

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

1 Tuesday, 25 January 2022

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

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

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 First of all, I will call appearances.

11 Mr. Prosecutor, can you tell us who is present for the SPO.

12 MR. DE MINICIS: Good morning, Your Honours. Today appearing
13 for the SPO are Silvia D'Ascoli, Associate Prosecutor; Julie Mann,
14 Case Manager; Ari Bilotta, legal intern; and myself,
15 Filippo de Minicis, Associate Prosecutor.

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

17 Victims' Counsel, you have the floor.

18 MS. PUES: Thank you, Your Honours. And good morning,
19 everybody. The participating victims are today represented by
20 Marie-Pier Barbeau as co-counsel, and by myself, Anni Pues, as
21 counsel.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

23 Defence counsel, you have the floor.

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

25 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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1 Mr. Mustafa, can you hear me fine?

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

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

5 Today we will hear the testimony of SPO Witness 4484,
6 Mr. Sejdi Veseli.

7 Madam Court Usher, can we please usher the witness into the
8 courtroom.

9 Defence counsel, I see you standing.

10 MR. VON BONE: I think it's 4844.

11 PRESIDING JUDGE VELDT-FOGLIA: And did I say something else?

12 MR. VON BONE: 4484. Just for the record, Your Honour.

13 PRESIDING JUDGE VELDT-FOGLIA: Let me check that. My intention
14 was to say 4484.

15 MR. DE MINICIS: And that's the correct number, Your Honour.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well.

17 [The witness entered court]

18 PRESIDING JUDGE VELDT-FOGLIA: Please have a seat.

19 Mr. Veseli, good morning.

20 THE WITNESS: [Interpretation] Good morning. Thank you.

21 PRESIDING JUDGE VELDT-FOGLIA: And welcome to the Specialist
22 Chambers.

23 Can you hear me fine?

24 THE WITNESS: [Interpretation] Yes, I can.

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

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1 THE WITNESS: [Interpretation] I am very well. Thank you.

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

3 Mr. Veseli, today we will start with your testimony. You are
4 called to testify before the Specialist Chambers in the case of the
5 Specialist Prosecutor against Mr. Salih Mustafa in order to help the
6 Panel to reach a verdict.

7 First I will ask you to take your solemn declaration to tell the
8 truth. And after that, you will be asked questions by the lawyers
9 for the Prosecution, for the victims participating in the procedures,
10 and by the lawyers for the Defence counsel, and in the end, by us,
11 the Judges.

12 I would like to provide you some guidance, Mr. Veseli, for
13 answering the questions that you will be asked.

14 Mr. Veseli, please listen carefully to each question and if you
15 don't understand, feel free to ask for the question to be repeated.

16 We want you to tell the truth and to tell us what you saw, what
17 you heard, what you sensed, what you experienced. If you did not see
18 or hear it yourself, please explain -- you should say so and you
19 should explain how you came to know about it.

20 You may not remember the details of all the events, and this is
21 perfectly fine. Please testify on what you remember and don't try to
22 make things up, and there's nothing wrong in saying "I don't know,"
23 "I don't remember."

24 Have you understood all this, Mr. Veseli?

25 THE WITNESS: [Interpretation] Yes, I have.

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1 PRESIDING JUDGE VELDT-FOGLIA: Now I would like to give you some
2 practical advice for your testimony.

3 Everything that we say here is translated and recorded, so it is
4 important that you speak into the microphone in front of you, that
5 you speak at a slow pace, and that you speak clearly, and that will
6 allow the interpreters to translate everything.

7 You should only start speaking when the person asking you a
8 question has finished. When a question is asked, please count in
9 your head up till five and then give an answer, and this pause of
10 five seconds will give us the possibility to properly hear,
11 translate, and record what you are saying.

12 If you have any questions, if you need a break, just raise your
13 hands and I will give you the floor and you can express your needs.

14 Have you also understood all this, Mr. Veseli?

15 THE WITNESS: [Interpretation] Yes, I have.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well.

17 As I will do with every witness, I will now ask you to read your
18 solemn declaration to tell the truth. And I have to remind you that
19 it is an offence within the jurisdiction of the Specialist Chambers
20 to give a false testimony. Yes?

21 Madam Court Usher, could you please assist Mr. Veseli with his
22 solemn declaration to tell the truth. You may stand but you must --

23 THE WITNESS: [Interpretation] Your Honours, I'm standing to take
24 my oath. I'm not taking it whilst seated.

25 Conscious of the significance of my testimony and my legal

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1 responsibility, I solemnly declare that I will tell the truth, the
2 whole truth, and nothing but the truth, and that I shall not withhold
3 anything which has come to my knowledge.

4 WITNESS: SEJDI VESELI

5 [Witness answered through interpreter]

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Veseli. You are
7 now under oath to tell the truth.

8 THE WITNESS: [Interpretation] Can I sit?

9 PRESIDING JUDGE VELDT-FOGLIA: You can sit. And please, we have
10 to wait for each other when talking. So when I'm saying something,
11 please don't speak through it for reasons that the translation booth
12 has to do its work properly.

13 Let me remind everybody that this hearing is held in open
14 session unless otherwise requested by the parties, the
15 Victims' Counsel, or decided by the Panel. We should be careful not
16 to disclose any confidential information. And in this regard, I ask
17 you to give me prior notice if you would like to go into closed or
18 private session for the purposes of your questioning or to make any
19 submissions.

20 Now, we can begin with the testimony of Mr. Veseli by the SPO.

21 Mr. Prosecutor, please inform the Panel if you think you will be
22 needing more or less time than the time you have shared with us, and
23 that is the four hours.

24 MR. DE MINICIS: Your Honour, thank you. I believe, perhaps
25 belatedly, but on Monday, yesterday, we e-mailed the Court revising

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1 our estimates to two hours. But perhaps I -- if the message hasn't
2 reached Your Honours, then it's my fault.

3 PRESIDING JUDGE VELDT-FOGLIA: It's not about fault in this
4 case. Thank you for informing us now, and we will proceed
5 accordingly.

6 MR. DE MINICIS: Thank you.

7 PRESIDING JUDGE VELDT-FOGLIA: You have the floor.

8 Examination by Mr. de Minicis:

9 Q. Good morning, Mr. Veseli. My name is Filippo de Minicis. I
10 will be representing the SPO today here. We met briefly yesterday.

11 Can we start, please, could you please state your name and
12 surname for the record.

13 A. My name is Sejdi Rexhep Veseli, born on January 1, 1949, in
14 Gallap village, Besiane [phoen] municipality.

15 Q. Mr. Veseli, during the conflict in 1998 and 1999, were you ever
16 a member of the Kosovo Liberation Army?

17 A. First of all, I do not call it a conflict. I call it a national
18 liberation war which was imposed on us. It was imposed on us. We
19 never wanted it ourselves. Otherwise, I was a member and proud to be
20 so. And I shall -- and I'm ready to be so again, should the need
21 arise.

22 Q. Could you tell the Court when, around what time you joined the
23 KLA?

24 A. I arrived from Tirana on 25 December 1998.

25 Q. And would that be the date that you joined the ranks of the KLA?

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1 A. That's right. An active member. Otherwise, I worked for the
2 KLA since its foundation.

3 Q. In which area of Kosovo did you join the KLA?

4 A. In the Gallap zone on the -- the old name for it is Gollak.

5 Q. Is there any particular reason that you joined the ranks of the
6 KLA in that area?

7 A. First and foremost, it's where I was born. And there was also
8 one of my jail mates there. The two of us had been convicted by the
9 Serbian regime and suffered together.

10 Q. Who was this friend of yours who was there in the area?

11 A. Fatmir Sopi. We were co-convicts. We were convicted on
12 political motives, both of us.

13 Q. Now, did you -- when you joined the KLA in the Gollak area, did
14 you come to join any particular unit of the KLA?

15 A. I worked in the beginning -- I -- you can't impose membership on
16 someone, but I was there since the Brigade 153 was being set up. On
17 the 20th February 1999, this is when I put on the uniform and became
18 a formal member.

