

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

1 Friday, 24 September 2021

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning. Welcome.

6 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, Madam Court Officer.

10 Can I please ask the parties and the Victims' Counsel to  
11 introduce themselves, starting with the SPO.

12 MR. DE MINICIS: Good morning, Your Honours. For the SPO today,  
13 we have Alex Whiting, Deputy Prosecutor; Cezary Michalczuk,  
14 Prosecutor; Silvia D'Ascoli, Associate Prosecutor; Julie Mann, Case  
15 Manager; and myself, Filippo de Minicis, Associate Prosecutor.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Victims' Counsel, you have the floor.

18 MS. PUES: Good morning, Your Honours. Good morning, everybody.  
19 The Victims' Counsel team today is represented by Marie-Pier Barbeau,  
20 Senior Legal Associate; and myself, Anni Pues, Victims' Counsel.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Defence counsel, you have the floor.

23 MR. VON BONE: Good morning, Your Honour. Defence counsel is in  
24 court represented by Mr. Betim Shala, my co-counsel; myself,  
25 Julius von Bone, lead counsel. Later on, we will be joined by

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

1 Mr. Fatmir Pelaj. And Mr. Mustafa is on remote.

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

3 Mr. Mustafa, does the connection work fine?

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

5 PRESIDING JUDGE VELDT-FOGLIA: I also note the presence of  
6 Mr. Hans van de Wal, Duty Counsel for Witness 4600. And for the  
7 record, my colleagues are Judge Roland Dekkers, Judge Gilbert Bitti,  
8 and Judge Vladimir Mikula, and I am Mappie Veldt-Foglia,  
9 Presiding Judge for Trial Panel I.

10 I appreciate the efforts that were made yesterday to do part of  
11 the questioning in public session, and I invite the SPO to continue  
12 on that road as far as possible.

13 MR. DE MINICIS: We will do our best, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: And I also would like to inform  
15 the parties and the Victims' Counsel that if I consider that  
16 confidential information is being shared in public, I may use the  
17 override button for protecting the confidential information. And  
18 this means that the interpreters will not hear what is being said in  
19 the courtroom, and in that way the information will not be shared  
20 with the public. And it is a very quick way to react without having  
21 to interrupt the witness or some of you.

22 I will do that afterwards. But then, at least, there is no harm  
23 done in that aspect.

24 Let us now revert to the testimony of Witness 4600. Can we  
25 please, Court Usher, usher the witness into the courtroom? Thank

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

1 you.

2 [The witness takes the stand]

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, good morning and  
4 welcome. How are you doing today?

5 THE WITNESS: [Interpretation] Good morning. I'm well. Thank  
6 you.

7 PRESIDING JUDGE VELDT-FOGLIA: Good. Very well. Today we will  
8 continue with your testimony and before we begin, I would like to  
9 revert to a private session in order to discuss a matter shortly with  
10 you and that will only take a few minutes.

11 Could we please go into private session, Madam Court Officer,  
12 please.

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

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

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I want to inform you  
16 that the assurances that were given to you yesterday are still valid  
17 today. Do you understand that?

18 THE WITNESS: [Interpretation] Yes.

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

20 Madam Court Officer, we can go back into public session.

21 [Open session]

22 THE COURT OFFICER: We're back in open session, Your Honours.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I remind you that  
24 you are still under oath to tell the truth. Do you understand that?

25 THE WITNESS: [Interpretation] Yes.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 747  
Examination by Mr. De Minicis (Continued)  
All redactions applied are pursuant to Orders F493, F509 and CRSPD107

1           PRESIDING JUDGE VELDT-FOGLIA: Then I will now give the floor to  
2 the Specialist Prosecutor's Office and they will continue with the  
3 questioning.

4           You have the floor, Mr. Prosecutor.

5           MR. DE MINICIS: Thank you, Your Honour.

6                           WITNESS: W04600 [Resumed]

7                           [Witness answered through interpretation]

8                           Examination by Mr. De Minicis: [Continued]

9           Q. Good morning, Witness.

10          A. Good morning.

11          Q. How are you today?

12          A. I am fine.

13          Q. So we will resume the questioning from yesterday.

14          MR. DE MINICIS: I think I will be finished this morning,  
15 Your Honours. But while I will endeavour to, as much as possible, to  
16 do this in public session, I need to ask Your Honours' permission to  
17 go into private session for now.

18          PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we go  
19 into a private session, please.

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

21          THE COURT OFFICER: Your Honours, we are now in private session.

22          PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23          You have the floor, Mr. Prosecutor.

24          MR. DE MINICIS:

25          Q. Mr. Witness, to start today I would like to go back to something

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 748

Examination by Mr. De Minicis (Continued)

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

1 we discussed yesterday in relation to the BIA unit's base there.

2 MR. DE MINICIS: And to that end, Your Honours, I would like to  
3 have on the screen again the drawing made by the witness during his  
4 interview of [REDACTED] The ERN range is 072908-072914RED1.

5 And I would like the second page of that document on the screen,  
6 please. Thank you, that will do.

7 Q. Mr. Witness, yesterday I asked you -- I asked you whether there  
8 was a wall or a fence around the compound used by the BIA unit as  
9 their base, and you stated that you did not recall. It's  
10 understandable, it's a long time ago, and you told us that the  
11 compound no longer exists today.

12 MR. DE MINICIS: However, Your Honours, with your permission, I  
13 would like to attempt to refresh the witness' recollection on this  
14 detail by reading out a small portion of the interview he gave to the  
15 SPO on [REDACTED]

16 To that end, I would like the Court Officer to have on the  
17 screen document with ERN 072914-TR-AT for the witness, in Albanian,  
18 Part 3, Revised, and to have the document set at page 14, lines 1 to  
19 6.

20 And, Your Honours, because I would like to have both documents  
21 on the screen, and I think three documents might be too much, I've  
22 chosen to have the Albanian on the screen for the witness. But I  
23 will ask the witness to read out, and we will benefit from the  
24 translation, if that's okay for Your Honours.

25 PRESIDING JUDGE VELDT-FOGLIA: Yes, that is okay.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 749

Examination by Mr. De Minicis (Continued)

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

1 MR. DE MINICIS:

2 Q. Now, Mr. Witness, could I please ask you to read lines 1 to 6 of  
3 your interview on the document that is shown on the screen now for  
4 you.

5 A. "The lower part, yes, the lower part, the doors. There was a  
6 wall. There were all the houses attached with it, just the lower  
7 part was where the doors were. There was a house here. A house.  
8 Now, the wall was up to here. From this site up to here. And  
9 another one was here, in this part.

10 "LA-4: What" --

11 Q. No, that's sufficient. Thank you very much.

12 A. [In English] Ah, okay.

13 Q. Thank you very much.

14 MR. DE MINICIS: We can remove the transcript, please, from the  
15 screen now, and perhaps enlarge the sketch.

16 Q. Now, Witness, you see, in addition to the statement, the portion  
17 that you read out, it would appear to me that you did draw some sort  
18 of perimeter around the houses which are part of the compound. Does  
19 this refresh your recollection as to whether there was a wall around  
20 the BIA compound in the neighbourhood that you referred as Sfarç in  
21 Zllash?

22 A. [Interpretation] As far as I know, there was some sort of wall.  
23 Not a high wall but a mud wall, like the ones they used to have in  
24 villages before. I mostly focused at the entrance of the compound,  
25 because I don't know what was around the base. So I drew the arrow.

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 750

Examination by Mr. De Minicis (Continued)

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

1 And then after this arrow, if you can see there, it's a wall but the  
2 simple wall that I mentioned.

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

4 MR. DE MINICIS: Your Honours, with your permission I would like  
5 to show a photograph now to the witness. That would be number 6 in  
6 the exhibit list for this witness. That's actually a booklet of  
7 pictures with the ERN range SPOE00213459 to 00213487. And I would  
8 ask the Court Officer to move to page 20 of the PDF to the picture  
9 with ERN SPOE00213478. Thank you.

10 Q. Now, this is an aerial picture, photograph, of a compound in --  
11 within -- in the -- surrounded by countryside, nature.

12 MR. DE MINICIS: Madam Court Officer, could we zoom, perhaps, to  
13 200 per cent of its regular size.

14 Q. Mr. Witness, does this picture -- does the compound in this  
15 picture look familiar to you or can you recognise it?

16 A. It looks similar, but I'm not sure whether it is -- it is the  
17 one.

18 MR. DE MINICIS: Madam Court Officer, could we please zoom  
19 another 50 per cent. Another 50 per cent, please, to 300 per cent.

20 Q. Mr. Witness, if you can take another look, and take all the time  
21 you need.

22 A. The entrance below looks similar. With regard to the buildings,  
23 I'm not sure about them. But the entrance looks like the one I saw.  
24 However, I cannot assess whether the buildings were the same as the  
25 ones I see here.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 751

Examination by Mr. De Minicis (Continued)

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

1 Q. Could I please ask you to draw a circle with that marker we used  
2 yesterday around the area that you have identified as the entrance.

3 A. I'd like to ask something from the Bench. I need some

4 [REDACTED] And I would like

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we can assist you  
9 with that. I propose - and then I look at the SPO and the Defence  
10 counsel and the Victims' Counsel - that the Court Usher makes a  
11 circle or puts a cross or whatever the -- whatever Mr. Witness  
12 indicates that he wants to be written, if that's okay for all?

13 MR. DE MINICIS: Perfectly fine, Your Honour.

14 MR. VON BONE: No problem.

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

16 Mr. Witness, you can indicate to Madam Court Usher where you  
17 want a sign or whatever you think is necessary to be put. Just tell  
18 me what you want her to write, and then it will be translated, and  
19 she will hear it too. And I will instruct her to do as such.

