In the middle --

19 Q. Then -- sorry.

20 A. -- is Adem Shehu sitting --

21 Q. Then on your -- yes, in the middle of the table you said is  
22 Adem Shehu.

23 A. Yes. And on the left is Fatmir Sopi. That is Fatmir Humolli, I  
24 apologise. And this other person, I think his first name is Avni. I  
25 don't remember his last name.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2726

1 Q. Okay. And you mean the person who appears in front of the  
2 photo, on the right side of the photo?

3 A. Yes, in front of the photo on the right side.

4 Q. Okay. Do you know -- do you remember when this photo was taken?

5 A. It could be two years ago. I don't know exactly. We met  
6 accidentally and we sat together.

7 Q. Okay.

8 MS. D'ASCOLI: Your Honours, I'll move to the last area of my  
9 cross-examination.

10 Q. Mr. Mehmetaj, yesterday you testified that you have been in  
11 Zllash only twice during the war. This is at page -- yesterday's  
12 official transcript, 23 March, page 2635, and then again at 2653.

13 MS. D'ASCOLI: In order to go through this clarification,  
14 Your Honours, I will have to summarise what the witness said. I will  
15 give references.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well. Just a small  
17 reminder, Madam Prosecutor, that could you wait for the  
18 interpretation to finish before you start speaking. It would be very  
19 much appreciated. Thank you.

20 MS. D'ASCOLI: Of course, Your Honours. Thank you for the  
21 reminder.

22 Q. So I'll proceed slowly, Mr. Mehmetaj, so, please, try to follow  
23 my summary of what was said yesterday so that then we can move to my  
24 questions.

25 So about the two times that you have been in Zllash during the



Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2727

1 war, you told us yesterday, you testified, that the first time was  
2 when you went there with Flora Brovina to take some supplies;  
3 transcript page 2635. This time you went by the asphalt road  
4 Prishtine-Grashtice, then reaching Zllash; page 2635. You went to  
5 the headquarters of Brigade 153; page 2650. You did not stay long.  
6 You left the materials and supplies and returned to Prishtine with  
7 Flora Brovina on the same day; page 2636.

8 Do you remember having testified about this yesterday?

9 A. Yes.

10 Q. Okay. Now, the second time, you told us the second time you  
11 went to Zllash was, you said, sometime in March/April; this was at  
12 page 2640. When you went to meet your friend Isa Kastrati;  
13 transcript page 2635. The second time you walked for a part of the  
14 road, then continued by tractor; page 2636. And when you were asked  
15 to specify the time-frame in relation to the death of Isa Kastrati,  
16 which happened on 21 April 1999, you testified: "I'm not very sure,  
17 but it might have been two weeks before." So two weeks before  
18 21 April. This is at page 2649, line 15.

19 About what you did on the second occasion, you said that you met  
20 Isa Kastrati at the safe house that BIA had in Zllash; page 2641.  
21 And you recognised, in fact, this location on a photo that the  
22 Defence Counsel showed to you; page 2650. The meeting lasted two to  
23 three hours, and then you left on the same day; page 2649. You said  
24 you saw civilians and other soldiers there, you spoke to some  
25 families; page 2655. You didn't notice anything else, no guarded

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2728

1 rooms. And on this occasion, you did not see Salih Mustafa there;  
2 page 2652.

3 Do you remember having testified as to these details of the  
4 second time you went to Zllash?

5 A. Yes.

6 Q. Okay. So now -- thank you. Thank you for your patience. Let  
7 me clarify the account that you gave during the SPO interview.

8 MS. D'ASCOLI: And with the leave of the Panel, Your Honours, I  
9 would like to put to the witness some excerpts from his prior  
10 interview with the SPO.

11 PRESIDING JUDGE VELDT-FOGLIA: You may proceed.

12 MS. D'ASCOLI: I will be referring to pages from the -- from  
13 Part 3 of the SPO interview of 23 January 2020, ERN 072957-TR-ET, and  
14 I think it's better to bring these pages up.

15 So let's first have page 13 of Part 3. I will need to look at  
16 line 14 and following.

17 Q. Mr. Mehmetaj, I will be reading these excerpts. However, as you  
18 said yesterday, you can navigate for yourself on to the English  
19 transcript, you can also follow on the screen once I give the  
20 specific references. Is that okay?

21 A. [In English] Yes.

22 Q. Okay. So I will actually read -- well, yes. Let's start from  
23 line 14. I will be reading your answer. You said:

24 "I mentioned earlier that I went twice in Zllash. Once I went  
25 here and once I went to the house of Sahit."

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2729

1           It will be clear as we continue reading that the first time you  
2           said "I went here," you were referring to the BIA safe house, but  
3           let's go through the transcript.

4           So then the question of the Prosecutor was:

5           "Right, okay. So the first ... so the first time that you went  
6           to Zllash, when was that?"

7           Your answer:

8           "It was before the offensive. I don't know. It was  
9           March time."

10          Then I continue reading the last line, line 25. And the  
11          Prosecutor asked you:

12          "... what reason did you go to Zllash for then?"

13          MS. D'ASCOLI: Can we have the next page, page 14, please.

14          Q. I'm reading lines 1 and 2. Your answer was:

15          "I -- the reason why I went to Zllash was to meet up with my  
16          friends. I also met with Isa Kastrati. I have -- I am mentioning  
17          his name because it is -- this is a sensitive topic for me. He's an  
18          old friend from childhood and is someone that I ... I enrolled with  
19          the KLA as well."

20          Do you remember that?

21          A. Yes.

22          Q. Okay. So during the SPO interview, you said that the first time  
23          you went to Zllash was in March and that was the time when you went  
24          there to meet Isa Kastrati.

25          Yesterday you told us that this time when you met Isa Kastrati

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2730

1 was actually the second time you went to Zllash and that this second  
2 time was in April and about two weeks before 21 April.

3 So my question was: Did your -- did your memory get better  
4 between the interview of -- to the SPO in January 2020 and yesterday,  
5 or the time also when you gave the Defence statement?

6 A. [Interpretation] I could have mixed up because the time of my  
7 interview with the Prosecutor we are talking about March/April, so  
8 maybe I could have given a mistaken time during the interview. But  
9 here, I think that is the truth, because I want to be true and  
10 accurate before the Court.

11 Q. Okay. Let me continue so that we can clarify a bit more.

12 On that occasion, when talking about this first time you went to  
13 Zllash or, anyway, the time you went to Zllash to visit Isa Kastrati,  
14 you were also asked what was happening in the rest of the house. So  
15 I want to read that part.

16 MS. D'ASCOLI: I will be reading from page 15, so if we can  
17 please move to the next page of the same part, 3. And I will be  
18 reading from line 6.