19 Q. Okay, thank you for that. You told us that you arrived in 1998,
20 and that was in December 1998, from Tirana.

21 A. 25 December.

22 Q. And at that time you already took the first steps to join the
23 Kosovo Liberation Army upon your arrival?

24 A. I put on the uniform formally when I arrived in Gollak, because
25 otherwise I was one of the organisers and original founders of the

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1 movement.

2 Q. And so the day when you put the uniform on, would that be
3 20 February 1999 when Brigade 153 was formed?

4 A. Yes, it was founded. However, to be fully established, it takes
5 some time for a big brigade. However, it was founded, it was born,
6 as it were, just like a baby, on 20 February.

7 Q. Thanks, Mr. Veseli. What was your role within Brigade 153?

8 A. I was the deputy commander of this brigade.

9 Q. As deputy commander, what were your -- could you tell the Court
10 what your functions and your role were?

11 A. My main role consisted in preparing the regulations for the
12 brigade. It was in the process of being formed, and there can be no
13 organisation without regulations. So my main task consisted in
14 drafting the regulations for all the units of Brigade 153.

15 Q. So you were the deputy commander. Could you tell the Panel who
16 was the commander when the brigade was founded?

17 A. Initially, it was vacant. It was pending the arrival of a
18 commander from Tirana, Mr. Adem Shehu, a military man who quit his
19 regular job in the army of Albania and came to join the KLA.

20 Q. So who acted as commander until the time Mr. Shehu arrived in
21 the Gollak area?

22 A. Initially, when I first arrived, it was the unit for --
23 operational unit for Gollak set up by Fatmir Sopi. It was -- it
24 worked in small groups, in villages. The main task of it consisted
25 in defending the population which had been displaced by systematic

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1 terror. We are talking about a hundred thousand people who had been
2 displaced and established in schools and homes around Gollak.

3 Our main task was to protect that population, to help them, to
4 give them healthcare and so on. So that's what our task consisted of
5 at the time.

6 Q. Do you recall, approximately, when Commander Shehu arrived to
7 the Gollak area and formally took up his role as commander of
8 Brigade 153?

9 A. Roughly about two weeks later. That's when he assumed control.

10 Q. Thanks, Mr. Veseli. I'll now be asking you some questions about
11 the structure and functioning of Brigade 153, of which you seem to
12 have a good memory.

13 First off, what operational zone was Brigade 153 part of?

14 A. Brigade 153 formed part of the Llap operational zone.

15 Q. Where did Brigade 153 have its headquarters at the time of its
16 creation on 20 February 1999?

17 A. When it was set up, it was in the house of Fatmir Sopi in the
18 village of Zllash, about 20 kilometres from Prishtine.

19 Q. And would you, as a deputy commander, be based in Fatmir Sopi's
20 house at that time?

21 A. Yes.

22 Q. Did you also sleep there, spend there the nights or did you
23 spend the nights elsewhere?

24 A. That's where we stayed. We stayed at his home.

25 Q. Now, of the officers of Brigade 153, who else was based at

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1 Fatmir Sopi's house at that time?

2 A. There were no officers. It was in the process of being formed.
3 Co-fighters, I'd call them. Otherwise, there were no officers around
4 largely because it was in the process of being set up. I think it
5 should be clear to all and sundry that Brigade 153 and the KLA did
6 not emerge out of barracks and military academies. It emerged out of
7 the people, you know, the people who offered their sons and daughters
8 as a result of the utterly difficult situation caused by the Serbian
9 military and the police.

10 Q. Thanks for clarifying that. Perhaps what I meant is the
11 commanders or the people who were in charge. So you were based
12 there, and was Mr. Sopi based there?

13 A. Yes.

14 Q. What about Mr. Shehu, when he arrived?

15 A. Shehu stayed there after arriving as well. I'm not sure you
16 understand, but every house in Gollak was also an army base.
17 Everything was shared around with the army. Our mothers would cook
18 out in the yards, if the need arose, to feed the soldiers. The whole
19 people put themselves at the disposal of the army, to help everyone
20 who arrived to join.

21 We paid, for instance, attention to detail such as the powder
22 milk needed for breastfeeding mothers.

23 Q. Did Brigade 153 have somebody acting as a chief of staff?

24 A. It initially did not. However, near the end of the war that
25 task was given to me.

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1 Q. Let's move a bit forward in time by a month or two around
2 April 1999. At that time, did you know a man by the name of
3 Rrahman Dini?

4 A. Yes, he was part of my organisation from 1984, which was the
5 national liberation front, that's what it was called, and he had been
6 convicted whilst a minor. Otherwise, he suffered from a heart
7 problem. He had asthma, and his lungs had been entirely destroyed as
8 a result of the tortures that he had been subjected to as a child,
9 and eventually he paid with his own life.

10 Q. How was his health around March and April 1999, Rrahman Dini's
11 health?

12 A. It was very poor. In normal circumstances, he ought to have
13 been sent to an A&E unit.

14 Q. Was he receiving medical care at the time to the extent possible
15 under the circumstances?

16 A. There were doctors amongst the displaced population and
17 medicine -- students of medicine. The hospitals, even before --
18 before the war and before being displaced, were not available to us,
19 so we all took care of each other.

20 Q. Did Rrahman Dini have any active operational role in March or
21 April 1999?

22 A. I cannot recall. I don't think he was able to.

23 Q. Now, Mr. Veseli, you told us that around February 1999
24 Fatmir Sopi's house was used as headquarters, you were staying there,
25 Fatmir Sopi was staying there, Mr. Shehu stayed there when he

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1 arrived.

2 Aside from this place that you've mentioned, was there any other
3 building used by Brigade 153 in Zllash?

4 A. We later moved on to Sadik Sopi's house. He's the uncle of
5 Fatmir Sopi.

6 Q. Was there any building or any area of Zllash where soldiers and
7 new recruits were trained?

8 A. New recruits underwent training at the Zllash school, the
9 opposite side of the school which was not -- which was hidden away
10 and not able to be observed from a distance by the Serbian forces.
11 Otherwise, that's where the training took place, and it included also
12 lectures held inside the school classrooms. I was one of those
13 people giving those lectures.

14 Q. So far we've learned that Brigade 153 was headquartered in
15 Zllash, and you told us the locations where it was headquartered.
16 Now, within the area of Zllash, were there other KLA units which were
17 based and/or operating from there?

18 A. There were two other units set up in Zllash. The Karadak
19 operational unit, which was at a distance of about 200 metres from
20 our headquarters, it was also in the process of being set up as an
21 operational zone. And there was also a group of city guerilla
22 fighters who were called the BIA.

23 Let me explain. BIA is an acronym. It's the first letters of
24 three martyrs, Bahri, Ilir, and Agron.

25 Q. Who was the commander of the BIA unit in the period of

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1 March/April 1999?

2 A. If I recall correctly, it was Salih Mustafa.

3 Q. Was Salih Mustafa known by any other name or nickname at the
4 time during the war?

5 A. I heard that he was called Cali, which is a name I've never used
6 myself. I always called him Salih.

7 Q. And I forgot to ask you earlier, Mr. Veseli, were you known by
8 any other name or nickname at the time?

9 A. No.

10 Q. What about Baci?

11 A. Baci, the nickname, belongs to the pre-war period when I was an
12 illegal. After the war, that nickname went to someone else.

13 Q. I understand. Thank you. Now, during your time -- from the
14 time you arrived in the Gollak region and that you took up your
15 position as a commander in -- deputy commander in 1999, did you ever
16 meet, encounter in the area Salih Mustafa in person?

17 A. Yes.

18 Q. Was the BIA unit part -- let me rephrase. Did the BIA unit fall
19 under the command of Brigade 153?

20 A. No, it did not report to the brigade. It depended directly from
21 the Llap operational zone and it was called the city guerilla. They
22 came to Zllash to take shelter there because it was very dangerous
23 for them to remain in the city. There was a very high control by the
24 police, that's why they came there, and for rehabilitation of the
25 soldiers.