20 Mr. Prosecutor, please continue.

21 MR. DE MINICIS: Yes.

22 Q. If you could please follow Madam President's instructions and  
23 ask the Court Officer -- point out to the Court Officer the part of  
24 the picture that you have indicated as the entrance, and she will  
25 then draw a circle around it as instructed by the Bench.



Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 752

Examination by Mr. De Minicis (Continued)

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

1 A. This one here.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, for the record,  
3 [Microphone not activated].

4 THE INTERPRETER: Microphone please, Your Honour.

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness is pointing at the  
6 screen, as far as I can see from here, and has indicated to the Court  
7 Usher where to make a circle.

8 Madam Court Usher, please proceed.

9 THE WITNESS: [Interpretation] Yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, the Court Usher has  
11 now made a sign on the picture, but could you also try to describe  
12 where you -- what you have -- where you put a circle on or around,  
13 what that is?

14 THE WITNESS: [Interpretation] I believe this was the entrance to  
15 this compound. This was the BIA base. This was the main entrance to  
16 the compound.

17 PRESIDING JUDGE VELDT-FOGLIA: My question was not completely  
18 clear. I didn't want to continue the examination by the SPO. What I  
19 wanted to do is a factual indication on the picture where you put the  
20 circle, so my proposal would be that if -- could we say that in the  
21 bottom part in the middle of the picture on the right side next to  
22 the wall on the left side of what could be a white wall with an  
23 orange -- orange tiles - I don't know, but it's white and orange -  
24 there you had a circle drawn.

25 Could the SPO, the Victims' Counsel, and the Defence counsel

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 753

Examination by Mr. De Minicis (Continued)

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

1 agree with this description? Just to have a kind of indication what  
2 he pointed at.

3 MR. DE MINICIS: Yes, Your Honour.

4 MS. PUES: Yes.

5 MR. VON BONE: No problem.

6 PRESIDING JUDGE VELDT-FOGLIA: No problem?

7 MR. VON BONE: No, Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 Mr. Prosecutor, please continue.

10 MR. DE MINICIS:

11 Q. Thank you, Mr. Witness.

12 MR. DE MINICIS: I'm done with this photograph, Your Honours.

13 We can remove it from the screen.

14 With the Court's permission, I'd like to request the  
15 Court Officer to show another photograph to the witness. That would  
16 be number 5 in the exhibit list for this witness. It's another large  
17 booklet. And with ERN range SPOE00128386 to SPOE00128420. And,  
18 again, I'm going to need page 20 on the screen, the ERN of which is  
19 SPOE00128405.

20 Q. Mr. Witness, again, a lot of time has passed, but do these  
21 buildings look familiar to you; and if so, are you able to tell us  
22 what these buildings are?

23 A. It's been a long time, but they look familiar. These buildings,  
24 the one at the bottom with a white roof, we call it a barn where they  
25 keep animal fodder. The upper ones, I don't know what they are.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 754

Examination by Mr. De Minicis (Continued)

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

1 They are buildings. Perhaps people lived there, but I don't know.

2 I'm not sure what they were.

3 MR. DE MINICIS: Your Honours, may I again attempt to refresh  
4 the witness' recollection by reading out a small portion of the  
5 interview he gave to the SPO in January 2020?

6 PRESIDING JUDGE VELDT-FOGLIA: You may, Mr. Prosecutor.

7 MR. VON BONE: Excuse me.

8 MR. DE MINICIS: Madam Court Officer --

9 MR. VON BONE: I'm sorry --

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, wait.

11 Defence counsel, you stood up?

12 MR. VON BONE: Yes. I'm sorry to interrupt, but I think the  
13 witness gave orally some indications. It might be helpful if he does  
14 the same, as we did before, in order to clarify what he means,  
15 because he's saying three things and then we know, at least, what he  
16 is referring to.

17 PRESIDING JUDGE VELDT-FOGLIA: I don't think I completely  
18 understand your question.

19 MR. VON BONE: Well --

20 MR. DE MINICIS: Your Honour, perhaps the witness can be asked  
21 to remove his headphones for the time being.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, can you take off  
23 your headphones.

24 MR. VON BONE: Yes, Your Honour.

25 THE INTERPRETER: Microphone, please.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 755

Examination by Mr. De Minicis (Continued)

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

1 MR. VON BONE: The witness indicates orally something, but maybe  
2 he could do that on the same picture as what he said about which  
3 pictures he is -- what buildings he's actually referring to. Maybe  
4 that might be helpful. It's just -- it might clarify.

5 PRESIDING JUDGE VELDT-FOGLIA: A suggestion could be always  
6 welcome, but at this point in time I would like to leave it to the  
7 SPO how they would like to proceed with the questioning. The only  
8 general rule we have here, of course, is that no confusing, but that  
9 was not the case. So --

10 MR. VON BONE: Well, to me, I believe -- to the Defence, at  
11 least, it is not clear what he is trying to indicate as far as  
12 buildings is concerned, whether it is more or less buildings that he  
13 has indicated in this part. So that's why I say that might be  
14 helpful. I leave it to the Prosecutor, but I --

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your remark.  
16 You have the floor again, Mr. Prosecutor.

17 MR. DE MINICIS: Thank you, Madam President. I believe the  
18 witness has indicated a building with a white roof. Perhaps it's not  
19 as white as the sky below, but there is two red roofs and one with a  
20 roof with a whitish hue and he said that is a barn, and I would like  
21 to question him a bit further on this by refreshing his recollection.

22 PRESIDING JUDGE VELDT-FOGLIA: You might re-ask that same  
23 question, although we don't want to be repetitive, just to be sure  
24 that there is no misunderstanding.

25 MR. DE MINICIS: Yes.

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 756

Examination by Mr. De Minicis (Continued)

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

1 Yes, could the witness put the headphones back on.

2 Q. So, Witness, you told us that you recognised one of the  
3 buildings as one that's used as a barn. Can you indicate, is it on  
4 the right or on the left of the picture from your perspective?

5 A. As I see it, it is on the left. But if you see the door there,  
6 it is on the left. However, I can't pinpoint where it was because  
7 there were other people, there were other families living there, and  
8 maybe they had barns as well. But from what I see here, I think it  
9 was on the left of the yard.

10 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I would like to  
11 ask the witness to put a cross, just to be sure about -- sometimes  
12 confusions about left and right, so ...

13 MR. DE MINICIS: By all means, Your Honour.

14 Q. Mr. Witness, could you please put a cross? It doesn't require  
15 any particular -- just a mark with the pen. It doesn't need to be of  
16 any particular shape - could be a cross, hopefully - on the building  
17 that you just indicated as being on the left.

18 A. Not on my left. On my right. It was on the left to the  
19 entrance of the yard. That's how I described it.

20 Q. Right. So perhaps now the cross is going to be even more  
21 helpful. If you can just, like, put a mark with the pen on the  
22 building we've been talking about so far. Or, in the alternative,  
23 ask the Court Usher to do so for you.

24 A. Yes.

25 Q. So does the cross drawn by the Court Usher reflect what you --

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 757

Examination by Mr. De Minicis (Continued)

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

1 is that the building that we've been discussing? As in, was that the  
2 building that you meant to indicate?

3 A. Yes.

4 MR. DE MINICIS: Now, if I could please have on the screen  
5 072914-TR-ET, Part 2, page 8. And, Your Honour, this time I'm going  
6 to have to do it the other way around, because I don't have readily  
7 available the Albanian reference. But with Your Honour's permission,  
8 perhaps I could read out in English and the translator could -- thank  
9 you.

10 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, everything okay?

11 MR. VON BONE: I'm just trying to find it in the tabs, and I was  
12 unable to find that.

13 PRESIDING JUDGE VELDT-FOGLIA: Maybe the SPO could be of  
14 assistance, because the Defence counsel says that he is not able to  
15 find it in the tabs.

16 MR. DE MINICIS: Is that the picture that --

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

18 PRESIDING JUDGE VELDT-FOGLIA: You're meaning the statement,  
19 Defence counsel? I just try to be of assistance for you --

20 MR. VON BONE: Yes, I thought that there would be a picture of  
21 some kind or if there is anything that is being shown, that I know  
22 the tab. This list of materials that we have is very helpful.

23 It's --

24 MR. DE MINICIS: It's tab 5 --

25 MR. VON BONE: Okay.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 758

Examination by Mr. De Minicis (Continued)

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

1 MR. DE MINICIS: It's tab 5, Your Honour.

2 MR. VON BONE: Okay. Thank you very much. That will be fine.

3 MR. DE MINICIS: And it's a large booklet, so I can read back  
4 the ERN which would be --

5 MR. VON BONE: It's okay. It's tab 5.

6 PRESIDING JUDGE VELDT-FOGLIA: Please direct to me. That would  
7 be helpful.

8 Please proceed, Mr. Prosecutor.

9 MR. DE MINICIS: If we could scroll down the document a bit  
10 further. Okay. Now a little bit up. Two lines up, please. Yes,  
11 yes, yes.

12 Q. Now, Mr. Witness, when during the interview you were shown the  
13 picture that we just showed you, and we can see from the transcript  
14 that it's the same ERN - SPOE00128405 - you gave a description of the  
15 picture. You stated:

16 "This is how it looks. The other building I just seen was the  
17 place where they would keep the grain, the food for the livestock.  
18 These buildings, these houses, they would [indiscernible]. From  
19 looking at the outside, from the outside, they -- I'm not certain,  
20 but they look to be like those buildings."

21 And then the Prosecutor, in the interview, asked you:

22 "Right. But the photograph which I've just shown you, is that  
23 Sfarç?"

24 And you answer:

25 "Yes, it is one of their houses, but I don't know what for."