19 The question of the Prosecutor was:

20 "Did you enter the property?"

21 Your answer:

22 "Yes. As I mentioned earlier, I entered there."

23 Question:

24 "All right. And what part of it -- you said BIA occupied two  
25 rooms. Stayed. Stayed in two rooms."

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2731

1 Line 11 you said:

2 "Yes, stayed. Stayed, so BIA stayed in two rooms."

3 Line 12, the question of the Prosecutor:

4 "Right. And what was happening in the rest of the house?"

5 Line 13, your answer:

6 "To be honest, it wasn't in my interest to know."

7 Do you remember that?

8 A. I'm reading it now, but, of course, it's as it says there.

9 Q. Okay. Now, let's read also what you said about the second time  
10 you were in Zllash.

11 MS. D'ASCOLI: It's the next page of Part 3, page 16, and I will  
12 start from line 14.

13 Q. So the question of the Prosecutor:

14 "Right. Now, the second occasion you went to Zllash, when was  
15 that?"

16 Line 16, your answer:

17 "This was after the offensive ..."

18 Line 18:

19 "I think it was after the offensive. I'm not sure about the  
20 month, but I think it was May. I went to Sahit's house because there  
21 recovering were two friends of mine and a soldier."

22 You also explain -- right? Do you remember that?

23 A. Yes.

24 Q. Okay. Now, this is a different account that you gave compared  
25 to yesterday. During the SPO interview, you said that the second

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2732

1 time you went to Zllash was in May when you went to Sahit's house.

2 Yesterday you did not mention this episode at all.

3 You also explained in detail during the SPO interview this  
4 visit.

5 MS. D'ASCOLI: If we look at page 17, please. I will be reading  
6 from line 13.

7 Q. The Prosecutor asked you:

8 "And how long did you spend in Zllash on that second occasion?"

9 Line 14, your answer:

10 "I don't believe that I stayed there long. Because there wasn't  
11 enough space there. And even if I wanted to stay there longer, there  
12 wasn't space in there. There wasn't enough room ...

13 "I had to go back because Sabit Krasniqi was in a serious  
14 situation. So I had to go back in order to find the doctor, to take  
15 the doctor so he could perform a surgery in order to remove this  
16 grenade from Sabit's body. And so we managed to ... to ensure a  
17 doctor, and we took the doctor who managed to perform the surgery and  
18 saved Sabit's life."

19 And then you also give the name of the doctor.

20 So this is a very specific account that you gave. You went into  
21 the details of this second visit; right?

22 A. Yes, yes, that's correct.

23 Q. Okay. Well, let me put you to the following to see if you agree  
24 or if we find an explanation.

25 Before -- sorry. Before we do that, actually, like, one more

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2733

1 point. During the SPO interview, you were asked specifically about  
2 the month of April 1999 and about your movements during that month,  
3 and, again, you gave a specific account about that - I will call up  
4 the transcript - and you never mentioned Zllash.

5 MS. D'ASCOLI: So let's look at page 16 -- sorry. This time I  
6 need Part 4. The same transcript, 072957-TR-ET, Part 4, page 16.  
7 Yes, page 16, lines 17 to 23.

8 Q. So now it's part of the interview when the Prosecutor is asking  
9 you questions about your movement.

10 Line 16:

11 "Okay. And during -- I mean, what were your movements during  
12 ... the 1st of April up until the offensive on or about the 19th of  
13 April, 1999?"

14 So you are asked here about a very specific time-frame which  
15 includes the two weeks before the death of Isa Kastrati, on  
16 21 April 1999.

17 The question goes on, I'm reading from line 19:

18 "So where -- where were you?"

19 Your answer, line 20:

20 "I was in Butovc, in Prishtine. Mainly in Prishtine. I was in  
21 Butovc, in Prishtine, in Butovc, but I was mainly in Prishtine."

22 Question of the Prosecutor, line 22:

23 "Were you also in Mramor?"

24 Line 23:

25 "Yes, I went sometimes to Mramor."

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2734

1           You said the same on the next page, if we want to move to  
2 page 17. Lines 4 to 13, there are again some questions about  
3 April 1999 and the fact that you replied you were in Mramor.

4           Now, I'm going to suggest to you an explanation for the  
5 inconsistencies that we saw in your statements or for the different  
6 account that we went through, and I'll give you an opportunity to  
7 respond and to comment about it.

8           So let's see if you agree. So when you were interviewed by the  
9 SPO - this is again January 2020 - you were interviewed as a suspect,  
10 you knew that Salih Mustafa, commander of BIA, was also interviewed  
11 as a suspect before you, November 2019. We saw that yesterday. You  
12 had communicated with each other numerous times. And as a  
13 consequence, you gave this account that we discussed to the SPO, that  
14 you were in Zllash in March, in May. You never mentioned April.

15           What would you say to that?

16 A.    First of all, I don't agree with your statement at all, that we  
17 met with Cali and discussed the interview he had with the Prosecutor  
18 and the statement he had made. That's not true. We met up with each  
19 other naturally as friends, but we didn't discuss that topic.

20           What statement I gave to the Prosecutor was on the basis of the  
21 knowledge I had, and perhaps I forgot some details because of the  
22 circumstances of the time. A long time had passed since those events  
23 had happened, so I couldn't remember. Sometimes people cannot  
24 remember things that happen the previous day, let alone 20 years ago.  
25    So maybe I forgot a name of a person or a place name, but I don't



Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2735

1 agree with what you suggested to me.

2 Q. Okay. You were specifically asked about your movements in  
3 April 1999, and no mention of Zllash. Were you trying to distance  
4 yourself from what happened there in April 1999?

5 A. There was no reason for me to try to distance myself, but I  
6 remember that the Prosecutor was insisting. He was -- I don't want  
7 to use the word "pressure." But the Prosecutor insistent asking me:  
8 Have you been to Mramor? Have you been to Mramor? Did you go to  
9 Mramor? And that's why I gave the answer.

10 There are other places that I mentioned, such as Sharban and  
11 other places, but I don't see them here in this statement.

12 Q. Well, just one issue about procedure, simply because I was  
13 there, too, and I remember.

14 If we look at -- actually, maybe there is no need to bring it  
15 up, but I will just refer to the transcript. In Part 4 of the same  
16 interview, 072957, this is towards the end of the interview, you were  
17 asked a number of procedural questions regarding the way the  
18 interview was conducted. One of your answers was -- well, the  
19 question of the Prosecutor was:

20 "Can you confirm that you have given this statement voluntarily  
21 and that you were not threatened or forced in any way to do so?

22 And you confirmed that, but you also added:

23 "And I would like to thank you for the correctness of the  
24 proceedings, of this interview."