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1 Q. So I think you made mention of guerilla or something. Can you
2 tell the Court what the role of the BIA unit was within the conflict?
3 What role? What did they do?

4 A. Like any guerilla unit, it was -- it operated within the city of
5 Prishtine and eventually also in Podujeve.

6 Q. Now, you told the Court that the BIA unit also had a base in
7 Zllash. Where in Zllash did BIA have its base?

8 A. North of Zllash village. There were some, like, isolated
9 houses, old houses which the owners had abandoned. Of course, with
10 the consent of the owners, they'd made use of these houses. We
11 didn't do anything without the consent of the villagers, of the
12 inhabitants. Maybe you should know this, that we used to carry flour
13 on our backs and cook ourselves and not burden the people, not ask
14 the people to do it for us.

15 Q. Now, if you were at the school and you had to reach the BIA unit
16 base, would you have to walk uphill or downhill?

17 A. If you came out of the school, you took a right at an angle of
18 maybe 45 degrees, about 1 kilometre or so, maybe 2 kilometres. It
19 was far from the school.

20 Q. And was it in a more elevated position compared to the school or
21 further down?

22 A. It was a trigonometric quote -- it was higher, actually.

23 Q. Now, did you ever enter this base that you described to be a
24 number of houses?

25 A. No, never.

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1 Q. And who was in charge of this base, of this compound?

2 A. To my recollection, Commander Salihu, he was responsible. I
3 don't know of anyone else.

4 Q. Were any of your men stationed at that base, Mr. Veseli, any of
5 your Brigade 153 soldiers?

6 A. No, no.

7 Q. Now, you told us you haven't been there, but perhaps by virtue
8 of your position at the time you might know the answer, how many
9 soldiers, give or take, were -- BIA soldiers were stationed in that
10 base? Do you know?

11 A. Sir, I refer to some strict military principles. I didn't want
12 anyone to interfere -- interfere in my brigade, and I didn't want to
13 do that with another brigade. It was not my -- part of my duty. So
14 I didn't allow myself to do that. Why should I interfere? And I
15 didn't interfere in anyone else's affairs.

16 Q. Thank you. I wasn't implying any interference or asking you if
17 you had interfered. I was just wondering if you knew, by and large,
18 the number of BIA operatives who were based in that compound?

19 A. For me, it was of principle importance to process information
20 from the ground about the movements of the Serb forces which were
21 working every day to encircle us.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, sorry for
23 interrupting you, but I was looking at the transcript on page 14,
24 line 21, and just to be sure if it's not something about temporary
25 transcription or -- for me, it's not exactly clear, because I didn't

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1 hear it also and I didn't hear it very clearly through
2 interpretation, who was in charge of the base. And I would like to
3 have that repeated again.

4 MR. DE MINICIS:

5 Q. Mr. Veseli, Madam President would like if you could tell us
6 again, I know you've told us, but tell us again who was in charge of
7 the base, of the BIA base in Zllash?

8 A. I am answering to Her Honour. It was Salih Mustafa.

9 Q. Thank you, sir.

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

11 Thank you, Mr. Witness.

12 MR. DE MINICIS:

13 Q. Mr. Veseli, in addition to Salih Mustafa, did you personally
14 know any other member of the BIA unit?

15 A. No, other than one who came from Tirana of whom I -- I have the
16 best recollections, Bahri Gashi, as a very honest man.

17 Q. And Bahri Gashi, so he was a member of the BIA unit?

18 A. Yes.

19 Q. Was he based in Zllash?

20 A. I saw him in Zllash. But every day they travelled, they went to
21 the city, they came back, so it was a base for the rehabilitation of
22 soldiers, where a soldier could take a rest.

23 Q. You have just stated that Bahri Gashi was a very honest man. It
24 would appear it's a man you held in high esteem. What was your
25 consideration of other members of the BIA unit if you --

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1 A. I didn't know them. But I am saying quite bluntly, when I heard
2 that they used some pseudonyms, they were not my vocabulary, like
3 Tabuti, Death, these are not part of my nature. So I don't know much
4 about them and I didn't know to know them. I don't like people using
5 pseudonym. I didn't want anything to have with such people.

6 MR. DE MINICIS: Your Honour, if I could perhaps, on this issue,
7 refresh the witness's memory with some remarks he made about
8 Bahri Gashi and other people he's just mentioned during the SPO
9 interview.

10 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

11 MR. DE MINICIS: Your Honour, if we could please have on the
12 screen, in English, and then I will read it out and the witness shall
13 receive the translation, 069889-TR-ET, Part 2, starting at the bottom
14 of page 13, please.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed,
16 Madam Court Officer.

17 MR. DE MINICIS:

18 Q. Mr. Veseli, I'm going to read part of a question and answer, an
19 exchange that you had with the Prosecutor during your interview on
20 27 November 2019. The Prosecutor asked you:

21 "Did you come into contact with any other member of the BIA unit
22 in addition to Salih Mustafa?"

23 You answered:

24 "There was a young man, a fine young man who was manipulated by
25 them. And then I was with him in Tirana. And he has proven, if need

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1 was, even after war that he is a -- and he's a fine man,
2 hard-working, honest man."

3 And you stated that he was Bahri Gashi.

4 MR. DE MINICIS: And then page 14 now we are, Your Honour.

5 Q. The Prosecutor asked you, at line 17:

6 "But on what basis do you say they manipulated him?"

7 And you answered:

8 "They manipulated him because, first of all, I just couldn't
9 frankly believe that he would stand side by side with a thief."

10 Now, could I ask you, Mr. Veseli, to elaborate on that
11 statement? What did you mean when you told the Prosecutor that you
12 couldn't believe that a fine man like Bahri Gashi would stand side by
13 side with a thief?

14 A. It's very clear. People said they are thieves. Myself, I don't
15 know them. I don't know what he was dealing with. But people said
16 he was a thief. And as an individual, I would never be convinced
17 that Bahri Gashi could bring himself so low.

18 Q. Who is it that people were saying was a thief? So is it -- who
19 are you referring to?

20 A. People who have such nicknames, Tabut, Death, I don't think a
21 normal person would call -- would ascribe to himself as death.

22 MR. DE MINICIS: Now, Your Honour, if I can read another short
23 abstract from that transcript.

24 PRESIDING JUDGE VELDT-FOGLIA: You may.

25 MR. DE MINICIS: And it is page 14, starting at line 23.

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1 Q. You stated, Mr. Veseli:

2 "There were amongst them individuals who had nicknames, Death,
3 Tabuti, the person -- gatesman, and there were criminals who had
4 been -- criminals who had a criminal record their entire life. So in
5 other words, you wouldn't go anywhere on earth, anywhere on earth
6 with these people. You just want to stay away from these hardcore
7 criminals. And so Bahri's a very fine man, an honest man. He is
8 good. They are people you don't want to be with. So he was
9 manipulated."

10 So these people that you are now -- that you have named, like
11 Death, Tabuti, were they members of the BIA unit?

12 A. To my recollection, they were members of the BIA unit. I didn't
13 know them personally. I heard that they were repeat offenders, but
14 nobody could prevent them from taking part in the war to liberate
15 their country. But as a person, I would have never liked to be in
16 the company of such men.

17 Q. Thanks, Mr. Veseli. That's clear. And just one last question
18 about these men you've just mentioned. Were they present in Zllash
19 at the time? We are talking about April -- yes, in April 1999.

20 A. I don't know if they were. I didn't know them as individual.
21 But when the offensive started, usually we were engaged in defensive
22 actions. Because if you engage in military actions in the presence
23 of the population, you are a criminal.

24 I know that BIA took positions in Marec and fought against the
25 Serb forces. As to who they were by name, I don't know. I knew

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1 Salih before the war as a former political prisoner. I had good
2 relations with him before the war. I consider him a co-fighter. We
3 were in the same army. But I can't say anything about others I don't
4 know.

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Veseli, please keep your
6 answers to the questions you are posed and don't elaborate further if
7 you're not asked to.