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 759

Examination by Mr. De Minicis (Continued)

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

1 Does this refresh your recollection as to what these houses I  
2 showed you in the picture earlier on were part of?

3 A. The buildings resembled each other not only in this compound but  
4 in the entire village. The houses look like each other.

5 Q. Thank you very much.

6 MR. DE MINICIS: I'm moving on, Your Honours.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well.

8 MR. DE MINICIS:

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 760

Examination by Mr. De Minicis (Continued)

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 maybe the discussion went on for a few more minutes. We ended our  
20 discussion there.

21 Then there were Serbian offensives, which prevented us from  
22 meeting again. So this was the conversation we had before the war  
23 ended.

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 761

Examination by Mr. De Minicis (Continued)

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 A. I wouldn't know that. I don't know what the rules were in this  
23 respect, but I know that if one wanted to meet a soldier who was  
24 stationed in a certain base, they needed a permission from a certain  
25 person who was the person in charge of that particular area.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 762

Examination by Mr. De Minicis (Continued)

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

1 MR. DE MINICIS: Your Honours, I think we can move back into  
2 public session, open session now.

3 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we  
4 revert to open session, please.

5 [Open session]

6 THE COURT OFFICER: Your Honours, we are back in open session.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.  
8 We are now back in open session.

9 You have the floor, Mr. Prosecutor.

10 MR. DE MINICIS:

11 Q. Mr. Witness, as a further reminder, in open session, no  
12 identifying details of yourself or of the person we've been speaking  
13 about so far should be said.

14 Was the BIA unit part of Brigade 153?

15 A. No.

16 Q. Was it within the chain of command of Brigade 153?

17 A. No.

18 Q. Was any Brigade 153 unit subordinated to the BIA unit?

19 A. No, I -- to my recollection, no.

20 Q. Now, I understand that both units, while distinct, were based  
21 fairly close to each other. You told us a couple of kilometres  
22 yesterday. Is my recollection correct?

23 A. Yes.

24 Q. Now, I understand they were not part of the same chain of  
25 command, but did the units ever cooperate, for example, in combat

Witness: W04600 (Resumed) (Open Session)

Page 763

Examination by Mr. De Minicis (Continued)

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

1 operations?

2 A. Yes, they cooperated.

3 Q. And when that happened, was there a centralised command or --  
4 sort of coordinating the cooperation of these units?

5 A. I don't think there was one as such, because when the Serbian  
6 forces would attack, there wasn't any command. We -- everybody tried  
7 to do their best to be able to defend. There was no command as such  
8 from the brigade or from BIA or from the Karadak operational zone  
9 units that were operating in Zllash. When Serbian forces would  
10 attack, we were always ready to face them to the extent we could.

11 As for the command as such, as something that would give order  
12 to this unit or that unit, there wasn't any command.

13 Q. Who was Commander Cali's superior, direct superior?

14 A. I don't know.

15 Q. Did Commander Cali have a deputy?

16 A. As far as I know, yes.

17 Q. What was the name of Commander Cali's deputy at that time?

18 A. I don't know his name. I know his pseudonym. His pseudonym was  
19 Dardani.

20 Q. Do you recall the name of any other member of the BIA unit?

21 A. Usually they used pseudonyms.

22 Q. Do you recall any of the pseudonyms used by members of the BIA  
23 unit in Zllash?

24 A. To tell you the truth, all of them had pseudonyms. It's been a  
25 long time. Maybe I forgot most of them. Not only them but -- that

Witness: W04600 (Resumed) (Open Session)

Page 764

Examination by Mr. De Minicis (Continued)

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

1 is, soldiers of the BIA unit, but other soldiers, most of them used  
2 pseudonyms.

3 Q. It's understandable. Does the name Nazif Musliu ring any bell?

4 A. As a pseudonym?

5 Q. No, this was his name. He also had a pseudonym. Do you recall  
6 what the pseudonym was?

7 A. Yes, I do. I recall it. His pseudonym was Tabuti.

8 MR. DE MINICIS: Your Honour, with the Panel's permission, I  
9 would like, perhaps, to propose a couple of other -- couple of  
10 pseudonyms to the witness to see if he recalls them as being members  
11 of the BIA unit. Would that be an agreeable way to proceed?

12 PRESIDING JUDGE VELDT-FOGLIA: In public session?

13 MR. DE MINICIS: Yes, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay, yes.

15 MR. DE MINICIS:

16 Q. Does the pseudonym or nickname Bimi ring any bell?

17 A. Yes.

18 Q. Was he a member of the BIA unit?

19 A. I don't know.

20 Q. And Nazif Musliu, aka Tabuti, was he a member of the BIA unit?

21 A. As far as I know, yes.

22 Q. Bahri Gashi, was he a member of the BIA unit?

23 A. Yes.

24 Q. What members of the -- did members of the BIA unit wear  
25 uniforms?

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 765  
Examination by Mr. De Minicis (Continued)

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

1 A. Sometimes yes, sometimes no. Sometimes they would wear civilian  
2 clothes, not only BIA unit members but members of other units as  
3 well, as there was a lack of uniforms. But most of them had  
4 uniforms.

5 Q. What type of uniforms did they wear?

6 A. They had camouflage military uniforms.

7 Q. You told us yesterday, and I can refer to page 68 of the draft  
8 transcript, that Commander Cali always wore a uniform, and that  
9 sometimes he also wore a hat. Do you remember telling us that?

10 A. Yes.

11 Q. What colour was the hat?

12 A. When he wore a uniform, he sometimes wore a hat; sometimes not.  
13 Sometimes he wore a uniform; sometimes not. However, most of the  
14 time he wore a uniform and a red hat.

15 MR. DE MINICIS: Your Honours, could we please move back into  
16 private session.

17 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could we go  
18 into private session, please.

19 ~~[Private session]~~ [Open session]

20 THE COURT OFFICER: Your Honours, we are in private session.

21 PRESIDING JUDGE VELDT-FOGLIA: You can proceed, Mr. Prosecutor.

22 Could you give us a short indication of why we moved into  
23 private session?

24 MR. DE MINICIS: Of course, Your Honour. Because I'm going to

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 766

Examination by Mr. De Minicis (Continued)

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

1 need to do this in private.

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

3 MR. DE MINICIS:

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 767

Examination by Mr. De Minicis (Continued)

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

1 Q. Do you recall, by and large, when it is that the offensive  
2 ended?

3 A. In April, towards the end of April 1999. 18th, 22nd April 1999.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 768

Examination by Mr. De Minicis (Continued)

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

1 Buna 36. So these were the units that were in Gollak area.

2 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, Mr. Prosecutor.

3 For further reference, it would be good to mention also where in  
4 the transcript we can find it. Just for the record.

5 MR. DE MINICIS: Yes, Madam President. I apologise. I should  
6 have provided that reference. I will do that in the future.

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 A. Yes.

13 Q. If you remember approximately how long after learning that or  
14 what year?

15 A. I don't know the exact date. It was around 2003, 2004. Perhaps

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 escorted him up to there, to that base, and I don't know what  
22 happened after that.

23 Many people died during the Serb offensive. So I talked to him,  
24 because he wanted to know what exactly had happened. And I told him  
25 to address the court. "If you think I did it," I told him, "then you

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 769

Examination by Mr. De Minicis (Continued)

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 770

Examination by Mr. De Minicis (Continued)

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR. DE MINICIS: Your Honour, could I please have the transcript  
12 of the witness interview on the screen to refresh his recollection as  
13 to the precise words that were -- or as to the words that were used  
14 in that conversation.

15 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer -- could you  
16 give the information to Madam Court Officer.

17 MR. DE MINICIS: Could I please have 072914-TR-ET, Part 3,  
18 page 26.

19 Q. Now, this is in English, so I will ask the interpreter to  
20 translate. When you were asked by the Prosecutor if you ever asked

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 MR. DE MINICIS: And, Your Honours, I am referring to lines 9 to  
25 12 of page 26.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 771

Examination by Mr. De Minicis (Continued)

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

1 Q. -- stated:

2 "As long as we are here, we will not let this case go past."

3 Is that what you were told?

4 A. Yes.

5 Q. And, in fact, there was no case that took place after that, was  
6 there?

7 A. No, no proceedings were started.

8 MR. DE MINICIS: I have no further questions, Your Honour.

9 PRESIDING JUDGE VELDT-FOGLIA: In the sense you have finished  
10 your examination?

11 MR. DE MINICIS: Just a second. I'm sorry, Your Honour, perhaps  
12 if I can have one minute.

13 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

14 [Specialist Prosecutor confers]

15 MR. DE MINICIS: Sorry, perhaps I do have a couple of additional  
16 questions after all. Sorry for getting ahead of myself.

17 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, please go ahead.

18 MR. DE MINICIS:

19 Q. Now, it would appear from the interview that you gave to the  
20 Prosecutor at that time, in 2020, that at some point you were

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, let us wait until  
25 we have it on the screen --

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 772

Examination by Mr. De Minicis (Continued)

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

1 MR. DE MINICIS: Oh, I'm sorry. I'm sorry.

2 PRESIDING JUDGE VELDT-FOGLIA: -- if you don't mind.

3 MR. DE MINICIS: It would be page 27, line 10 to 13.

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 773

Examination by Mr. De Minicis (Continued)

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. Thank you, Mr. Witness.

11 MR. DE MINICIS: Your Honours, I don't have any more questions  
12 for this witness. So this finishes my examination-in-chief.

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

14 Madam Court Officer, could you bring us back in open session.

15 [Open session]

16 THE COURT OFFICER: Your Honours, we are back in open session.

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

18 It is now almost time for the first break.

19 Mr. Witness, we will continue at 11.30. There is now time for  
20 also a break for you. And I will ask the Court Usher to assist you  
21 in leaving the courtroom.