25 So are you now saying something different?

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2736

1 A. No. I still respect Andrew Carney and his behaviour towards me  
2 at the time. But there was an insistence on the part of the  
3 Prosecutor. And you can see it for yourselves in the interview how  
4 many times the question was asked: Have you been to Mramor? Have  
5 you been to Mramor?

6 I told the truth to the Prosecutor at the time, and I'm telling  
7 the truth here in front of the Panel. I want justice to be done.

8 Q. Okay, Mr. Mehmetaj. So let's -- I'll give you again -- I'll put  
9 to you again another explanation and then we'll see what your answer  
10 is to that.

11 So this is the account you gave, you know, the situation back  
12 then during the SPO interview. Then what happens later on. Later on  
13 Mr. Mustafa was indicted, he was arrested, and you were not. You  
14 were called as a Defence witness. Yesterday also you told us that  
15 you read the indictment several days after Mr. Mustafa's arrest, that  
16 you were aware of the dates, of the locations, of the names in the  
17 indictment. This is at page 2702 of yesterday's transcript.

18 So by the time you gave the statements to the Defence in --  
19 first in February 2021 and then in August 2021, when for the first  
20 time you mentioned the period of April 1999, by then you were aware  
21 of the dates of the charges in the indictment against Salih Mustafa;  
22 right? That's what you told us yesterday. You were aware of the  
23 indictment and its details.

24 So --

25 A. Yes.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2737

1 Q. Okay. So, like, can --

2 A. Yes, it's correct that I was aware. But the information that I  
3 had was not only on the basis of the indictment that you published on  
4 your web page but also on the basis of what the Prosecutor told me.

5 Q. Of course. So now let me see. Again, I'll put to you an  
6 explanation and I'll see -- I will give you the opportunity to  
7 comment and explain.

8 So did you -- later on, so after Mr. Mustafa's arrest, did you  
9 change your account because you tried to give evidence favourable to  
10 your friend Salih Mustafa about what you saw or what did you not see  
11 in Zllash in April 1999 by placing yourself there at some point?

12 A. Madam Prosecutor, I am here under oath, and I am aware that the  
13 truth that I'm telling here will contribute to establishing justice.  
14 So I'm trying to tell the truth here, to be as truthful as I can,  
15 about everything I know.

16 That's all I can say about this.

17 Q. Mr. Mehmetaj, then let me ask you: Did you change your account  
18 and remembered more or less details about your visits to Zllash,  
19 because, in fact, you have been in Zllash several times, not just two  
20 times that you told us; right?

21 A. This time that is mentioned here was towards the end of the war  
22 and this was something that I did -- I went from Butovc to there. I  
23 met the injured, and I don't know what implication this has for the  
24 story. This is the truth of what I knew, and this is the truth that  
25 I'm telling before you, before the Defence lawyer, and before the

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2738

1 Panel.

2 Q. Okay. So now we understand that you'd actually been in Zllash  
3 at least three times, including the one in May that you told -- that  
4 you told the Prosecutors of the SPO; right?

5 A. I explained that, okay, this was a third time. But that time I  
6 went there for a -- very quickly. There were injured people, wounded  
7 people there, and we were trying to help with medical assistance.

8 But there was no reason for me not to mention that earlier or to  
9 hide that fact. I don't think this bears any weight in the scheme of  
10 things.

11 Q. So, Mr. Mehmetaj, were you, in fact, in Zllash often in  
12 April 1999? More than just two or three times?

13 A. Madam Prosecutor, I said that in March and April -- I mentioned  
14 the times when I was there and I mentioned that in relation to the  
15 time when Isa Kastrati was killed. In April, I was there only once.  
16 What I also stated earlier.

17 Q. Let me put this to you, Mr. Mehmetaj. You participated to the  
18 arrest of some of the people who were taken to the detention room in  
19 Zllash, didn't you?

20 A. This is a lie. The lie of the year. I don't know when this was  
21 said, but it's the biggest lie that has been said because I have  
22 never participated in any arrest anywhere, not in Zllash, nor  
23 anywhere else in Kosovo.

24 Q. Let me put this also to you. You participated to the  
25 mistreatment of the detainees that were held in the detention room in

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Cross-examination by Ms. D'Ascoli (Continued)

Page 2739

1 Zllash at the BIA safe house, didn't you?

2 A. I -- not only was I not aware of any detention or any people  
3 being detained or imprisoned, I think these are all lies by people  
4 who have a certain agenda.

5 I am here before justice and I will say with full responsibility  
6 that I never took part in any such events or any such happenings.

7 Q. And, finally, let me also put to you that you participated to  
8 the release of some of the detainees held at the BIA base in Zllash  
9 when the Serb offensive began on or about 18 or 19 April, didn't you,  
10 1999?

11 A. I take full responsibility here - legal, criminal, whatever  
12 responsibility you want - when I say that I was not there, I did not  
13 participate in any such things, I did not do those actions. These  
14 are all lies by people who have a certain agenda. And I propose to  
15 Your Honour to deal with those people who spread such lies.

16 MS. D'ASCOLI: Your Honours, I think I don't have further  
17 questions, but I will ask for your indulgence for a couple of minutes  
18 so that I double-check.

19 THE INTERPRETER: Microphone for Your Honour.

20 PRESIDING JUDGE VELDT-FOGLIA: You went far over the 15 minutes  
21 we agreed on yesterday. Please proceed with discussing with your  
22 colleagues.

23 [Specialist Prosecutor confers]

24 MS. D'ASCOLI: Yes, Your Honours, I don't have further  
25 questions. Also I apologise for having taken a bit longer than

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Questioned by Victims' Counsel

Page 2740

1 15 minutes, but I had to -- I prefer to read the transcript rather  
2 than just to summarise and so I -- I appreciate your indulgence.

3 PRESIDING JUDGE VELDT-FOGLIA: I don't want to enter in the way  
4 you do your cross-examination. Let that be clear. That's for all  
5 parties and the participants in these proceedings. It's just that I  
6 would like to know beforehand for reasons of management. That's the  
7 most important thing.

8 MS. D'ASCOLI: Of course, Your Honours.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 MS. D'ASCOLI:

11 Q. Thank you, Mr. Mehmetaj. That concludes my questions.

12 A. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well. Victims' Counsel you  
14 have the floor for questioning.

15 MS. PUES: Thank you very much, Your Honours. And good morning.

16 Questioned by Victims' Counsel:

17 Q. Good morning, Mr. Mehmetaj. My name is Anni Pues. I am the  
18 Victims' Counsel, and I have a few questions following up on some of  
19 the things and the information that you have provided here.

20 MS. PUES: And for the Panel, I was able to actually reduce my  
21 questions that I noted down earlier, so it shouldn't take too long.