8 MR. DE MINICIS:

9 Q. Mr. Veseli, page 15 of the transcript that we have here,
10 lines 14 to 16, you were asked -- after being asked about Tabuti and
11 this other man you mentioned, the Prosecutor asked you:

12 "Were they in Zllash?"

13 And you stated:

14 "Yes, they came time after time. Now and then they came to find
15 shelter."

16 So does that refresh your memory as to whether these men were
17 present in Zllash?

18 A. Please, every military unit, when it comes, it comes with all
19 its members. And since they were normally members of this unit, they
20 came. But I say that I don't know them.

21 MR. DE MINICIS: Now, Your Honour, one last part. If we could
22 go to -- it would be further up to page 12. The end of page 12 and
23 beginning of page 13.

24 Q. Now, the Prosecutor asked you, and we are at line 20:

25 "The name Skifteri, what does that mean to you?"

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1 And you appear to have answered:

2 "I -- I actually called them the crows. Because Skifteri means
3 the hawk and the hawk is a noble bird."

4 Why did you call BIA unit the crows when in fact their insignia
5 represented a hawk, a noble bird?

6 A. I'm explaining it. The hawk is a noble bird and he always
7 triumphs. Somebody who didn't have a weapon, he cannot be a hawk.
8 You can be a crow.

9 Q. Why a crow of all birds?

10 A. Because the crow can be easily overcome.

11 MR. DE MINICIS: Now, Your Honour, if we could move briefly to
12 page 17 of the transcript, and starting at line 7 to line 13.

13 PRESIDING JUDGE VELDT-FOGLIA: Please proceed,
14 Madam Court Officer.

15 MR. DE MINICIS: Yes, I see it on the screen.

16 Q. Now, one last thing on this, Mr. Veseli. The Prosecutor at the
17 time asked you:

18 "Mr. Veseli, did you approve of BIA?"

19 And you stated:

20 "No.

21 "Why not?

22 "Nobody asked me, by the way.

23 "But I'm asking you now," said the Prosecutor.

24 And your answer was:

25 "I did not approve of it. I don't like them. And today -- to

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1 this day I do not want them, I do not like them, because it's part --
2 it's a bad, dirty part of this history."

3 What did you -- can you explain the Court the basis of that
4 opinion of yours? Why did you consider the BIA unit to be dirty and
5 bad part of this history, Mr. Veseli?

6 A. I already explained, having such pseudonyms as Death and Tabuti,
7 for me, that cannot constitute a good part of the history. Find in
8 the history of some people in the world whose fighters assume such
9 pseudonyms. This is the reason why I'm saying this.

10 Q. But here, Mr. Veseli, you are referring to the BIA unit as a
11 whole. You're not making reference to any particular members of
12 them. You were asked what you thought about the BIA, and you said:
13 I don't like them. It's a dirty and bad part of this history.

14 So why are you considering the whole unit as -- it would appear,
15 the whole BIA unit as a dirty and bad part of this history? Is that
16 just because of the nicknames they used?

17 A. If it was a mistake, it may be so. I can't accuse the entire
18 unit.

19 Q. What did the BIA unit do that made you think they were a dirty
20 and bad part of history, Mr. Veseli? You're under oath.

21 A. Yes. I don't want to escape the truth. What I saw, I'm going
22 to say it and I don't hesitate to say it. If one pretends to be a
23 military unit and all the time it stays up in the mountains and never
24 engages in the battlefield, for me, this is not something regular.

25 Q. Well, when the Prosecutor asked you just a few lines after that

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1 why you had that -- held that opinion of the BIA, you did not refer
2 to what you just said but you stated:

3 "When you have amongst them thieves, repeat offenders,
4 criminals, that is dirty."

5 So it would appear that it was -- your opinion of the BIA unit
6 was based also on the people who were members of it, was it not?

7 A. I cannot say this all the people I know. But as there are
8 people that are repeat offenders, as people said then, I cannot hold
9 such people in high esteem. I know that the elementary right of
10 somebody is to fight for the liberation of one's country. Nobody can
11 prevent them from doing that.

12 Q. I understand, Mr. Veseli. But please, please, you expressed an
13 opinion which was very strongly worded. You volunteered that
14 information, in fact. What did they do? What did they do that made
15 you think that? What information do you have, Mr. Veseli?

16 A. From what people said.

17 Q. And what is it that people said?

18 A. What I said here. I came later. I didn't know them before. I
19 found them already in place in the sense of being established.

20 MR. DE MINICIS: Your Honours, could we please briefly move into
21 private session. I need to discuss some information which is best
22 discussed in private session.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well.

24 Madam Court Officer, could you bring us into private session,
25 please.

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

1 ~~[Private session]~~ [Open session]

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

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

4 Mr. Prosecutor, is it something you would like to discuss with
5 the Court or is it something you would like to discuss with the
6 witness?

7 MR. DE MINICIS: I'm sorry, Your Honour, I wasn't clear. It's
8 questions I would like to pose to the witness.

9 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed.

10 MR. DE MINICIS:

11 Q. Mr. Veseli, do you know a person named [REDACTED]

12 A. Yes.

13 Q. Did you know him at the time in 1999, around March or April --
14 after your arrival to the Gollak area?

15 [REDACTED]

16 [REDACTED]

17 Q. Are you aware of anything happening to him in the period of
18 April 1999?

19 A. No.

20 Q. Are you certain?

21 A. Yes.

22 [REDACTED]

23 [REDACTED]

24 A. I don't remember.

25 Q. So you don't remember, but you're not excluding that either, are

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1 you?

2 A. I don't remember, so I exclude it. If I had an important talk
3 with him, I would surely remember that.

4 [REDACTED]

5 [REDACTED]

6 Mr. Veseli, you are under oath and we are in private session, so
7 please try to make an effort to remember.

8 A. I am under the oath to tell the truth, not to lie. You won't
9 hear lies for me. I can't say here things which is not true. And
10 irrespective of any potential punishment, there is nobody in the
11 world that can force me say something that I don't believe in.

12 Q. And did you hear from others about things that happened that
13 made you say that is was a bad part of the history? Please try to
14 remember. We don't want you to tell lies, but I would like you to
15 make an effort and try to remember.

16 A. I don't remember. [REDACTED]

17 [REDACTED] I remember that. But

18 during the war, I don't remember this.

19 MR. DE MINICIS: Your Honour, we can move back into public
20 session.

21 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

22 Madam Court Officer, can you bring us back into public session,
23 please.

24 [Open session]

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

Witness: Sejdi Veseli (Open Session)

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1 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Mr. Prosecutor.

2 MR. DE MINICIS: Your Honour, I don't have any further questions
3 for this witness. We tender the witness to the Court.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor. Very
5 well.

6 Victims' Counsel, do you have questions for the witness and are
7 you in a position to put these questions to the witness right now?

8 MS. PUES: Your Honours, we don't have any questions. Thank
9 you.

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

11 Defence counsel, do you have questions for the witness and could
12 we start right now?

13 MR. VON BONE: Yes, Your Honour. We can start. I would just
14 want at some point in time to have a break and be able to have a
15 conversation with my client, but that is not necessary at this point.
16 Maybe during the lunch break or so, but we would likely to definitely
17 use such time. So we will allocate our time management regarding
18 that.

19 PRESIDING JUDGE VELDT-FOGLIA: Very well, Defence counsel. You
20 have the floor.

21 Cross-examination by Mr. von Bone:

22 Q. Mr. Veseli, I just want to touch on a number of topics with you.
23 Was there any particular reason that the Brigade 153 was located in
24 Zllash?

25 A. It was an area that had not been protected, and a large number

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1 of the population had been displaced to that place, but more
2 significantly, it was because of the terrain. That terrain enabled
3 the conduction of the war according to a second-level military
4 doctrine.

5 Q. I understand. Do you recall when the NATO bombings were in
6 Prishtine?

7 A. Yes.

8 Q. And could you tell us when that was?

9 A. Towards the end of March.

10 Q. And towards the end of March, was there an influx of people --

11 A. I can't recall the exact date.

12 Q. But whenever this was, towards the end of March, was there a
13 large group of people seeking refuge in the Gollak area?