22 THE WITNESS: [Interpretation] Thank you.

23 [The witness stands down]

24 PRESIDING JUDGE VELDT-FOGLIA: After the break, we will continue  
25 with the examining by the Victims' Counsel. And I was informed that

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

1 you will have 40 minutes for your examination, and I see you nodding.

2 There are two general remarks which I would like to make before  
3 we go into our break. And that is for you, Mr. Prosecutor, if you  
4 could share with us. There were two references to the transcript.  
5 If you could share that with the other party and the Victims' Counsel  
6 and the Panel later on. You will find them back in the transcript.

7 MR. DE MINICIS: We'll do so, Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

9 And a more general comment is that if the examining party does  
10 not have the references, I can understand that because sometimes we  
11 remember something that has been said during the interrogation of the  
12 witness, and then we would like to confront the witness with that.  
13 If there is no discussion about what has been said in the transcript,  
14 we can continue, for reasons of expediency. But if there is  
15 discussion on it, then, of course, you should present the reference  
16 so that we can all check that what is referred to is indeed what has  
17 been said. So that would be my general comment.

18 Then it's now time for a break. We resume at 11.30.

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

20 --- On resuming at 11.31 a.m.

21 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Let me first call  
22 the appearances.

23 On my right-hand side --

24 MR. DE MINICIS: No changes for the SPO, Your Honour.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

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

1 Victims' Counsel?

2 MS. PUES: No changes from our side. Thanks.

3 PRESIDING JUDGE VELDT-FOGLIA: I see that.

4 And the Defence counsel?

5 MR. VON BONE: No changes, Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: And Mr. Mustafa is present --  
7 and, yes, I see also Mr. van de Wal.

8 Before we resume with the testimony of Witness 4600, I was  
9 informed that the SPO wanted to discuss a matter concerning a  
10 conversion table. Is that right?

11 MS. D'ASCOLI: Yes, Your Honours. If you don't mind, I'll do  
12 that, and I'll be very brief.

13 It was just to inform the Trial Panel that this morning we have  
14 released, we have sent via e-mail, the conversion table indicating  
15 the corresponding ERN in the SPO interview of the accused.

16 We just wanted to note that there are six items which  
17 Your Honours will not find in Legal Workflow, and that is because we  
18 do not intend to rely on them. However, we are ready to provide  
19 courtesy copies to Your Honours and the parties should that be your  
20 wish. So just that. Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Prosecutor. I  
22 will come back to this, but at least we are informed at this moment  
23 in time. Good.

24 I see the Prosecutor standing.

25 MR. DE MINICIS: Your Honour, I believe I owe you two references



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

1 to the transcript.

2 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

3 MR. DE MINICIS: So I believe the first one was the one when I  
4 mentioned again with the witness that he had -- he knew the accused  
5 and others since the time the KLA began, and that reference is to  
6 page 67 of yesterday's transcript, lines 14 to 21.

7 As for the second one, which, I believe, concerns the last part  
8 of the -- it may concern the last quote that I read out to the  
9 witness. That would be ERN 072914-TR-ET, Part 3, Revised, lines 17  
10 to 21.

11 PRESIDING JUDGE VELDT-FOGLIA: To my understanding, you were  
12 referring to the transcript, but maybe I understood that wrong.

13 MR. DE MINICIS: Yes, yes, this would be the transcript.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay. Okay.

15 MR. DE MINICIS: Yes. Yeah, this would be Part 3 of the  
16 transcript of the SPO interview with -- so my second reference is to  
17 the transcript of the SPO interview with the witness, and my first  
18 reference is to the transcript of yesterday's hearing.

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. I will have a look  
20 at it, but we can leave it for now like this. I thought it was two  
21 references to the transcript of the examination of the witness and --

22 MR. DE MINICIS: No, no, the second one -- I mean, the second  
23 one I was -- I kept quoting parts, and I provided the reference at  
24 the beginning, but then I did not provide a reference for the last  
25 part. So the first one was to yesterday's transcript; the second one

Witness: W04600 (Resumed) (Open Session)

Page 777

Questioned by Ms. Pues

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

1 was to the witness's interview with the SPO.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you, for this moment. I  
3 will have a look at it --

4 MR. DE MINICIS: Please.

5 PRESIDING JUDGE VELDT-FOGLIA: -- again just to be sure if we  
6 have understood each other well, and that will do, I think, for now.

7 MR. DE MINICIS: Okay, Your Honour.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you. Good.

9 Now we can resume with the testimony of Witness 4600.

10 Court Usher, can you please bring the witness back to the  
11 courtroom.

12 [The witness takes the stand]

13 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness. We  
14 will now proceed with the questioning --

15 THE WITNESS: [No interpretation].

16 PRESIDING JUDGE VELDT-FOGLIA: We will now proceed with the  
17 questioning and that will be done by the Victims' Counsel.

18 You have 40 minutes, in principle. And you have the floor.

19 MS. PUES: Thank you, Your Honour.

20 Questioned by Ms. Pues:

21 Q. Good morning, Mr. Witness. Let me introduce myself. Anni Pues  
22 is my name. I am here as Victims' Counsel, and we very briefly met  
23 at a courtesy meeting a couple of days ago.

24 I only have very few questions.

25 MS. PUES: And I believe that it is wise that for all of those

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 778

Questioned by Ms. Pues

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

1 we go into private session, please.

2 PRESIDING JUDGE VELDT-FOGLIA: Okay.

3 Madam Court Officer, can we please go into private session.

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

5 THE COURT OFFICER: We're now in private session, Your Honours.

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

7 Victims' Counsel, could you please indicate, shortly, the  
8 reason? And I see you nodding.

9 MS. PUES: Yes, Your Honour. Will do. All of the questions

10 [REDACTED]

11 [REDACTED]

12 like the DCs, which I think could be confusing in this context.

13 Therefore, for the sake of clarity, which is important here, I think  
14 that a private session is apt.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your explanation.

16 MS. PUES: Good.

17 Q. Let me turn to you, Mr. Witness. We have heard from you -- this  
18 is only to take you back into the context in which I want to place my

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 MS. PUES: As a reference here, we have heard that, for example,  
25 in today's hearing, transcript page 16, line 14, and also page 17,

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 779

Questioned by Ms. Pues

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

1 lines 1 to 3.

2 Q. In this context, did ever anyone who presented herself as

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 page 16, line 14, which I referred to before. And this is more a  
8 question of clarification here.

9 You told us about something which you indicated was strange, and

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A. At that moment, it was clear to me that he was scared, but I  
17 don't know the reason why he was scared.

18 Q. Okay, thank you. And now the next conversation which I would

19 [REDACTED]

20 [REDACTED]

21 MS. PUES: I'm referring now to transcript page 25 of today's  
22 hearing, line 17, and to page 26, line 5.

23 [REDACTED]

24 [REDACTED]

25 A. No, he did not explain it to me. However, he referred to that

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 780

Questioned by Ms. Pues

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. And the last question then: Do you know this woman or have you  
11 ever heard her name?

12 A. I don't know her. I've never heard her name. I don't know her.

13 Q. Thank you very much.

14 MS. PUES: Those were my questions. Thank you.

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

16 Defence counsel, yes, it's now quarter to 12.00. It is my  
17 intention to adjourn now and to resume at half past 2.00. Will you  
18 then be ready for cross-examination?

19 MR. VON BONE: Yes, Your Honour. And we would like to --

20 PRESIDING JUDGE VELDT-FOGLIA: I got a little note here, so I  
21 will ask the Court Officer to go into public session, please. Excuse  
22 me for that, Defence counsel.

23 [Open session]

24 THE COURT OFFICER: Your Honours, we are back in public session.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

Witness: W04600 (Resumed) (Open Session)

Page 781

Procedural Matters

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

1 Defence counsel, we will adjourn now and resume, is my  
2 intention, at 1430. Will you then be ready for cross-examination?

3 MR. VON BONE: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: You will then be ready?

5 MR. VON BONE: Yes, Your Honour.

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

7 Mr. Witness, we are now going to have, somehow, a bit longer  
8 break, and that will be till 2.30. And at 2.30, the Defence counsel  
9 will be posing questions to you. Yes, okay?

10 THE WITNESS: [Interpretation] No problem.

11 PRESIDING JUDGE VELDT-FOGLIA: Then I will ask -- it has been a  
12 very short session. I will now ask the Court Usher to usher you out  
13 of the courtroom.

14 THE WITNESS: [Interpretation] Thank you.

15 [The witness stands down]

16 PRESIDING JUDGE VELDT-FOGLIA: We will resume at 1430, so half  
17 past 2.00. The hearing is adjourned.

18 --- Luncheon recess taken at 11.47 p.m.

19 --- On resuming at 2.30 p.m.

20 PRESIDING JUDGE VELDT-FOGLIA: Let me see.

21 On my right-hand side, the Prosecution is in the same  
22 composition as before, yes. The Victims' Counsel, too. And here I  
23 see a small change for the Defence?

24 MR. VON BONE: Yes, Mr. Fatmir Pelaj is attending.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

Witness: W04600 (Resumed) (Open Session)

Page 782

Cross-examination by Mr. Von Bone

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

1 And I note that Mr. van de Wal is also present in the courtroom  
2 and Mr. Mustafa.

3 Can we please usher the witness into the courtroom, Court Usher.  
4 Thank you.

5 [The witness takes the stand]

6 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness. I  
7 hope you have had a good break.