22 PRESIDING JUDGE VELDT-FOGLIA: Take your time, Victims' Counsel,  
23 let that be said. That's for everybody.

24 MS. PUES: Yes, thank you for that. I do appreciate that.

25 Q. Now, Mr. Mehmetaj, you explained yesterday multiple times that

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Questioned by Victims' Counsel

Page 2741

1 BIA worked along four different sectors or had four different areas  
2 of work that they were focusing on, and one of them was information  
3 gathering. You explained in this context, for example, how you made  
4 sketches and reports about enemy barracks.

5 MS. PUES: And for reference, that's yesterday's transcript  
6 page 22, lines 1 for following -- following.

7 Q. Were you personally part of these information-gathering efforts?

8 A. No, not personally.

9 Q. Thank you. In the interview that you gave the Defence - and I'm  
10 referring there to the first part of the Defence interview, page 3 at  
11 the top - I've read that you described it to the Defence as -- that  
12 you said to the Defence: "All groups worked to collect information."

13 So when reading that and having listened to you, is it correct  
14 to assume that information gathering was a collective effort within  
15 BIA?

16 A. Yes. I explained earlier and I will explain again.

17 It was -- it happened like this. A task was passed on to  
18 Salih Mustafa by the General Staff to make a note of all the enemy  
19 bases, the police and army bases. I received this information, I  
20 received this task and I gave it to other people, and those people  
21 went and carried out the task on the ground. They made sketches,  
22 they made notes, they passed the notes on to us, and then they were  
23 sent to the General Staff.

24 Q. Okay, thank you. How did you communicate that? Did you have,  
25 for example, any communication technology, any aids such as

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Questioned by Victims' Counsel

Page 2742

1 telephones, satellite telephones, mobile phones, any such thing?

2 A. Yes, we had three types of devices. Mobile phones. In  
3 Prishtine, there was a mobile operator at the time that we used. We  
4 also used satellite telephones and also radio communications.

5 Q. Thank you for that, Mr. Mehmetaj.

6 Then let me move on to one other specific point. Also again  
7 going back to what we heard yesterday. And there, just to provide  
8 the context and I want to go to the situation when air-strikes in  
9 Prishtine started. That's page 29 of yesterday's transcript from  
10 line 15.

11 You described that BIA members went to their neighbourhoods and  
12 then got their own vehicles - one got his tractor; another got his  
13 car - and so they filled them with food supplies and went to Butovc.

14 Did you -- so do I understand this correctly, that from this  
15 point onwards, you had those vehicles - tractor, car, all those  
16 things you described - for BIA's disposal in Butovc?

17 A. No. No. They went from Butovc to their -- on foot, and then  
18 they took their cars, their personal vehicles. There were people who  
19 had tractors, cars, and they took them.

20 Q. Understood. They took them. And then? What happened after  
21 they had taken them? Did they keep those cars?

22 A. As far as I remember, there was one personal vehicle and a  
23 tractor. And they took some flour and some other food supplies that  
24 they find there, some blankets, and brought them to Butovc. They  
25 also sent some to Mramor to the families that had been displaced and



Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2743

1 were sheltering there.

2 Q. Okay. Thank you very much. Those were my questions.

3 A. Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: Very well. Mr. von Bone, you may  
5 proceed with the redirect examination of the witness.

6 Re-examination by Mr. von Bone:

7 Q. Mr. Witness, I would like to get back to an issue that was  
8 mentioned yesterday.

9 MR. VON BONE: And for the sake of clarity, I would like to pull  
10 up ERN number 072957-TR-ET, Part 4. It is the issue about people  
11 being stopped and there was -- in the transcript yesterday, page 77,  
12 line 8, and page 82, line 11.

13 And maybe we could blow it up. Let me see. Part 4; that's  
14 page 1. Could we move to page 5, please. Yes.

15 Q. So yesterday this issue came up, and the question was answered  
16 by you: "I have information -- I obtained this information" -- let  
17 me go a little bit earlier.

18 The question is -- and I will read it from line 12, if you read  
19 with me.

20 "So ... Albanian collaborators were being detained in locations  
21 like Llapashtice, Bajgora. But we were -- but were Albanian  
22 suspected collaborators being detained in Zllash?"

23 And then your answer was:

24 "I have information -- I obtained this information after the  
25 war. Then in Zllash, there was a room where people would be ...

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2744

1 would be stopped."

2 Okay?

3 So I do not want to get into the issue of collaborator because I  
4 think that was covered yesterday. I just wanted to know about this  
5 particular information. Do you know how this information came to  
6 you, in the sense was this discussed with anybody or was it going  
7 around or was it published or -- what -- what kind of information are  
8 we actually talking about?

9 A. I tried to explain it yesterday. This was something I heard  
10 from what was being said. There's no concrete person or a concrete  
11 subject that was discussed with somebody in particular. It was just  
12 words that I heard from sources.

13 I know that I heard that information at the time, but to define  
14 it precisely, from where, from who, that I don't know.

15 Q. So do I understand it like this: That you could not verify this  
16 information as being real or truthful or whatever?

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you're not  
18 making a summary now from what he is saying.

19 MR. VON BONE: No, it's a question that I have.

20 PRESIDING JUDGE VELDT-FOGLIA: Okay. So not a summary, it's a  
21 question.

22 MR. VON BONE: No, this is a question.

23 THE WITNESS: [Interpretation] I didn't go on to verify this at  
24 the time either because I knew these were words being said with a  
25 special agenda, so I didn't go on to verify this information.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2745

1 MR. VON BONE:

2 Q. Okay. And then the question was -- or no, you said:

3 "People would be stopped."

4 Now, my question on that issue is: Was there anybody with the  
5 authority to stop people in that area? And I'm speaking about the  
6 Zllash area. Was there anybody who had actually authority or who was  
7 in charge of security or -- or anyway, anybody who had the authority  
8 to stop people?

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I would first  
10 like to clarify the word "stop."

11 MR. VON BONE: Yeah.

12 PRESIDING JUDGE VELDT-FOGLIA: Yes. Because we are now talking  
13 about authority to -- for security issues and authority to stop.  
14 Could you ask him?

15 MR. VON BONE: Okay. [Overlapping speakers] ...

16 PRESIDING JUDGE VELDT-FOGLIA: No, I don't know. Maybe I have  
17 seen the transcript and I know how he explained it, the word "stop,"  
18 but I prefer that you first ask him what he meant with "stopped."  
19 And then you can rephrase the question.

20 And if not, I can put the question.

21 Defence Counsel, I will put the question.

22 Mr. Mehmetaj, what do you mean in your -- in the transcript with  
23 the word "stopped"? What sort of people would be stopped? What do  
24 you mean with the word "stopped"?