14 A. Yes, there was an influx of population, a huge influx of
15 population before the bombing started, and the numbers grew even more
16 after the bombings.

17 Q. And was that also the case in Zllash, at least?

18 A. There wasn't a single spot that did not have civilians in the
19 Gollak area, and these were all displaced people.

20 Q. And where would these people be located or accommodated?

21 A. They were sent to people's homes, to schools. Some stayed in
22 tents.

23 Q. And was there any way that at the time there was somebody in
24 charge of allocating these people or would these people go randomly
25 to places to seek refuge?

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1 A. The civil protection unit.

2 Q. And who was in charge of that civil protection unit?

3 A. Fatmir Sopi.

4 Q. You said that you were busy with the regulations within the
5 brigade, setting up regulations for the brigade; is that correct?

6 A. That's right.

7 Q. And what kind of regulations would that be?

8 A. The internal regulations. I drew on the literature of the
9 Albanian and Yugoslav armies.

10 Q. And could you give us a couple of examples of what kind of
11 regulations we are talking about?

12 A. The regulations to defend against explosive devices, how to --
13 the regulations on how to conduct yourself with the public, the
14 regulation on how to fall in, the reporting, the conduct of -- the
15 conduct with the prisoners of war. And all of that would be in
16 compliance with international law on the conduct of war.

17 Q. Was there any regulation regarding internal discipline of
18 members of the brigade?

19 A. Yes.

20 Q. And could you give us, in short, an outline how those
21 regulations look like?

22 A. First, we had the regulations of the KLA, of the Kosovo
23 Liberation Army. And as a dependent unit of the KLA, we had our own
24 regulations. For example, non-compliance with an order. That forms
25 part of another -- of another section, whereby you would go and have

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1 a chat with -- with the subject and advise him or -- or her, but it
2 did not include any other form of punishment.

3 Q. Now, was there a military police unit in the Zllash area or in
4 the Gollak area, in the same area where Brigade 153 operated?

5 A. Yes.

6 Q. And who was in charge of that?

7 A. Shukri Rafuna was the name.

8 Q. And do you know what was his deputy?

9 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, your question --

10 MR. VON BONE: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: -- was not translated.

12 MR. VON BONE: Okay.

13 PRESIDING JUDGE VELDT-FOGLIA: And it was the question where the
14 answer was: "Shukri Rafuna was the name."

15 So the question was who was in charge of Brigade 153? Is that
16 what you meant?

17 MR. VON BONE: No, the military police.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. But please repeat the
19 question --

20 MR. VON BONE: Sorry.

21 PRESIDING JUDGE VELDT-FOGLIA: -- just to be clear for the
22 record.

23 MR. VON BONE:

24 Q. Just to be clear, Shukri Rafuna, is that the person in charge of
25 the military police? Do I understand that?

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1 A. Yes.

2 Q. And could you tell us the -- what was the competence of the
3 military police?

4 A. It was to defend the area where the civilian population were
5 located and the defence of the headquarters. In total, it consisted
6 of about 20 people. It was a military police just in name. But
7 overall, it only had about 20 members.

8 Q. I see.

9 MR. VON BONE: Your Honour, I would like to ask to go into
10 private session.

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

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

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

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 The reason for us going into private session?

17 MR. VON BONE: Is I want to go through a number of names, and
18 that's basically what the reason is.

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed.

20 MR. VON BONE:

21 Q. Mr. Veseli, could you tell whether there was any deputy of
22 Mr. Rafuna?

23 A. I don't know.

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 that area. All we're talking about was small fighting units, and
12 they were set up after the effort started.

13 Q. I see. Have you --

14 THE INTERPRETER: Correction: After NATO intervened.

15 MR. VON BONE:

16 Q. Mr. Veseli, do you know a person with the name Agron Xhemajli?

17 A. Yes.

18 Q. Could you tell us who he is?

19 A. I knew him since before the war. He was an activist, an
20 advocate of the national question. Since his youth days, he devoted
21 everything. He didn't spare a single effort. We were co-fighters.
22 We were part and parcel of the same army. I have never heard
23 anything untoward about him.

24 Q. Was he a member of Brigade 153?

25 A. No.

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1 Q. And was Mr. --

2 A. Sorry, he was -- he worked in some sort of information unit to
3 do with the zone which, in fact, is the -- forms the origins of the
4 secret service. He did not report to us. He reported to the zone.

5 Q. And to be clear, where was the zone based, when you speak "the
6 zone" or say "zone"?

7 A. The operational zone of Llap was headquartered in
8 Llapashtice e Eperme.

9 Q. Thank you very much. Have you ever heard of a person with the
10 name of [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 A. Yes.

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A. No, I haven't.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. No, I haven't.

24 Q. Did you stay yourself in the school?

25 A. I stayed at the school, at the headquarters. But I mostly

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1 worked with regulations, so I prepared the fighting orders, the order
2 of the day, anything to do with the administrative work of the
3 brigade. I processed reports coming from the ground. And I dealt
4 very little with soldiers as such.

5 Q. Have you ever heard of a person named [REDACTED]

6 A. No.

7 Q. Have you ever heard of a person with the name of [REDACTED]

8 A. No.

9 Q. Have you ever heard of a person called [REDACTED]

10 [REDACTED]

11 A. No, no.

12 Q. Did, while you were staying at the school, anybody ever informed
13 about a family member who had been disappeared or taken or something
14 like that?

15 A. No.

16 Q. Did you have any contact with Agron Xhemajli after the war?

17 A. I only met him once.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 A. No.

22 [REDACTED]

23 [REDACTED]

24 A. From Adem Shehu.

25 Q. I see. And why would that be from Adem Shehu?

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1 A. Because he was the commander of the brigade. I took orders from
2 him, too.

3 Q. I understand.

4 MR. VON BONE: Then I would like to ask the Court to show a
5 document to the witness.

6 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, do we need to
7 stay in private session?

8 MR. VON BONE: Just to be on safe side, I think it would be
9 appropriate.

10 PRESIDING JUDGE VELDT-FOGLIA: Then we continue to be here.

11 Madam Court Officer, could you please, after you have heard the
12 references, upload the evidence.

13 MR. VON BONE: It's U0009175-U0009175-ET.

14 I do think we have a better legible one of that, honestly.

15 MR. DE MINICIS: Your Honour, if I may be of assistance.

16 MR. VON BONE: Yes, please.

17 MR. DE MINICIS: That would be U0009804 in the original. It's a
18 legible copy of the document that is blackened there.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you very much for your
20 assistance.

21 MR. VON BONE: Yes, that is the document. Thank you very much,
22 counsel.

23 Just could we blow up the Albanian version, please, for the
24 witness.

25 Q. Mr. Veseli, would you please read through this document.

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1 A. It's my handwriting.

2 Q. Thank you. In this document, what does it basically say?

3 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I propose to let
4 him read it out instead of giving a summary.

5 MR. VON BONE: Okay.

6 Q. Mr. Veseli, would you please read it aloud?

7 A. I can't remember who we're talking about, but that is my
8 handwriting. And it is quite normal that should somebody steal, it
9 needs to be dealt with.

10 Q. I understand.

11 A. It is my signature and I accept it.

12 Q. Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I propose that
14 you read it out in English, then it will be translated into Albanian
15 for the record, because now we have not done that.

16 MR. VON BONE: Okay. Yes.

17 Q. Mr. Veseli, I will read it out loud in the English text as we
18 have it. Then I read the content of it. It says: Kosovo Liberation
19 Army, Llap operational zone, 153rd Brigade, on 11 April 1999. And
20 then:

21 "If /word illegible/ does not return today until 12:00 hours

22 "I order

23 "That the person with the pseudonym '[REDACTED]' be arrested at
the

24 moment that he is caught outside the [REDACTED] Zone Staff

25 headquarters.

1 "The arrested person shall be handed over to the 153rd Brigade
2 command headquarters.

3 "At the same time, the vehicle shall be confiscated."