8 THE WITNESS: [Interpretation] Yes, thank you.

9 PRESIDING JUDGE VELDT-FOGLIA: Good.

10 I give the floor to the Defence counsel for his  
11 cross-examination of Witness 4600.

12 Defence counsel, you have one hour and 20 minutes. Please  
13 proceed.

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

15 Cross-examination by Mr. von Bone:

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. And who was -- were there any other military police units in the

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 783

Cross-examination by Mr. Von Bone

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

1 Gollak area; and if so, where would they be?

2 A. Every point at Gollak area had military police consisting of  
3 three to four persons.

4 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, could you --

5 MR. DE MINICIS: Your Honour, may we please go into private  
6 session.

7 PRESIDING JUDGE VELDT-FOGLIA: Yes, that's what we realised. We  
8 have to go into private session.

9 Please, Madam Court Officer, can we go into private session.

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

11 THE COURT OFFICER: Your Honours, we are now in private session.

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

13 Defence counsel, this was identifying -- could be identifying  
14 for the witness, and we will be redacting part of this.

15 MR. VON BONE: Thank you --

16 PRESIDING JUDGE VELDT-FOGLIA: Please pay attention.

17 MR. VON BONE: -- Your Honour and Mr. Prosecutor.

18 Q. Could you tell us where were the other units located of the  
19 [REDACTED] in the Gollak area?

20 A. As I said earlier, at every point where there was soldiers

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 784

Cross-examination by Mr. Von Bone

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

1 A. To my knowledge, [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 A. Most of them, yes.

5 Q. And who was your own superior?

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 MR. VON BONE: No, I think --

17 PRESIDING JUDGE VELDT-FOGLIA: No, first start with an open  
18 question --

19 MR. VON BONE: Yes.

20 PRESIDING JUDGE VELDT-FOGLIA: -- and then you narrow it down --

21 MR. VON BONE: Okay.

22 PRESIDING JUDGE VELDT-FOGLIA: -- if it's necessary.

23 MR. VON BONE:

24 Q. Did you ever get orders from the brigade?

25 A. In relation to what?

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 785

Cross-examination by Mr. Von Bone

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

1 Q. Anything. Just any kind of order. Did you ever get any order  
2 from the brigade?

3 A. Yes.

4 Q. What kind of orders would that be?

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. Did you get those orders in writing?

11 A. No, orally.

12 Q. How would that in practice go, orally?

13 A. Orally. An oral order to secure a road where there would be  
14 movement. For example, units of ours passing from Llap to a  
15 different zone or from a different zone to Llap. So we -- our task  
16 was to go to the point where we had to go pursuant to that particular  
17 order and to secure that particular road.

18 Q. But if you would get an oral order, would there be somebody  
19 coming from the brigade to your base in order to tell you that order,  
20 or how would that go in practice?

21 A. We would receive oral orders through radio communication, not in

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 786

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. Thank you. If they would call you over the radio, or if you  
7 would call them, would you use any call signals?

8 A. Yes, everybody had their call sign.

9 Q. So if you would call them, what would be their call sign?

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 787

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. Yes.

9 Q. And how many soldiers were there?

10 A. The number changed. I cannot pinpoint the exact number. It  
11 changed because it constantly increased, the number of liberation  
12 army soldiers.

13 Q. Could you give a rough estimate?

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. One part who were from far, they would sleep there, and the  
19 guard. Whereas those that were locals, they would sleep in their own  
20 houses. For example, I personally slept in my own house because my  
21 house was nearby. I slept in my own house.

22 Q. Do you recall -- excuse me.

23 [Specialist Counsel confers]

24 MR. VON BONE:

25 Q. Would you sometimes visit [REDACTED]

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 788

Cross-examination by Mr. Von Bone

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

1 units?

2 A. Me?

3 Q. Yes.

4 A. No, not really. Maybe just to -- for a simple visit.

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 A. I do not understand the question. What do you mean,

19 communicate? Who?

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 789

Cross-examination by Mr. Von Bone

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

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

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 790

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel --

4 MR. VON BONE: Yes?

5 PRESIDING JUDGE VELDT-FOGLIA: -- do you have a reference for  
6 that? Because now it's --

7 MR. VON BONE: Yes.

8 PRESIDING JUDGE VELDT-FOGLIA: -- a little bit general as a  
9 remark. And before, it already happened and I let it pass by not --  
10 in order not to interrupt your examination. But we do like to have  
11 some specificity and to quote the witness on what he has said.

12 MR. VON BONE: I can simply ask the question once again,  
13 Your Honour. It may be simpler.

14 Q. [REDACTED] Could you  
15 please explain that?

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 791

Cross-examination by Mr. Von Bone

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

1 Q. Thank you.

2 MR. VON BONE: And, Your Honour, the reference is the  
3 statement -- the transcript of 23 September 2021, page 41, line 5.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 MR. VON BONE: No, sorry, line 3 is the question.

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

7 MR. VON BONE:

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, could you  
18 reformulate that a little bit more open? Can it just be an open  
19 question? Now you're all kind of implying that it should have been  
20 thought about, and that's not the idea, I would say.

21 MR. VON BONE:

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 A. No, there was no such idea because, as I said, it never



Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 792

Cross-examination by Mr. Von Bone

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

1 happened. That never happened. And had it happened, it was the task

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 Q. Mr. Witness, how often have you visited Zllash?

6 A. I don't know. Many times. I don't know precisely how many  
7 times.

8 Q. And when we speak about Zllash, what are you referring to in  
9 particular?

10 A. What do you mean --

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, could you please  
12 stop for a moment. I see that the Specialist Prosecutor's Office is  
13 standing. And, Mr. Witness, can you take off your headphones? Thank  
14 you.

15 MR. DE MINICIS: I'm just asking for a little more precision  
16 here, because counsel asked the question how many times he went to  
17 Zllash, the witness has spoken extensively of the various areas of  
18 Zllash that he knew. So I think it's up to counsel to be a bit more  
19 precise in asking what he wants to know of the witness.

20 PRESIDING JUDGE VELDT-FOGLIA: I'm looking at the question.

21 This morning, Defence counsel, we have talked about Zllash and  
22 we have been looking at pictures and indicating pictures. And I do  
23 see the point of Mr. Prosecutor. I don't want to --

24 MR. VON BONE: No problem.

25 PRESIDING JUDGE VELDT-FOGLIA: -- avoid -- no, I don't want you

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 793

Cross-examination by Mr. Von Bone

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

1 not to ask questions about Zllash, of course. But I do see the point  
2 of being a little bit more specific on this point.

3 MR. VON BONE: That's fine. No problem.

4 Q. How often have you visited --

5 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait, wait.

6 MR. VON BONE: Oh.

7 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness? Thank you.

8 MR. VON BONE:

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. And in particular in 1999, how often have you been there?

16 A. I don't know. I wouldn't be able to say. I don't know.

17 Q. But does that mean many times or just a few times, or in which  
18 way can you --

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I want to re-ask  
25 the question to the witness.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 794

Cross-examination by Mr. Von Bone

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

1           Mr. Witness, the question is how often - how often - have you  
2    been there? And then you can say "a lot," or "none," or a kind of  
3    estimation, but what you are now saying was not an answer to the  
4    original question. Can you try to give an answer to that? And if  
5    you don't know, but in the sense -- you can always say, "I went there  
6    a lot" or "I didn't go there," "never." That's, I think, what the  
7    Defence counsel is meaning.

8           [REDACTED]

9           [REDACTED]

10          [REDACTED]

11          [REDACTED]

12          [REDACTED]

13          [REDACTED]

14          [REDACTED]

15          [REDACTED]

16          [REDACTED]

17          [REDACTED]

18          [REDACTED]

19          [REDACTED]

20          MR. VON BONE:

21          [REDACTED]

22          [REDACTED]

23          [REDACTED]

24          [REDACTED]

25          [REDACTED]

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 795

Cross-examination by Mr. Von Bone

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

1 Q. And if you say "they would rotate," who do you exactly mean with  
2 who would rotate or "they would rotate"?

3 PRESIDING JUDGE VELDT-FOGLIA: Wait. Defence counsel, he just  
4 said that.

5 MR. VON BONE: No, Your Honour. He just mentions persons. I  
6 just want to know from where are those persons.

7 PRESIDING JUDGE VELDT-FOGLIA: I will allow you to go, but I  
8 think I heard that he said that they -- they rotated, and he just  
9 gave a list of names.

10 MR. VON BONE: And that was my question. Yeah, not so much as  
11 the names but, I mean, who do you mean with "they rotate," "they  
12 rotated." Let me just rephrase the question.

13 Q. Do you mean that only these people that you just mentioned  
14 rotated, or were there people coming in and out of different areas?

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 I was always securing the road in the area, and I know that they were  
20 in circulation. There were many people that were going there.

21 I'm not saying that there were no other people there, but as I  
22 said, they were moving all the time.

23 Q. Were there civilians there?

24 A. They were soldiers but in civilian clothes, if you are talking  
25 about the movement.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 796

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 A. Yes, I understand you clearly. Yes, there were civilians,  
4 because the Serbian forces had expelled people from Prishtine and  
5 from other areas and they had been displaced. There were men, women,  
6 children, elderly people.

7 Q. And these people, how were they -- who would be in charge of  
8 their security?

9 A. No one was secure at the time. We were never sure whether we  
10 would live after the fighting that occurred with Serbian forces. We  
11 were not equal. We did not have equal forces. We were not able to  
12 protect them. We tried to shelter them. There were refugees  
13 everywhere. In the villages, we tried to provide them with shelter  
14 in the villagers' houses, but there were refugees everywhere.

15 Q. And were there also soldiers of the Brigade 153 on that compound  
16 or from any other area? Apart from the civilians.

17 A. No, no, no. I don't know that there were any.

18 Q. You said that [REDACTED] you have seen them  
19 there. Were there also members of the BIA?

20 A. I think they perhaps just happened to be there for their own  
21 reasons. I don't know. But they weren't, no.

22 Q. Did the soldiers of the KLA and soldiers of the BIA, could you  
23 distinguish them?

24 A. The KLA soldiers and BIA soldiers had the same emblem. They  
25 operated under the same emblem. They weren't soldiers of the KLA but

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 797

Cross-examination by Mr. Von Bone

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

1 members of the BIA. There were members of the KLA, soldiers of the  
2 KLA all over Kosovo.