25 THE WITNESS: [Interpretation] I was not familiar with this

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2746

1 subject at the time. The word "stopped" or "detain" is -- means when  
2 you stop someone for certain reasons.

3 PRESIDING JUDGE VELDT-FOGLIA: Do you mean that the word "stop"  
4 means the same as "detained"?

5 THE WITNESS: [Interpretation] To stop or detain, in my opinion,  
6 is when you stop someone for certain reasons.

7 I will not say here they were detained because that I don't  
8 know, but stop would mean you stop someone for given reasons, for  
9 particular reasons.

10 PRESIDING JUDGE VELDT-FOGLIA: But what happens if you stop  
11 somebody? Because, for me, it's really not clear what you do with a  
12 person if you stop him. Do you stop him, you say, "Stop, you cannot  
13 walk further"?

14 THE WITNESS: [Interpretation] Yes, it has that meaning, too,  
15 Your Honour. But now maybe we are talking about stopped by the  
16 police or -- of someone who is doing something in contravention with  
17 the law. So, in that sense.

18 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] then in  
19 Zllash there was a room where people would be stopped, what do you  
20 mean then there with the word "stopped"? Brought there?

21 THE WITNESS: [Interpretation] I said what I heard from sources  
22 that are not verified. So I only told what I heard from those  
23 sources. I'm not running away from any responsibilities, but I'm  
24 just recounting here the circumstances of the time and how it was in  
25 real terms.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2747

1           PRESIDING JUDGE VELDT-FOGLIA: Mr. Mehmetaj, we are making  
2 circles. I don't want to get into the subject of that you got this  
3 information from whom. That's something I leave to the  
4 Defence Counsel.

5           My only question is here: What do you mean with the word "stop"?

6           THE WITNESS: [Interpretation] With the word "stop," I mean the  
7 persons who are authorised to stop someone who is suspected of doing  
8 something unlawful or of committing a certain breach.

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

10          THE INTERPRETER: Microphone.

11          PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] synonym  
12 that people were held, would that be, in this case, a good way of  
13 giving another word?

14          THE WITNESS: [Interpretation] It can have that synonym. But I  
15 here spoke in the context on what I heard. You can interpret it as  
16 "stop" or "held," but my explanation is that authorised persons who  
17 have such competencies can stop persons who commit unlawful acts, and  
18 those persons then are being held by those authorised persons.

19          PRESIDING JUDGE VELDT-FOGLIA: Thank you for this clarification,  
20 Mr. Mehmetaj.

21          Defence Counsel, you have the floor.

22          MR. VON BONE:

23          Q. And do you know if there were people in Zllash or who were  
24 operating there who had the authority to stop people? And I use the  
25 word "stop," because in your answer, you just say that you have

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2748

1     obtained information about people who would be stopped. So I do not  
2     interpret that word.

3             So my question is: Do you know if anybody in the area of Zllash  
4     who was operating there would have the authority to stop people?

5     A. For the truth, and I said this during the interview as well,  
6     this is what I heard from unverified sources. I never had any  
7     official information that someone was stopped or detained, and I  
8     didn't have any such knowledge. But now I will give you my answer.

9             Within the structure of BIA, there was not a single person who  
10    had authority or competencies to stop or organise detentions of any  
11    person. The BIA guerilla unit did not have territorial authority or  
12    competencies. It didn't have any area controlled. It didn't have  
13    any security mechanisms or personnel that would evaluate what to do.

14            The BIA had those sectors that I explained earlier and  
15    functioned within those sectors.

16    Q. Okay. And then my question is: Do you know if anybody within  
17    Brigade 153 would have such authority to stop people or detain  
18    people?

19    A. No. This, I don't know.

20    Q. Do you know if, in that context, within Brigade 153, there was  
21    some person in charge of security of the brigade or security of the  
22    area or ...

23    A. I don't know specifically, but they had a zone structure, a  
24    brigade structure, and responsibilities. But I don't know  
25    specifically this security aspect that you are mentioning.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2749

1 Q. Or do you know if there was part of the Brigade 153 a section  
2 like a military police or law enforcement, so to speak?

3 A. Every brigade - 151, 152, 153 - they all had within them the  
4 military police structure. And this I'm saying based on the  
5 organisational structure of the brigades.

6 Q. Okay. Then I would like to move on to some other issue.

7 Yesterday a number of specific people were mentioned by the SPO,  
8 and I would like to go through a couple of them again.

9 First of all, you -- and that is in the transcript page 111,  
10 line 1, about a person called Bahri. And that person Bahri, you said  
11 about him that he operated in Albania, and after the death of Isa, he  
12 became the -- he took the place of Isa as assistant commander or  
13 deputy commander, or assistant, whatever. That is correct?

14 A. Yes, correct.

15 Q. And this Bahri ...

16 [Trial Panel confers]

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please cite  
18 exactly what has been said --

19 MR. VON BONE: Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: -- in order to make it clear for  
21 the witness --

22 MR. VON BONE: Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: -- what he said yesterday. In  
24 order not to confuse him.

25 MR. VON BONE: Yes. In order to avoid to recount everything

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2750

1 again, but it is page 111, line 1, where this particular person comes  
2 in.

3 Q. And the question was asked: Was he a member of BIA? And just  
4 to be clear, was he a member of BIA?

5 A. Yes, he was.

6 Q. And where, actually, did that person operate for BIA?

7 A. Upon his return from Albania, he operated in Prishtine within  
8 the guerilla unit and then took up duties after the death of  
9 Isa Kastrati. So he took up the duty of Cali's deputy or assistant  
10 and went to Sharban and all other locations where it was necessary.  
11 I don't know his exact movement. But he went there where there was a  
12 need to go.

13 Q. I understand. Thank you very much. But I want on this  
14 particular person to be a little bit more specific because you said  
15 he operated in Prishtine or around Prishtine. Did you actually meet  
16 him in or near Prishtine?

17 A. It could be that I've met him in Prishtine.

18 Q. Mm-hm. And would you be able to give that time-frame, let's  
19 say, roughly indicating from the NATO bombings which we know are  
20 24 March 1999. So in that -- in the time-frame after that, could you  
21 indicate where or what occasion, in which period, you would see him?

22 A. I believe I met him in May, as far as I remember, in Prishtine.  
23 When I say "Prishtine," it's near my neighbourhood, a bit further up  
24 from my neighbourhood.

25 Q. I see. And did you ever meet him in Butovc where you were



Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2751

1 staying yourself?