4 And then it's signed deputy commander with your signature;
5 right? Okay.

6 If there would be any such order, would it be always in a
7 written form?

8 A. Oh, I remember it now. I do remember it now. It's somebody who
9 stole flour that should have been for the population, and this was to
10 smuggle it. And my intention was that that person should be seized,
11 arrested, his vehicle confiscated, and the flour ought to be returned
12 back. I would have done exactly the same thing today, because that
13 was flour that had arrived -- it arrived and that was for the
14 population. He stole the bread of the people in order to smuggle it
15 somewhere. I don't know where.

16 Q. Right. And if any such order to arrest somebody would be given,
17 would it be in the same format, in a written format?

18 A. I think it ought to be written, because words -- spoken word may
19 be forgotten. Every deed needs to be noted for history, and that is
20 the whole point of it, that the good and the bad ought to be written
21 down and reserved for history.

22 Q. I understand. And, lastly, the person with the name of [REDACTED]
23 is that a nickname or that a real name?

24 A. A nickname, a nickname. A nickname. I don't know how you
25 understand. If you translate that, it means the uncle, your father's

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1 brother.

2 Q. And what is the real name of the person of [REDACTED], do you --

3 A. I don't know it.

4 Q. Okay, I see. Thank you.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel.

6 MR. VON BONE: Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: We are approaching 11.00, so
8 could you conclude your line of questioning for now?

9 MR. VON BONE: Yes, I will.

10 PRESIDING JUDGE VELDT-FOGLIA: And do we remain in private
11 session?

12 MR. VON BONE: No, we do not need to remain in private session,
13 Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
15 bring us back into public session, please.

16 [Open session]

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

18 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I think it's
19 best --

20 MR. VON BONE: Maybe best to stop.

21 PRESIDING JUDGE VELDT-FOGLIA: -- to stop now.

22 Let me see. Defence counsel, after the break, how long do you
23 think you will need to proceed with your cross-examination?

24 MR. VON BONE: I will think I need more than an hour, just
25 about, yes.

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1 hour will be consumed by the meeting that we have. And then
2 afterwards, for a good -- a good hour, I would say.

3 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will adjourn till
4 12.00.

5 MR. VON BONE: Thank you very much.

6 --- Recess taken at 10.59 a.m.

7 --- On resuming at 12.00 p.m.

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. Let us call appearances.

9 Mr. Prosecutor, I see that you are in the same composition as
10 before the break?

11 MR. DE MINICIS: Yes, Your Honour, that's correct.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay.

13 MS. PUES: And the same here. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well. And I see that the
15 same --

16 MR. VON BONE: And the same.

17 PRESIDING JUDGE VELDT-FOGLIA: Very well. Good.

18 Madam Court Usher, could you please usher the witness in. Thank
19 you.

20 [The witness takes the stand]

21 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

22 THE WITNESS: [Interpretation] Thank you.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well.

24 Defence counsel, you have the floor to proceed with the
25 cross-examination of the witness.

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Cross-examination by Mr. Von Bone

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

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

2 Q. Mr. Veseli, we just spoke before the break about the arrest
3 order that you issued, and that arrest order was dated on 11 April.
4 Do you recall where you were between the 1st April and 19th April
5 1999?

6 A. In Zllash.

7 Q. And regarding this arrest order, do you know if this person was
8 ever actually arrested? The person that was mentioned in that arrest
9 order that we spoke earlier --

10 A. I don't know.

11 Q. Do you know if anybody else has been arrested, actually, in that
12 period of time in Zllash or outside Zllash or taken to Zllash? I did
13 not get your answer.

14 A. I don't know.

15 Q. Do you know if --

16 A. I don't know.

17 Q. Thank you. Do you know if anybody has ever been detained in
18 Zllash?

19 A. I don't know at all that there was a detention centre in Zllash.

20 Q. And who told you that?

21 A. I don't think there was a detention centre in Zllash.

22 Q. Did anybody ever mention to you any detention centre existing in
23 Zllash?

24 A. No.

25 Q. Did anybody ever mention to you that people had been detained in

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1 Zllash?

2 A. No.

3 Q. Did anybody ever mention to you or do you have any knowledge of
4 any people who had been cruelly treated in Zllash?

5 A. I don't think so because, first, it was not the mission of the
6 Kosovo Liberation Army to maltreat people, and I don't believe that
7 -- a KLA soldier to have violated the oath.

8 Q. Mr. Salih Mustafa is being accused of ordering people or having
9 people detained in Zllash. Have you ever heard anybody speaking
10 about Mr. Mustafa doing such thing?

11 A. If you would allow me, I would like to expand my answer. I know
12 Salih very well and nobody can convince me that Salih Mustafa has
13 done such a thing. Someone who has devoted his life to the good of
14 his people and who has spent his life in jails, I don't think he can
15 trample such a thing.

16 Q. Thank you. And do you know if you ever heard if anybody else
17 maltreated people in and around Zllash?

18 A. I know only that this has been done by the Serb army and police.

19 Q. I understand. Regarding --

20 A. Please, excuse me. And over 135 were killed in Makovc in the
21 vicinity of Zllash by the Serb military and police. I can tell you
22 one case.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. -- no, no, no, no.

24 THE WITNESS: [Interpretation] The cook of our brigade --

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Veseli, please give answers

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1 to the question and don't elaborate on other things that have nothing
2 to do with the question.

3 MR. VON BONE:

4 Q. Mr. Veseli --

5 A. Your Honour, allow me to say this because --

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

7 THE WITNESS: [Interpretation] -- I consider it of spiritual
8 value.

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

10 THE INTERPRETER: Microphone, please.

11 THE WITNESS: [Interpretation] It's you who decide, of course.

12 MR. VON BONE:

13 Q. The Zllash location was, as you said, was a place where people
14 were, as you said it, getting some rehabilitation. What exactly do
15 you mean with that?

16 A. When someone is injured or wounded and there is no place he can
17 go and have his wounds heal, then that soldier would come to this
18 place.

19 Q. And the place of the Zllash compound, do you know to who
20 belonged that place?

21 A. I don't know.

22 Q. Do you know how it was possible that people would be located on
23 that Zllash compound?

24 MR. DE MINICIS: Your Honour --

25 PRESIDING JUDGE VELDT-FOGLIA: No, no --

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1 MR. DE MINICIS: Sorry.

2 MR. VON BONE: Let me --

3 PRESIDING JUDGE VELDT-FOGLIA: No. Please formulate your
4 question --

5 MR. VON BONE: Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: -- more precise because I don't
7 think it's clear. I don't even know what you mean now.

8 MR. VON BONE: Yes. Yes, I -- let me first get back to another
9 question.

10 Q. You know the headquarters of the Brigade 153 was at some point
11 in or near the school; is that correct?

12 A. The staff of the brigade was never located in the school.

13 Q. Was it near the school?

14 A. About 2 kilometres away from the school.

15 Q. Okay.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, could you ask
17 him when? Because we have had three different locations with regard
18 with where the headquarters were.

19 MR. VON BONE: Yes.

20 Q. You mentioned the uncle of Fatmir Sopi at where that
21 headquarters was located. When was that?

22 A. Yes.

23 Q. In which period of time was that?

24 A. Before the offensive started. I mean, a little before then the
25 Patkoi operation -- the Horseshoe operation, as we called it,

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1 started.

2 Q. In your mind, can you put a date on that when that offensive
3 started?

4 A. Maybe 16, 17 or 18 April.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, for me it's
6 still not clear what is meant with "a little before." Could you ask
7 the witness to precise that if he can?

8 MR. VON BONE: Excuse me, Your Honour. I got the last question
9 about the --

10 PRESIDING JUDGE VELDT-FOGLIA: I will ask the question of him
11 myself.

12 Mr. Veseli, if you say that it was a little before the Patkoi
13 operation, what do you mean with "a little before" in terms of days,
14 weeks, months?

15 THE WITNESS: [Interpretation] The brigade kept increasing its
16 ranks. And that being the case, the brigade was searching for a
17 place where it could be accommodated, and it found that house.