3 Q. And in the uniform, was there any distinction to make?

4 A. No. With the exception where they did not have uniforms, where  
5 there were not enough uniforms to go around, they were wearing  
6 civilian clothes. They had expressed their wish to become members of  
7 the KLA, and they joined the KLA. Perhaps they didn't even have  
8 weapons, but they were members because they expressed their will and  
9 their wish to become members of the KLA.

10 Q. Could you tell us in which --

11 PRESIDING JUDGE VELDT-FOGLIA: Your mic, please.

12 MR. VON BONE:

13 [REDACTED]

14 [REDACTED]

15 A. I didn't know them because they were from Prishtine, Podujeve,  
16 Orllan. So they were from various parts of the country, and I  
17 couldn't know who they were.

18 Q. And in the month of April or May or March, was there any  
19 particular influx or movement of civilians coming to the Gollak area?

20 A. Yes, there were.

21 [REDACTED]

22 [REDACTED]

23 A. There is no interpretation. I --

24 Q. I'll ask the question again.

25 A. Sorry.

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 798

Cross-examination by Mr. Von Bone

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

1           PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, are you hearing it  
2 now clearly?

3           THE WITNESS: [Interpretation] I received a delayed  
4 interpretation. There was no interpretation.

5           PRESIDING JUDGE VELDT-FOGLIA: Okay. But now it's functioning  
6 again.

7           THE WITNESS: [Interpretation] No.

8           PRESIDING JUDGE VELDT-FOGLIA: No? I heard a "no." Is it not  
9 functioning? Is it -- let's say it differently: Is it functioning?  
10 Does it work?

11          THE WITNESS: [Interpretation] Now I am hearing you, yes, but I  
12 received the interpretation later, after the counsel had made the  
13 question -- has asked the question.

14          PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we can proceed.

15          MR. VON BONE: I will repeat the question.

16 Q. In the month of April or May or March 1999, was there any  
17 particular influx or movement of civilians coming to the Gollak area?

18 A. Yes, I believe in April, at the beginning of April, the Serb  
19 police and army expelled the population from Prishtine, Podujeve,  
20 Orllan and they directed them towards the Gollak area. There was a  
21 large influx of people coming.

22 [REDACTED]

23 [REDACTED]

24 A. I don't know, because there was not just one family there. If  
25 you imagine more than half the population of Prishtine, of the town,

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 799

Cross-examination by Mr. Von Bone

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

1 had come to Gollak and Podujeve and surrounding villages, all the  
2 population from there had been expelled by the Serb forces. So I  
3 can't say how many families were sheltered and how much space they  
4 had to shelter any of those families.

5 But anywhere in Gollak, wherever they could find some space -  
6 schools, houses - they gave shelter to those people who had been  
7 expelled from these towns and other -- and the surrounding villages.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. Yes, I met them on my way there. I met them there. I saw them  
12 in other places where there were civilians, because some people were  
13 just there on the road. They were not able to -- to find a place to  
14 stay. So when the army was there, they would just shelter themselves  
15 under the tractors and the cars and so on. They would use tents and  
16 so on.

17 Q. And did you see any tents there, for example, on the compound,  
18 at that moment where people were?

19 A. No. I don't remember. This was a short time when I saw them.  
20 Perhaps there were, within the compound and outside the compound, but  
21 I can't say. There were refugees everywhere, in the compound,  
22 outside, with the neighbours and -- but I don't know how many. I  
23 couldn't tell you.

24 Q. You said within the compound, outside the compound. Does it  
25 mean that -- how would these people get access there? If you know,



Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 800

Cross-examination by Mr. Von Bone

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

1 of course.

2 A. Very simply. When the refugees were expelled from the towns and  
3 other places, they tried to get somewhere safe. Close to the  
4 compound, in the compound, on the road next to the compound, they  
5 were trying to stay wherever the army was. The KLA couldn't shelter  
6 them all or find a place for them all, but they tried their best to  
7 shelter people in the Gollak area.

8 Q. Okay. I want to go to the day that you -- I want to go to the  
9 day that the offensive started in the area where you were stationed.

10 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel?

11 MR. VON BONE: Oh, sorry. Did I miss a --

12 PRESIDING JUDGE VELDT-FOGLIA: No, you did not miss anything. I  
13 have just a question for you.

14 MR. VON BONE: Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: Did you consider if we could go  
16 into a public -- we are now in private and we have been doing a lot  
17 of questions in private.

18 MR. VON BONE: Yes. I --

19 PRESIDING JUDGE VELDT-FOGLIA: It was certainly necessary to do  
20 that.

21 MR. VON BONE: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: But did you give it a thought if  
23 -- seeing the questions you have, if we can go back?

24 MR. VON BONE: Yes. It's a -- this is a step-up question for a  
25 number of other questions that I think that are necessary to do in

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 801

Cross-examination by Mr. Von Bone

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

1 private.

2 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we can ...

3 MR. VON BONE:

4 Q. Mr. Witness, where were you when the offensive in your area  
5 started?

6 [REDACTED]

7 Q. And can you tell what was the date that the offensive started?

8 A. I think it started on the 18th of April. It started at Marec,  
9 where they shelled from Novo Brdo towards Vitia and Zllash. I  
10 believe it was the 18th, 18th of April.

11 Q. And do you recall, taking that date into consideration, how long

12 [REDACTED]

13 [REDACTED]

14 A. No, I don't remember. I don't remember the date.

15 Q. Maybe you don't remember the date, but could you maybe give an  
16 estimate in days or weeks or months?

17 A. No, no, no, no. [REDACTED] but I don't know which date in

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] but I don't know the date.

22 Q. They had been expelled, you say, by Serbian shelling. Do you  
23 recall when Prishtine was bombed?

24 A. No. Please, don't misunderstand me. They were not expelled --  
25 or they did not leave because of the shelling. The Serb police and

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 802

Cross-examination by Mr. Von Bone

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

1 army entered the village and went from house to house, and they told  
2 the people to go, to leave their houses and go towards Gollak. So  
3 they did not leave because of the shelling. From Novo Brdo they were  
4 shelling towards Zllash. They did not care whether they were  
5 shelling civilians or KLA points or other places. They were shelling  
6 everywhere.

7 But in Zllash-Viti-Marec, there were KLA soldiers. Prishtine  
8 was not shelled by the Serb forces. Prishtine was bombed by NATO.

9 Q. That's right, Prishtine was bombed by NATO. Do you recall the  
10 date when that bombing was?

11 A. On 24 March.

12 Q. And taking that date into consideration, could you give an  
13 estimate how long after that date, after the bombing of Prishtine by

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. And how do you relate to that month? To what do you relate it,  
20 that it is [REDACTED]

21 A. This is some sort of a strange question, but I'll try to answer  
22 it. I find it strange for you to ask, [REDACTED]

23 [REDACTED] Anyone

24 who knows how to read and write can tell the months and the years.

25 Q. I understand. But I'm trying to determine if you can have any

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 803

Cross-examination by Mr. Von Bone

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

1 point of reference from which you can say, "Well, therefore, I know  
2 [REDACTED] So if the  
3 point of the start of the offensive is not a good point of reference  
4 for you, is it then maybe a point of reference of the NATO bombings a  
5 better reference for you to estimate how long before or after that  
6 was?

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. Then --

11 THE INTERPRETER: Microphone.

12 MR. VON BONE:

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 804

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 A. Yes.

3 Q. And just did he have any choice not to go with you?

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. The car, the vehicle was outside the gate to the compound. We  
24 entered inside, and I've marked that place with an arrow. So we  
25 entered 3, 4 metres inside the compound, and then we went back

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 805

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR. VON BONE: I think we can go into public session.

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

13 Madam Court Officer, can we go back to public session, please.

14 [Open session]

15 THE COURT OFFICER: Your Honours, we are back in public session.

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

17 Counsel for the Defence, you can proceed.

18 MR. VON BONE:

19 Q. Do you know if BIA had any other bases elsewhere?

20 A. I don't know if they had one, another base. It could have been  
21 in Llap, but I don't think so. I think that only -- they had only  
22 the point in Zllash.

23 Q. And regarding that, have you ever met anywhere else people from  
24 the BIA unit outside? For example, in Prishtine or elsewhere.

25 A. No, I didn't. It was impossible for me to go to Prishtine.

Witness: W04600 (Resumed) (Open Session)

Page 806

Cross-examination by Mr. Von Bone

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

1 There were Serbian forces there, and there was no way I could get to  
2 Prishtine at the time. And I don't think there were any in  
3 Prishtine. Apart from the point that was known to me, I don't think  
4 they had another base elsewhere.

5 Q. What did you actually know about the BIA?

6 A. Not more than what I said. They were a KLA unit named BIA. And  
7 as I said, we referred to them as Skifterat.

8 Q. Did they have any particular call sign, if you know?

9 A. Yes, they did.

10 Q. And what was that?

11 A. I don't know. I have forgotten.

12 Q. What was the position of Rrahman Dini?

13 A. To my knowledge, he was chief of staff of the brigade. To my  
14 knowledge.

15 Q. And where was he located?

16 A. The headquarters of the brigade, the brigade staff, was located  
17 at Zllash school.

18 Q. Was the BIA unit actually a unit that was part of Brigade 153 or  
19 were they -- that is the question.

20 PRESIDING JUDGE VELDT-FOGLIA: But that question I think we have  
21 already heard --

22 MR. VON BONE: Yes. Yeah, I just wanted to step up to something  
23 else and make -- makes it easier, I think.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. But that's -- please don't  
25 repeat questions we have done already.