2 A. I don't remember. Could be, but I don't remember.

3 Q. And do you recall for what sector he then would operate within  
4 the BIA?

5 A. He was Cali's deputy. And he was not in charge of any of the  
6 sectors, as far as I know.

7 Q. I understand. But you said that he took up the position of  
8 Cali's deputy obviously after the death of Mr. Isa Kastrati. But I  
9 just want to make sure. The period before, because he said came from  
10 Albania and came to Prishtine, and I wonder in what area of  
11 operations was he then operating before he became the deputy?

12 A. He was part of the unit of his neighbourhood. But in which area  
13 he particularly operated, that I don't know. He was part of his  
14 neighbourhood unit. I assume he was a part of logistics efforts, but  
15 I wouldn't know that for sure. I did not read his entire biography  
16 and ...

17 Q. And do you know - do you know - approximately, actually, when he  
18 arrived from Albania to Kosovo?

19 A. I don't remember exactly when, but I think he joined the war  
20 quite later. But I cannot pin-point the exact time-period.

21 Q. Okay. And if I would put a reference of the NATO bombing of  
22 24 March, would you know it would be before or would it be after, or  
23 would it be much longer after? If that is of any help.

24 A. Could be before. But, again, I wouldn't know exactly. I did  
25 not have much contact with him.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2752

1 Q. Okay. Thank you. Then another person's name that was mentioned  
2 was Tabut, or Tabuti. That is in the transcript page 110, line 4,  
3 yesterday's transcript.

4 That person -- you said he was a BIA member; right?

5 A. Yes.

6 Q. And where was his area of operations?

7 A. In Prishtine, to my knowledge. I don't have much information  
8 about this one either. It was a part of the town where I did not  
9 have very frequent contact with -- with the people there.

10 He operated within his neighbourhood's unit. So this is how he  
11 operated too, what I know.

12 Q. And do you -- could you help us maybe knowing in which  
13 neighbourhood that would be of Prishtine?

14 A. He was in Kodra e Trimave.

15 Q. And that is -- if we -- is that west, north, east, or south of  
16 Prishtine?

17 A. It's on the road to Podujeve.

18 Q. Okay.

19 A. It used to be called Vranjevc, that neighbourhood.

20 Q. And the other person that you knew, which was page 103, line 18,  
21 of yesterday's transcript, was Dardan as a BIA member; correct?

22 A. Yes.

23 Q. Yes. And that person, where would his area of operations be?

24 A. In Dardani, in Prishtine. Dardania neighbourhood of Prishtine.

25 Q. Right. And do you know for which sector he would operate there

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2753

1 in Dardania?

2 A. He was also part of a unit, and I don't know exactly in which  
3 sector he operated.

4 Q. And did you actually ever meet him in Butovc, where you were at  
5 some point staying?

6 A. No, I don't remember meeting him there.

7 Q. Okay. Did you meet him elsewhere?

8 A. In Prishtine once.

9 Q. Okay. And --

10 A. When he came -- I know he came with two women. He brought some  
11 medical equipment, some bandages, in Velani, in the centre where we  
12 were collecting aid. So that's where I met him.

13 Q. Right. And this person, when was that that you met him or came  
14 to -- came with this material?

15 A. It was early, before the air-strikes. Could be end of 1998.  
16 But it was before the air-strikes. I don't have the exact time of  
17 the meeting in my head.

18 Q. Okay.

19 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

20 MR. VON BONE: Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: -- how much time do you think  
22 that you will still need?

23 MR. VON BONE: Yeah, this part, we could finish before 11.00.

24 It's just the names. And then I would like to touch upon some other  
25 topics. So --

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2754

1           PRESIDING JUDGE VELDT-FOGLIA: I don't hear you. Sorry, could  
2 you repeat it again.

3           MR. VON BONE: Sorry. I can finish before 11.00 with the people  
4 of the -- that I want to speak about. Just a number --

5           PRESIDING JUDGE VELDT-FOGLIA: My question is how much your  
6 rejoinder will take?

7           MR. VON BONE: I think it would take a maximum of 15, 20  
8 minutes, maybe.

9           PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we are going to stop  
10 at 11.00. Because if we would only need a little bit of time -- we  
11 have only one session today.

12          MR. VON BONE: Yes.

13          PRESIDING JUDGE VELDT-FOGLIA: Then you may finish really before  
14 11.00 and then we will wrap up, and we will have to continue on  
15 Monday with this witness.

16          MR. VON BONE: Okay.

17          PRESIDING JUDGE VELDT-FOGLIA: And, Madam Prosecutor, would you  
18 have still questions?

19          MS. D'ASCOLI: No, Your Honours. Not at this point.

20          PRESIDING JUDGE VELDT-FOGLIA: Not at this point, okay.

21          And for the Victims' Counsel?

22          MS. PUES: No, we won't have any further questions. Thanks.

23          PRESIDING JUDGE VELDT-FOGLIA: Okay.

24          If you say that you would have 15 -- you would need 15, 20  
25 minutes, would that really be 15, 20 minutes? Because I can ask --

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2755

1 MR. VON BONE: No, I can't say that.

2 PRESIDING JUDGE VELDT-FOGLIA: Because I can ask the  
3 interpreters if we would be allowed to have another 15 minutes, but I  
4 cannot go over the time.

5 MR. VON BONE: Yeah, I suggest it would be better to stop. I  
6 finish this part and then we have --

7 PRESIDING JUDGE VELDT-FOGLIA: But then you realise that we are  
8 having the witness for the coming four days, till Monday --

9 MR. VON BONE: Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: -- for this 15 --

11 MR. VON BONE: Yeah.

12 PRESIDING JUDGE VELDT-FOGLIA: Or would it would be in half an  
13 hour? What I want to make clear --

14 MR. VON BONE: I think so but --

15 PRESIDING JUDGE VELDT-FOGLIA: If I can make --

16 MR. VON BONE: -- maybe the Panel has questions too. So I don't  
17 want to --

18 PRESIDING JUDGE VELDT-FOGLIA: We know where we stand.

19 MR. VON BONE: Yeah.

20 PRESIDING JUDGE VELDT-FOGLIA: It's for us enough that you give  
21 me your estimation --

22 MR. VON BONE: Well, I would say --

23 PRESIDING JUDGE VELDT-FOGLIA: -- and then I do the rest of the  
24 estimation.

25 MR. VON BONE: Honestly, I think it would be more than

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2756

1 20 minutes. Probably half an hour.

2 PRESIDING JUDGE VELDT-FOGLIA: Okay. But can you give me an  
3 estimation, Defence Counsel?

4 MR. VON BONE: Hmm ... 45 minutes. It's just that I'm trying to  
5 see what the topics are like, so that's what it is.

6 [Trial Panel confers]

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer.

8 [Trial Panel and Court Officer confer]

9 PRESIDING JUDGE VELDT-FOGLIA: We are inquiring if we can add  
10 some time in order not to impose this on the witness.