18 PRESIDING JUDGE VELDT-FOGLIA: My question was when - when -
19 before the offensive you were staying in that house?

20 THE WITNESS: [Interpretation] You have to bear in mind,
21 Your Honour, that 23 years have passed. I am 73 years old and I
22 suffer from senile amnesia, and I don't remember. And if you allowed
23 me to refer to notes, I might have been in a position to give you
24 more accurate answers. You all have notebooks or notes before you; I
25 don't have.

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1 PRESIDING JUDGE VELDT-FOGLIA: So if I make a summary, you say:

2 I don't remember when that was exactly?

3 THE WITNESS: [Interpretation] I don't. I do not remember the
4 exact date.

5 PRESIDING JUDGE VELDT-FOGLIA: No, the exact date I don't need.
6 My question was just if it was in April 1999, March, February. And
7 it's perfectly fine if you say "I don't know."

8 THE WITNESS: [Interpretation] I know that it was at the
9 beginning of April, a little while before the launching of the
10 offensive.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Veseli.

12 You have the floor, Defence counsel.

13 MR. VON BONE:

14 Q. Mr. Veseli, BIA operated principally in Prishtine, you said. So
15 what was the use of them to be located in Zllash?

16 A. I already said that they came there to recover. But when the
17 offensives were being launched, they took part in the fighting
18 alongside the brigade against the occupiers. And more specifically,
19 in the position called Viti e Marecit.

20 Q. And have you ever heard of a person with the name of

21 [REDACTED]?

22 A. No.

23 Q. Have you ever heard after person with the name of [REDACTED]?

24 A. No.

25 Q. Have you ever heard of a person with the name of [REDACTED] from

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1 [REDACTED]?

2 A. No. Please, bear in mind that I was in that brigade only for
3 six months.

4 Q. I understand. Where did Mr. Dini actually sleep, Rrahman Dini?

5 A. In a house where the people who were most tired stayed. He was
6 very tired himself. He was very weak. He couldn't move without
7 anyone helping him.

8 Q. And what was his position, actually?

9 A. I don't know. The main thing is that he was our comrade. He
10 was former political prisoner and one of the organisers of the war.

11 Q. And his health problems, was that --

12 A. He was very sick. Cardial asthma, arterial problems, and
13 arthrosis -- hypertension.

14 Q. And did he suffer from that mostly after the offensive or in
15 which period of time, or before the offensive, or during the
16 offensive?

17 A. These conditions were inflicted on him during the tortures by
18 the Serb occupiers, by the severe tortures he was subjected to by the
19 Serb police when he was a minor.

20 Q. I understand. But he did have a position in the command of
21 Brigade 153; is that correct?

22 A. He was our comrade and people consult their comrades for
23 everything. But personally, I was involved in the drafting of the
24 rules, daily orders, and I was very little involved with the
25 soldiers. That was the duty of Adem Shehu. Fatmir also had it as

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1 his duty to increase the ranks of the KLA on the ground.

2 Q. And what did Rahman Dini do then, actually?

3 MR. DE MINICIS: Your Honour, I think that the witness has
4 already amply explained that Rahman Dini was sick at the time. I
5 think he said he couldn't move, so I don't know if we need to
6 belabour the point much further. But just to make it clear that the
7 witness has answered these questions.

8 MR. VON BONE: No, Your Honour, the witness did not answer in my
9 view.

10 PRESIDING JUDGE VELDT-FOGLIA: I will give you the opportunity
11 to continue, but bear in mind that --

12 MR. VON BONE: Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: I heard the question again --

14 MR. VON BONE: Yes.

15 PRESIDING JUDGE VELDT-FOGLIA: -- but I want to give you the
16 floor to see --

17 MR. VON BONE: Just want --

18 PRESIDING JUDGE VELDT-FOGLIA: -- if you reach at your point
19 that you think it's necessary to go.

20 MR. VON BONE: Yes. I just want to touch on not what is not
21 possible but what is possible, and that is what I am trying to elicit
22 from the witness.

23 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

24 MR. VON BONE:

25 Q. So my question has to do with, whatever his health problems

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1 were, what actually did he do within the brigade?

2 A. He was waiting his death. We were all waiting for his death
3 which might come at any moment.

4 Q. I see. All right. So I take it that -- well, I'll leave that
5 part. Do you know if the BIA actually had any particular uniform
6 that they were wearing?

7 A. Just like the other KLA army units. We didn't have a factory to
8 manufacture uniforms, so we -- we had people with and without
9 uniforms. It was merely a member of the KLA army.

10 Q. I see. And would they wear any insignia if they would wear a
11 uniform or even without the uniform?

12 A. Every KLA member had an emblem of the KLA. On the background,
13 there was our national flag, the bi-headed eagle against a red
14 background, black eagle.

15 Q. So was it actually possible to distinguish KLA members of the
16 brigade or people from the BIA unit?

17 A. No.

18 Q. Did you wear yourself a uniform, Mr. Veseli?

19 A. Yes, I did wear a uniform. Initially, I was wearing normal
20 sports clothes. But then later I was donned in uniform. I didn't
21 take it off until I was released from the army.

22 Q. Thank you very much. How did you get your information regarding
23 movements of Serbian forces?

24 A. We used to survey the terrain. We were military men. We
25 followed their movements. We took new positions as necessary. The

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1 same thing that is happening today in Ukraine. We had -- we used to
2 observe their observation posts, the positioning of the artillery,
3 the armoured units, the infantry units, the paramilitaries. And on
4 the basis of their movements, we came to the conclusion that such
5 thing was about to happen.

6 Q. And did you get information over the radio? I mean, the
7 internal radio.

8 A. We had very weak radio signals, which is normal during the war,
9 to use coded messages.

10 Q. And from who would you receive those?

11 A. Among ourselves, we exchanged such signals, such messages. We
12 always prepared a coded letter for any issue that we had.

13 Q. Were there any units which would be taking positions behind
14 enemy lines?

15 A. It is normal. It is the popular warfare of second level. The
16 KLA units can ambush the enemy wherever it can not expect it. So a
17 regular army cannot, let's say, cope with a popular army but --
18 because they can attack it whenever it's not -- it can launch sudden
19 attacks. But we refrained from fighting when the civilian population
20 was there.

21 Q. And was the civilian population helping the brigade in respect
22 of giving information about enemy movements?

23 A. The civilian population gave everything to their army.

24 Q. Have you ever had contact over the radio with Mr. Salih Mustafa?

25 A. No.

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1 Q. Do you recall in the period of time in April 1999 whether he was
2 there often in Zllash?

3 A. Yes.

4 Q. And did you meet him on occasion?

5 A. He had to mind his own business. I had mine. If he wanted to
6 discuss operational issues, then he had to meet Adem. I mainly dealt
7 in paperwork.

8 Q. I understand. And you said he had to mind his own business.
9 What was his business, actually?

10 A. Military business related to the liberation war.

11 Q. And was Zllash, for him, also a safe place to go?

12 A. Zllash was our land, both for me and for him.

13 Q. Do you know where he actually would stay when he would be in
14 Zllash?

15 A. There, where the base was.

16 Q. And have you ever been on that base yourself?

17 MR. DE MINICIS: Asked and answered, Your Honour, during direct
18 examination.

19 THE WITNESS: [Interpretation] Never.

20 MR. VON BONE:

21 Q. And --

22 PRESIDING JUDGE VELDT-FOGLIA: No, wait, wait, wait.

23 Mr. Prosecutor, please come again.

24 MR. DE MINICIS: Apologies. We already asked the witness if he
25 has ever been in the base and he said that he didn't, and he's just

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1 confirmed that now again.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, please don't
3 repeat the questions.

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: Unless you have something else
6 that you would to add to that former question because you want to
7 confront him maybe with something he said in his SPO witness
8 statement.

9 MR. VON BONE: Well, actually, that was the idea, Your Honour.

10 Q. And do you know of people of the command, of the other command
11 who would visit the location where BIA was staying?