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 807

Cross-examination by Mr. Von Bone

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

1 THE WITNESS: [Interpretation] Your Honour, no problem. I can  
2 answer that. BIA unit was not part of 153rd Brigade. It was part of  
3 Llap operational zone.

4 MR. VON BONE:

5 Q. Did the BIA have any authority over the military police? Did  
6 the BIA have any authority over the military police?

7 A. No.

8 Q. Did the BIA have any authority over the brigade?

9 A. I don't know. I don't think so.

10 MR. VON BONE: I need to think. It's useful to go into private  
11 session for a couple questions.

12 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we go  
13 into private session, please?

14 ~~[Private session]~~ [Open session]

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

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.  
17 Could you briefly say why we are in private session, counsel for the  
18 Defence?

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

20 PRESIDING JUDGE VELDT-FOGLIA: Please, please, your mic. I know  
21 it's complicated --

22 MR. VON BONE: I'm going to name a number of people and I want  
23 to know whether that person -- whether the witness knows these people  
24 and I think it is wise to do that in private session.

25 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.



Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 808

Cross-examination by Mr. Von Bone

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

1 MR. VON BONE:

2 Q. Have you ever heard of Mr. [REDACTED]

3 A. No.

4 Q. Have you ever heard of Mr. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. Did you ever hear of a person called Gani Krasniqi or Gani  
8 Kolovice?

9 A. Yes.

10 Q. Who was he?

11 A. Gani Krasniqi or Gani Kolovice is from Kolovice village near  
12 Prishtine.

13 Q. And what was his job, if you know?

14 A. I don't know.

15 Q. Do you know Fatmir Humolli?

16 A. Yes, with the pseudonym Baci.

17 Q. Did you ever have contact during the war with him?

18 A. Yes.

19 Q. How did you have contact with him? How, as in personal or any  
20 other type of contact.

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 809

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 MR. VON BONE: We can go into public session.

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

6 [Open session]

7 THE COURT OFFICER: Your Honours, we are back in public session.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.  
9 Defence counsel.

10 MR. VON BONE:

11 Q. Mr. Witness, do you know, by your own knowledge, if there was  
12 any person ever detained at the Zllash compound?

13 A. I have no knowledge that someone was detained or something like  
14 that was going on there.

15 Q. Did you ever hear about that from somebody else?

16 A. No, never.

17 Q. You have visited that compound at some point. Have you heard at  
18 that moment or at that time any screaming of any particular?

19 A. No, I didn't hear anything.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) (Open Session)

Page 810

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Q. Was there any dress code, if you know, for the people who were  
5 in the BIA? Was there any rules or regulations regarding that?

6 A. As every other soldier of the KLA, they had the same uniforms as  
7 any other soldier of the KLA.

8 Q. Do you know if people from the BIA got any military training?

9 A. I don't know. I have no knowledge about that.

10 Q. Do you know if there in Llapashtice has ever been a detention  
11 centre?

12 A. The so-called Llap Group that was tried in Kosovo, and through  
13 the media I've heard about this, they did not deny that there was  
14 such a detention place, centre, in Llapashtice. I don't know more  
15 than that.

16 Q. So you received that from public information, so to speak?

17 A. Every single citizen heard about that through the media. That  
18 was not denied by the accused at that trial.

19 Q. And did you know about it during the time [REDACTED]

20 [REDACTED] Did you  
21 have knowledge about it at that time?

22 A. No, I didn't. We did not have access to the zone. The zone had  
23 access to the brigades and our units, but we did not have access to  
24 the zone.

25 Q. The base that you are referring to at the compound that we have

Witness: W04600 (Resumed) (Open Session)

Page 811

Cross-examination by Mr. Von Bone

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

1 discussed, do you have any knowledge that that base was in control of  
2 the BIA unit -- under control of the BIA unit?

3 A. The base that we discussed earlier?

4 Q. That's right. I don't want to mention the name of it.

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

6 THE WITNESS: [Interpretation] Yes, under their control.

7 PRESIDING JUDGE VELDT-FOGLIA: Could wait for a moment? I saw  
8 the Specialist Prosecution Office --

9 MR. DE MINICIS: Just some more precision again. We discussed  
10 several bases today. So one may not want to say the name but we will  
11 have to make more precise references. But I --

12 PRESIDING JUDGE VELDT-FOGLIA: I think it was clear what was  
13 mentioned. The witness knew.

14 So please proceed.

15 MR. VON BONE:

16 Q. And how do you have that knowledge that that base was under the  
17 control of the BIA, that base that we discussed earlier?

18 A. I will answer with a question. How do you know who is a mayor  
19 in this town? How do you, as a person, know who the mayor of this  
20 town is?

21 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, we don't answer with  
22 questions, I would say. Try to give an answer and that is it. Okay?

23 THE WITNESS: [Interpretation] Thank you. Very simple how we  
24 knew that BIA, or the Skifterat base, was there. Everybody knew  
25 that. I knew it, soldiers knew it, maybe citizens, simple citizens

Witness: W04600 (Resumed) (Open Session)

Page 812

Cross-examination by Mr. Von Bone

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

1 knew it. They all knew that that location was BIA's base.

2 MR. VON BONE:

3 Q. I understand. I just asked not about the citizens. I am asking  
4 you your personal knowledge: How did you get to know that that was  
5 under the control of the BIA? How did you get that particular  
6 knowledge?

7 A. All of us knew that that base was led by BIA. Every soldier  
8 knew that. I knew that.

9 Q. Did you ever discuss this with the accused, Mr. Mustafa?

10 A. For what?

11 Q. My question was: Did you ever discuss this with the accused,  
12 Mr. Mustafa?

13 PRESIDING JUDGE VELDT-FOGLIA: But, counsel for the Defence, we  
14 all have the same reaction here. What has he discussed -- should he  
15 have discussed with the accused?

16 MR. VON BONE:

17 Q. Did you ever discuss with Mr. Mustafa that he, or his unit, was  
18 controlling the location in Zllash?

19 A. The question you're asking is as if a pupil addresses a teacher  
20 and says, "No, it's not like that, but it's like this." I was  
21 [REDACTED] responsible for a  
22 small group of people. I cannot ask a more senior officer who is  
23 responsible or in charge of this zone or of that zone.

24 PRESIDING JUDGE VELDT-FOGLIA: Counsel for the Defence, just an  
25 organisational point.

Witness: W04600 (Resumed) (Open Session)

Page 813

Cross-examination by Mr. Von Bone

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

1 MR. VON BONE: Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: Yes, I heard -- we are at the end  
3 of the allocated time to you. But, of course, you can be given more  
4 time. I'm looking at the clock. How much time do you think that you  
5 will need still for your cross-examination?

6 MR. VON BONE: I would go --

7 PRESIDING JUDGE VELDT-FOGLIA: Microphone, please.

8 MR. VON BONE: So, sorry. I would certainly go over the time,  
9 yes. And I would like to ask a little leniency as to discuss the  
10 matters with the witness.

11 PRESIDING JUDGE VELDT-FOGLIA: My question would then be how  
12 much time do you think that you would still need?

13 MR. VON BONE: I'd say about 15, 20 minutes, approximately.

14 PRESIDING JUDGE VELDT-FOGLIA: I have the possibility to  
15 continue till a quarter past 4.00 today. However, I see that, I  
16 would say, let us proceed another ten minutes and then for sure we  
17 need to adjourn and resume next week on Monday, because there will be  
18 the possibility of the other parties and the Victims' Counsel to do  
19 further questions and also for the Panel.

20 So I would say we continue some ten minutes more, and then we  
21 will adjourn, and then you can tell me where you stand.

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

23 Q. Was there ever in the organisation, to your knowledge, any  
24 particular decision made that the BIA would be the unit that would  
25 control the location in Zllash that we have discussed earlier?

Witness: W04600 (Resumed) (Open Session)

Page 814

Cross-examination by Mr. Von Bone

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

1 There's only one location that we are talking about today.

2 A. I don't know.

3 Q. Did any superior officer, be it the head of the brigade, the  
4 deputy head of the brigade, the chief of staff of the brigade or any  
5 other person ever tell you that it was the BIA unit who would be the  
6 single controller over the location that we have discussed today?

7 A. No, nobody told me that. But we all knew.

8 Q. And what do you call, in this perspective, a base? Was it the  
9 complete entire compound that was under the control of them or was it  
10 just the usage of a building or more buildings?

11 A. The entire compound. I refer to them for the entire compound.

12 Q. Did you ever discuss it with the family who was actually living  
13 there?

14 PRESIDING JUDGE VELDT-FOGLIA: What do you mean with "it"?

15 MR. VON BONE: Yes, sorry.

16 Q. Did you ever -- yes. Did you ever discuss this control over  
17 that particular compound with any of the family members who owned the  
18 houses on that particular compound?

19 A. It was not under my competence to speak to any of the family  
20 members because they voluntarily gave their house for the usage of --  
21 by KLA. So I did not speak to any of them on this matter.

22 Q. And, actually, was there anybody of the family who owned one or  
23 more buildings in that compound, was there anybody still living there  
24 at that moment that you visited that location on the day that we  
25 discussed today?

1 MR. VON BONE: Staying in public session. I think that is the  
2 best.

3 THE WITNESS: [Interpretation] I understand your question. I  
4 don't know if any of them was still living there because they left  
5 the compound much earlier. They moved to the city. Maybe some of  
6 them even abroad. So to my knowledge, there was nobody there. As I  
7 said, they voluntarily gave the house to the KLA. So how they agreed  
8 on that, I don't know.

9 MR. VON BONE:

10 Q. And when did they leave, actually, that particular compound  
11 then? Do you know? Can you say when that was in time?