11 In the meantime, Defence Counsel, can you proceed with the  
12 names.

13 MR. VON BONE: Yes.

14 Q. About Ilmi Vela - that is page 110, line 4 - it was the person  
15 that you said was --

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we talked about  
17 this in private. You might consider asking the witness if he wants  
18 to go into private session again.

19 MR. VON BONE:

20 Q. Would you want to speak about this person in private session?

21 A. If the lawyer would lead the same questions which I answered,  
22 there's no need. But if he needs any additional information, then we  
23 could. But there is no particular reason to go into a private  
24 session.

25 MR. VON BONE: Just let's for the sake of -- go into private

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2757

1 session.

2 PRESIDING JUDGE VELDT-FOGLIA: I only want to go into private  
3 session if it is really necessary. So ...

4 MR. VON BONE: Okay.

5 PRESIDING JUDGE VELDT-FOGLIA: It's not for the sake of -- we  
6 have public who want to follow so ...

7 MR. VON BONE: Okay.

8 PRESIDING JUDGE VELDT-FOGLIA: But it is your evaluation.

9 MR. VON BONE:

10 Q. Ilmi Vela --

11 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, it is your  
12 assessment.

13 MR. VON BONE: Yes, yes. I will just continue in public  
14 session, Your Honour.

15 Q. Ilmi Vela we spoke about yesterday, the person who was  
16 dismissed. Do you actually know, do you recall when Mr. Mustafa told  
17 you this?

18 A. I'm not clear about the exact time, but it is most probably  
19 after the war.

20 Q. I understand. And what was the area of operations of this  
21 person, Ilmi Vela?

22 A. He, too, operated in the guerilla unit in Kodra e Trimave  
23 neighbourhood. As far as I know, that's where -- from where he's  
24 from.

25 Q. And did you meet him in the period of time that you --

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2758

1 A. No.

2 Q. -- were in Butovc as well?

3 A. No, no, I did not meet him anywhere at any time, and this is  
4 what I said earlier.

5 Q. Okay. And the SPO asked you today that -- or told you, so to  
6 speak, that when the SPO interviewed you, you -- you were interviewed  
7 as a suspect and that Salih Mustafa was a suspect and that you were  
8 aware of that.

9 MR. VON BONE: I don't have the reference, Your Honour, but ...

10 PRESIDING JUDGE VELDT-FOGLIA: You will provide the Panel with  
11 it later --

12 MR. VON BONE: Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: -- please.

14 MR. VON BONE:

15 Q. My question is, actually, did that make -- the fact that you  
16 were a suspect or that Mr. Mustafa was a suspect, did that make for  
17 you any difference in answering the questions to the SPO?

18 A. It didn't make a difference, if I understood your question  
19 correctly. The answers that I gave were realistic to what I knew and  
20 to what I remembered about the time, although I didn't find it right  
21 or correct the form how -- the capacity we were summoned for the  
22 interview.

23 Q. Mm-hm, okay. And the -- in Part 3 of the SPO interview - and  
24 that is 072957-TR-ET, page 13 and line 14, which was discussed  
25 earlier on - it was about, and I summarise it, that -- it was about



Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2759

1 your times that you would go or you went to Zllash. And one time was  
2 at the BIA safe house and the other time was at the house of Sahit.

3 Now, my question is: You stated that truthfully to the SPO.  
4 And was this a -- was this a trip that you left out on purpose when  
5 you spoke to the SPO, the visit to the house of Sahit?

6 A. I'm not governed by what are you saying, respected lawyer. I'm  
7 not saying something on purpose or without purpose. Maybe there is a  
8 mixture due to the fact that long time has passed, more than 20  
9 years, but there is no other reason or need to hide, given reality.

10 Q. All right. And did it make for you any difference, when you  
11 spoke to the SPO or whether you spoke here in court about those  
12 occasions, whether you were having the status of a suspect or having  
13 the status of a witness? Did that make for you any difference in  
14 telling what you had to tell?

15 A. Personally, as a person, I'm led by the truth and I don't make  
16 any distinction. But the distinction was in itself. At the time I  
17 was interviewed at the time as a suspect and here I am a witness  
18 under oath, and I'm here to tell you the truth and nothing but the  
19 truth.

20 Q. Did you in any way tell anything at the time when you gave the  
21 interview to the SPO or during the days that you were here, did you  
22 say anything that you would say would be in favour of Mr. Mustafa and  
23 not being the truth?

24 A. Of course, I'm aware that I'm responsible for what I'm saying  
25 here, and what I said here is true.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2760

1 I'm not saying what I'm saying here just to help my friend. I'm  
2 telling the truth and speaking about things that I know from the  
3 time. And in the interview as well, I said things that will  
4 contribute to justice. To tell you the truth, I never believed that  
5 there will be an indictment against us after my interview with the  
6 SPO because I had the conviction that the SPO had realised the truth  
7 and the reality.

8 Q. Another issue was that you were aware or read the indictment of  
9 Mr. Mustafa. Were there any names that came into that indictment  
10 that you were familiar to you?

11 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I think that the  
12 SPO has gone through all the names and you have being going through  
13 the names again. So this is, for me, a repetitive question so I  
14 won't allow it.

15 MR. VON BONE:

16 Q. Did you read a redacted version of the indictment or were there  
17 clearly names appearing to you in the document that you read?

18 A. I didn't understand the question. Sorry.

19 Q. The Prosecutor asked you whether you had read the indictment of  
20 Mr. Mustafa.

21 A. Yes.

22 Q. And -- yes, you did. And in that indictment, when you read it,  
23 were the names in that indictment redacted, or what was actually the  
24 document that you read?

25 A. Look, I told the Prosecution and the Panel I read the document

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2761

1 that was published on the web page of the Specialist Chambers and  
2 that was redacted. I -- I don't know what the redacted parts were  
3 about, of course.

4 Q. Okay.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel --

6 MR. VON BONE: Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: -- we have been -- and that's  
8 also for everybody present in the courtroom. We have been given time  
9 till 12.00. So I want to propose that we have five-minute break just  
10 for everything that is needed, and then really come back as soon as  
11 possible.

12 So I call it five minutes. It might be seven, but that's it.  
13 Yeah?

14 MR. VON BONE: Can it -- maybe, Your Honour, is it possible then  
15 for Mr. Mustafa to stay in the courtroom?

16 PRESIDING JUDGE VELDT-FOGLIA: I leave that to security, what  
17 they think is best.

18 Mr. Mehmetaj, we're going to have a break for five minutes.  
19 Madam Court Usher will usher you out. But in five minutes we will be  
20 back.

21 THE WITNESS: [Interpretation] Thank you.

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

23 --- Recess taken at 11.14 a.m.