12 A. It happened maybe a year or two before.

13 Q. Today we discussed that at some point in time you visited  
14 briefly that particular compound. And if you do not recall the  
15 moment that I'm referring to, then I ask to go into private session.  
16 But when you went there at that time, do you recall what the weather  
17 was like in that period?

18 A. It was before the evening.

19 Q. The question was what was the weather like? Was it ...

20 A. The weather was similar to today.

21 Q. Thank you very much.

22 PRESIDING JUDGE VELDT-FOGLIA: And how is the weather today?

23 THE WITNESS: [Interpretation] It is windy. It is sunny. I  
24 think it was similar at that time. The temperature might have been a  
25 bit lower, but it was similar.



Witness: W04600 (Resumed) (Open Session)

Page 816

Cross-examination by Mr. Von Bone

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

1           PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2           MR. VON BONE:

3           Q. It was in the evening. Was it getting dark?

4           PRESIDING JUDGE VELDT-FOGLIA: I did not hear the witness say  
5 that it was in the evening. Shall we read that back? It was before  
6 the evening, I believe.

7           MR. VON BONE: Sorry, before the evening.

8           PRESIDING JUDGE VELDT-FOGLIA: So page 71, line 11.

9           MR. VON BONE: Yes, I read it.

10          Q. Was it getting dark or -- you said "before the evening," is that  
11 --

12          PRESIDING JUDGE VELDT-FOGLIA: Could you make an open  
13 question --

14          MR. VON BONE:

15          Q. Approximately --

16          PRESIDING JUDGE VELDT-FOGLIA: When -- when was it --

17          MR. VON BONE:

18          Q. -- can you give an idea --

19          PRESIDING JUDGE VELDT-FOGLIA: No --

20          MR. VON BONE:

21          Q. -- when you were --

22          PRESIDING JUDGE VELDT-FOGLIA: Mr. Defence Counsel, please, an  
23 open question. What time of the day was it? And then you can  
24 specify according to what he said before.

25          MR. VON BONE:

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 817

Cross-examination by Mr. Von Bone

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

1 Q. So what time of the day was it?

2 A. I can't remember exactly. It was before the evening.

3 Q. When you have been there on that compound before, before that  
4 particular day that you were at or near the entrance, have you  
5 recognised any families that were there, not on that particular day  
6 but times before?

7 A. No, I hadn't.

8 Q. Were the people that were there on that day that you were there  
9 that we discussed in private session, were the people there from that  
10 area or elsewhere?

11 A. I didn't understand the question.

12 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I think -- now,  
13 Defence counsel, I think it's better to go into private session and I  
14 think that will be one of the last questions for today, I would  
15 propose.

16 Madam Court Officer, could you bring us into private session,  
17 please?

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

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

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 MR. VON BONE:

22 [REDACTED]

23 [REDACTED]

24 from other areas, or could you distinguish that maybe somehow?

25 A. I wasn't able to distinguish them. People who were local did

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 818

Cross-examination by Mr. Von Bone

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

1 not need to take shelter there. They had their own houses. But I'm  
2 sure because of that, they must have been from further away.

3 Q. And lastly, could you give an estimate about the amount of  
4 people that you have seen there that day that were actually there?

5 A. No, I can't give you an estimate. I can't give you a number,  
6 the number of the refugees that were staying there, because I don't  
7 know.

8 Q. But it was clear that they were refugees staying there?

9 A. Yes, of course. Because that house was not inhabited. There  
10 were only the BIA soldiers there and civilians that were being  
11 sheltered there. Not only there but in the entire Gollak area; in  
12 the houses, in schools, in other places. People were being sheltered  
13 there so that they wouldn't sleep out in the open.

14 But as I said, there was not enough room for everyone in the  
15 houses and in the buildings, so people would stay in tents, in cars,  
16 and then they were being helped with food and other necessities.

17 Q. And my very last question is do you know when these people were  
18 evacuated from there, if they were evacuated from there at some point  
19 in time?

20 A. I don't know when --

21 PRESIDING JUDGE VELDT-FOGLIA: Excuse me.

22 THE WITNESS: [Interpretation] -- when they were evacuated.

23 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, Defence counsel. You  
24 said "when" and "if." And those are --

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

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 819

Cross-examination by Mr. Von Bone

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

1           PRESIDING JUDGE VELDT-FOGLIA: There were two questions. But  
2           you started with "when," and then you said "if." So what is the  
3           question to the witness?

4           MR. VON BONE:

5           Q. If they were evacuated at some point in time.

6           A. I don't understand. You mean from the base we talked about?

7           Q. Yes.

8           A. I don't know. I was not there. I don't know. Because the  
9           column started from Koliq, Kecekolle, Zllash, Marec, Mramor, when the  
10          shelling started from Novo Brdo towards the eastern part of Zllash.  
11          Then the population left and went towards Prishtine. We were being  
12          shelled from all sides. And buildings were being set on fire, people  
13          were being tortured and killed, so they were leaving and went towards  
14          Prishtine.

15          And it's a known fact there was the Makovc massacre. People  
16          were leaving and trying to get away from there. We didn't know where  
17          to direct them. If they asked us, they -- we didn't know what to  
18          tell them where to go. Nobody knew. We couldn't give them an answer  
19          to the population when they asked us. We couldn't tell them, "Go to  
20          this direction" or "that direction."

21          There were police forces among the population, and they -- Serb  
22          police. They were telling the population where to go.

23          Q. Thank you very much.

24          MR. VON BONE: And thank you very much for your patience. I  
25          think that would conclude, certainly now, the questions.

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 820

Cross-examination by Mr. Von Bone

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

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

2 Madam Court Officer, can you bring us back into public session,  
3 please.

4 [Open session]

5 THE COURT OFFICER: Your Honours, we are back in public session.

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

7 First of all, Defence counsel, how much time do you think that  
8 you will still be needing?

9 MR. VON BONE: I think that would be about 15 minutes on one or  
10 two topics, mostly. That is not anymore anything too in deep  
11 regarding the issues that we've discussed today. It's just two, I  
12 would say, miscellaneous topics.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you. On Monday, will your  
14 client be here?

15 MR. VON BONE: Yes, my client --

16 PRESIDING JUDGE VELDT-FOGLIA: Please, the mic.

17 MR. VON BONE: I think that my client will not be here on  
18 Monday, but I would like to verify that with him, actually, because  
19 then at least we can know that today.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Mustafa, will you be here on  
21 Monday? And I mean with "here" in the courtroom live, in person.

22 THE ACCUSED: [via videolink] [Interpretation] I will consult my  
23 counsel and let you know.

24 THE INTERPRETER: The line is not very good, Your Honour. I  
25 couldn't hear whether it was "yes" or "no."

Witness: W04600 (Resumed) (Open Session)

Page 821

Cross-examination by Mr. Von Bone

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

1           PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, what I heard  
2           from your client is that he wants to discuss it with you. We would  
3           appreciate it very much if we could hear today, if possible, if he  
4           will be in the courtroom in person.

5           MR. VON BONE: Yes, if it is made available that we have a  
6           telephone call regarding that directly after the closing of this  
7           hearing, then I can let the Court Officer know about that.

8           PRESIDING JUDGE VELDT-FOGLIA: Good. I will ask some other  
9           questions to the Specialist Prosecutor's Office and the  
10          Victims' Counsel, but I first want to usher the witness out.

11          Mr. Witness, thank you very much for your time today. We have  
12          now finished --

13          THE WITNESS: [Interpretation] Thank you.

14          PRESIDING JUDGE VELDT-FOGLIA: No, no, no. We have now finished  
15          with the questioning for today, but we are not finished with the  
16          questioning yet. So there are still questions from maybe the other  
17          parties and for sure from the Judges, so I would like you --  
18          therefore, to inform you that we will resume on Monday with  
19          questioning, and that will be at 11.30. So not at 9.30 as today but  
20          at 11.30.

21          Let me remind you that until Monday morning you shall not  
22          discuss your testimony with anyone. You will be assisted now by the  
23          Registry staff. Try to rest this weekend, and we will see you again  
24          on Monday. Thank you.

25          THE WITNESS: [Interpretation] Thank you.

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

1 [The witness stands down]

2 PRESIDING JUDGE VELDT-FOGLIA: I now look at the Specialist  
3 Prosecutor's Office.

4 Mr. Prosecutor, would you continue with the questioning on  
5 Monday after the Defence has finished?

6 MR. DE MINICIS: Your Honour, with the Panel's leave, we would  
7 like to review the record over the weekend and get back to you on  
8 Monday with that decision. But I can anticipate that if we have any  
9 questions, it will be very brief.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay, good.

11 Would you, Victims' Counsel, want to proceed with examination on  
12 Monday?

13 MS. PUES: Similarly to what the Prosecutor's office has said.  
14 I doubt it, that's my indication. So if so, only one or two. But I  
15 can't entirely rule this out just now. Thank you.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good.

17 With regard to the next SPO witness, Witness 1679, the Panel has  
18 decided that we will start the examination on 4 October. So we will  
19 finish, as far as I can oversee, on Monday the examination of  
20 Witness 4600, and then we will resume with the interrogation on  
21 Monday, 4 October.

22 I look at the SPO to see if they have any further observations  
23 at this point?

24 MR. DE MINICIS: No, Your Honour. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, do you have any

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

1 observations?

2 MS. PUES: No, thank you.

3 PRESIDING JUDGE VELDT-FOGLIA: And Defence counsel?

4 MR. VON BONE: No, Your Honour. No further observations.

5 PRESIDING JUDGE VELDT-FOGLIA: Then -- okay. Then I will,  
6 before I adjourn, thank as always the interpreters, the audio-visual  
7 booth, our stenographer, and security for also today's assistance.  
8 And I wish you a restful weekend.

9 And the hearing is adjourned till next Monday, 11.30.

10 --- Whereupon the hearing adjourned at 4.21 p.m.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25