24 [The witness stands down]

25 --- On resuming at 11.22 a.m.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2762

1 PRESIDING JUDGE VELDT-FOGLIA: As to the appearances, we are in  
2 the same composition except for the Victims' Counsel.

3 Please, you have the floor.

4 MS. VOSENBERG: Yes, that's correct. She had to leave, I'm  
5 afraid.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you. But it's good  
7 that you have here so the victims are represented. Very well.

8 Defence Counsel, you have the floor. Oh, no, you have not the  
9 floor.

10 [The witness takes the stand]

11 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Mehmetaj.

12 THE WITNESS: [Interpretation] Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel will continue  
14 with his questions.

15 Please, you have the floor, Defence Counsel.

16 MR. VON BONE: Thank you very much. We will not use all that  
17 time, Your Honour. We will wrap it up soon.

18 Q. Mr. Mehmetaj, the Prosecutor earlier asked you -- or put it to  
19 you that you participated in the mistreatment of people. My question  
20 is: Did you ever hear about the fact whether were -- whether people  
21 were mistreated at all?

22 A. I say it with full responsibility that I never participated in  
23 any ill-treatment. I did not hear of any.

24 Q. Okay. And the Prosecutor put it to you that you participated in  
25 the release of people that were detained. And my question -- I have

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2763

1 two questions on this.

2 Do you know at all whether there were people released?

3 A. With the proviso that there might have been some false statement  
4 made by somebody here, I would like to say here that I haven't heard  
5 of anybody being detained, ill-treated or released. And I say this  
6 with full responsibility.

7 Q. And did Mr. Mustafa ever tell you that he knew about people that  
8 would have been released at some point?

9 A. No, never.

10 Q. Did he ever order you to mistreat or maltreat somebody?

11 A. No, no.

12 Q. Did every order to you arrest somebody?

13 A. No, never.

14 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you please  
15 change your pace and talk a little bit more slow --

16 MR. VON BONE: Yeah.

17 PRESIDING JUDGE VELDT-FOGLIA: -- in order for the interpreters  
18 to keep up.

19 MR. VON BONE:

20 Q. Have you ever heard of anybody being killed in Zllash?

21 A. Yes, I heard about that after the war.

22 Q. And what did you hear about that?

23 A. I heard after the war about a person that was killed during the  
24 war, and I don't know whether he was a soldier or a civilian. That's  
25 what I heard.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2764

1 Q. Have you ever -- that person, have you ever seen that person or  
2 have had any contact with that person?

3 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, should we go  
4 into private at this point? Just to --

5 MR. VON BONE: I don't think so, Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay.

7 THE WITNESS: [Interpretation] I never saw him, I didn't know  
8 him. I never saw him, ever, in my life.

9 MR. VON BONE:

10 Q. Okay.

11 PRESIDING JUDGE VELDT-FOGLIA: For my understanding, how can the  
12 witness answer the question that he has not seen him ever if he has  
13 not seen that -- he says:

14 "... I don't know whether he was a soldier or a civilian."

15 So he can never -- he doesn't know who it is. So he cannot say  
16 anything about it. Also not that he has seen him.

17 So I don't understand the question if --

18 MR. VON BONE: Yeah. Well, if it is clear that there is no  
19 relation whatsoever --

20 PRESIDING JUDGE VELDT-FOGLIA: But also for you, that if you ask  
21 a question, it must make sense.

22 MR. VON BONE: And I think that is -- it is clear that whatever  
23 the name of that person is, that that person was not in any kind of  
24 relation with the witness.

25 Q. And lastly --

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Re-examination by Mr. Von Bone

Page 2765

1           PRESIDING JUDGE VELDT-FOGLIA: That was not the point of my  
2 question, Defence Counsel. But please proceed.

3           MR. VON BONE:

4           Q. Have you ever heard of people from BIA, members of BIA, ever  
5 maltreat anybody?

6           A. I have never heard about any such thing until I read the  
7 indictment that was compiled by the Prosecution. When I read it in  
8 the indictment, I was really surprised. Because that's not the  
9 reality. That's an untruth.

10          Q. Mm-hm. I didn't catch the last part.

11          A. Would you like me to repeat?

12          Q. Yes, please.

13          A. I never heard about any such thing until I read the indictment  
14 prepared by the Prosecution, where they mentioned that a group of  
15 soldiers had taken part in torturing and -- people and so on. And I  
16 think that's not the reality. That's not the truth.

17          Q. Mm-hm. You think it's false?

18          A. Yes, they are false statements of someone.

19          MR. VON BONE: Okay. We have no further questions, Your Honour.

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

21          Let me see. Madam Prosecutor, is there -- are there still  
22 questions left that you would like to ask?

23          MS. D'ASCOLI: No, Your Honours. No further questions. Thank  
24 you.

25          PRESIDING JUDGE VELDT-FOGLIA: And for the Victims' Counsel.

Witness: Brahim Mehmetaj (Resumed) (Open Session)  
Procedural Matters

Page 2766

1 MS. VOSSENBERG: No, thank you, Your Honours. No further  
2 questions here.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay.

4 Mr. Mehmetaj, you have been asked several questions by the  
5 parties and the Victims' Counsel, and now it is the turn of the  
6 Panel. However, the Panel doesn't have any questions anymore after  
7 the examination yesterday and today.

8 So that means that we have reached the end of your testimony,  
9 Mr. Mehmetaj, and I would like to thank you for the efforts you put  
10 into giving your testimony, and it will help us to find the truth.

11 So thank you very much. I wish you a safe journey home. And I  
12 remind you that shall not discuss your statement with anybody. Okay?

13 Madam Court Usher, could you please usher the witness out.

14 THE WITNESS: [Interpretation] Thank you, Your Honour. Thank you  
15 to the Panel, to the Prosecution, to the Defence Counsel. And I  
16 believe the truth will out. Thank you. Thank you.

17 [The witness withdrew]

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

19 MS. D'ASCOLI: No, Your Honours, nothing further.

20 PRESIDING JUDGE VELDT-FOGLIA: And the Victims' Counsel.

21 MS. VOSSENBERG: No, thank you, Your Honours.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, is there  
23 anything you would like to --

24 MR. VON BONE: Nothing further, Your Honour.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you very much.



1           So at this point we will resume on Monday, 28 March, at 9.30,  
2 with the testimony of Witness 300.

3           And I thank the parties and the Victims' Counsel for their  
4 attendance. And I also want to thank especially the interpreters for  
5 putting this extra effort in this morning's session, and the  
6 stenographer, and the audiovisual technicians, and the security.

7           The hearing is adjourned.

8                         --- Whereupon the hearing adjourned at 11.34 a.m.

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