12 PRESIDING JUDGE VELDT-FOGLIA: Excuse me, what do you --

13 MR. VON BONE:

14 Q. Any other people of the command.

15 PRESIDING JUDGE VELDT-FOGLIA: Which command?

16 MR. VON BONE: Of the Brigade 153.

17 Q. So let me repeat the question. Mr. Veseli, do you know any
18 other people of the brigade command 153 who would actually visit that
19 BIA location or where BIA --

20 MR. DE MINICIS: Sorry, Your Honour, if I may. I --

21 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait, wait. Before you say
22 something.

23 Mr. Veseli, could you --

24 THE INTERPRETER: Could the speakers please not overlap. Thank
25 you. It's impossible to interpret if people are speaking at the same

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1 time. Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: You are completely right and we
3 will try to adhere to that, Madam Interpreter.

4 Mr. Veseli, could you take off your headphones, please.

5 Mr. Prosecutor, you have the floor to make the point you want to
6 make.

7 MR. DE MINICIS: Just a bit more precision asking the witness if
8 he knows if somebody would visit. I don't even know if the witness
9 can know whether somebody would visit personally or on occasion a
10 base. I don't really see the point of that question, Your Honour,
11 and it seems misleading.

12 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, do you want to
13 say something about that? Because I will rule on it, but maybe you
14 want to say --

15 MR. VON BONE: Well, Your Honour, there is a possibility that
16 people from the command visited the place and then relayed that
17 information about that, whatever was taking place, to Mr. Veseli. So
18 that is the entire point of it.

19 So whether it's not directly, it's not so much what he saw
20 himself because he wasn't there, but more what he heard about it if
21 somebody of the command would go there.

22 PRESIDING JUDGE VELDT-FOGLIA: My instructions to you would be
23 ask that question more precise, because I see what you want to elicit
24 but the question was stated too widely for the witness. So try to be
25 more precise in your questioning.

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1 Please proceed, Defence counsel.

2 MR. VON BONE:

3 Q. Did any of the other people who were in the command with you in
4 Brigade 153, did they ever tell you that they went to the BIA base to
5 visit there or have a meeting there?

6 A. I didn't ask them. But we were not enemies. We were
7 co-fighters. They might have met them. And for me, it's quite
8 normal, such a thing.

9 Q. Did they ever relay any information about the base to you?

10 A. No, no.

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

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

15 ~~[Private session]~~ [Open session]

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

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

18 MR. VON BONE: Your Honour --

19 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, please, we have
20 a strict order how we do it, and we have been doing it for six
21 months, and what's happening all the time is that when we speak, that
22 we overlap each other. So please wait until I give you the floor or
23 I ask you a question, and then we don't create these situations that
24 the interpreters have to deal with two speakers at the same time.

25 Defence counsel, could you explain shortly, without telling too

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1 much, because the witness has his headphones on, why you want to be
2 in private.

3 MR. VON BONE: I would like to be in private as I want to
4 discuss a couple of names with the witness.

5 PRESIDING JUDGE VELDT-FOGLIA: Very well. Please proceed,
6 Defence counsel.

7 MR. VON BONE:

8 Q. Mr. Veseli, did you ever hear of a person with the name
9 [REDACTED]

10 A. No.

11 Q. Have you ever heard of a person with the name [REDACTED]

12 A. No.

13 Q. Have you ever heard of a person with the name of [REDACTED]?

14 A. No.

15 Q. Have you ever heard of a person with the name [REDACTED]?

16 A. No.

17 Q. Have you heard of a person with the name [REDACTED]?

18 A. No.

19 Q. Did you ever have known a person with the name of [REDACTED]?

20 A. Yes.

21 Q. Could you tell us who he is?

22 A. He was from [REDACTED] He returned from Germany and took part in
23 all the zones and ended up in the Llap zone, more precisely in
24 Gallap. The oath of the KLA soldiers was the liberation of Albanian
25 territories and the reunification of their lands. He was a very

1 disciplined soldier. He left everything, his excellent life in the
2 west, he left his family, and he came to sacrifice everything to the
3 benefit of his people, and he laid down his life.

4 Q. And do you know where he was based? Where was his base?

5 A. He was in Brigade 153.

6 Q. I understand. And where exactly was he staying, sleeping?

7 A. He stayed in Zllash alongside other brigade members.

8 Q. And could you be a little bit more specific where exactly that
9 would be?

10 A. The beds were at the school at the base where the soldiers
11 rested. So those ones who were in Zllash.

12 Q. How many KLA soldiers actually occupied the school?

13 A. I don't know the exact number, but about 20 to 30. They used to
14 swap places from time to time.

15 Q. And these people would -- these people were KLA soldiers, so to
16 speak, or would these people be new recruits?

17 A. They were KLA soldiers and new recruits too. Because for a long
18 time, we had not had any military service, so we had to acquire
19 elementary knowledge about the use of our weapons, how to mount them,
20 tactical moves, how to approach the enemy. In summary, every
21 elementary knowledge that you need as a soldier.

22 Q. And [REDACTED], did he have any specific task that you know?

23 A. The task of a freedom fighter.

24 Q. Do you know if he has ever arrested anybody or has detained
25 anybody?

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1 A. I wouldn't think that he left Germany to come and arrest
2 someone. I don't believe it.

3 PRESIDING JUDGE VELDT-FOGLIA: I see you, Mr. Prosecutor.

4 Mr. Veseli, could you take off your headphones, please. Thank
5 you.

6 Mr. Prosecutor, you have the floor.

7 MR. DE MINICIS: Your Honour, I was just suggesting that perhaps
8 we could move -- I don't know if we still need to remain in private
9 session at this point in time. There's no protected information
10 being discussed.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your remark.

12 Defence counsel, can we go into public session, or is there a
13 reason that you wanted to stay asking these specific questions in
14 public? Because we could go into public and then go back into
15 private.

16 MR. VON BONE: Very well, Your Honour, we can --

17 PRESIDING JUDGE VELDT-FOGLIA: No, it's a question.

18 MR. VON BONE: Yes, very well, Your Honour. We can go, but soon
19 we will go back again into private session again.

20 PRESIDING JUDGE VELDT-FOGLIA: But I would suggest to group the
21 questions in such a way --

22 MR. VON BONE: Yes, that's what I'm trying to do. Sorry.

23 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I really would
24 appreciate that you wait with your answers when I'm finished because
25 for the transcript, it becomes very complicated to read, and you can

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1 witness that yourself if you go through the transcripts.

2 Then we go back into public session. And then as soon as you
3 think that it's necessary, Defence counsel, we go back into private
4 session.

5 Madam Court Officer, could you bring us back into public
6 session, please.

7 Mr. Veseli, please, thank you for putting your headphones on
8 again.

9 [Open session]

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

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

12 Defence counsel, you have the floor.

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

14 Q. Do you know anybody with the name of Shemi [phoen]?

15 A. What's the surname? What is Shemi's surname?

16 Q. This is the only name I have.

17 A. My brother shares the same name. And if you mean that one, he
18 used to vaccinate the soldiers.

19 Q. And was there anybody else with the name of Shemi in the period
20 of April 1999 in Zllash?

21 A. No.

22 Q. A person with the name Shutti? Do you know that person?

23 A. No.

24 Q. Do you know --

25 MR. VON BONE: Excuse me. I would like to go into private

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1 session, Your Honour.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well.

3 Madam Court Officer, could you bring us back into private
4 session, please.

5 ~~[Private session]~~ [Open session]

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

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
8 Defence counsel, you have the floor.

9 MR. VON BONE:

10 Q. Mr. Witness, do you know anybody with the name [REDACTED]?

11 A. No. Counsel, I didn't know the names of the soldiers of my
12 brigade either, given the limited amount of time that I spent with
13 them.

14 Q. I understand. I just try to go through a number of names. Do
15 you know a person with the name of [REDACTED]?

16 A. No.

17 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel -- Mr. Veseli,
18 could you take off your headphones again, please? Thank you. Very
19 kind.

20 THE WITNESS: [Interpretation] Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, could you
22 explain to the Panel why we are doing this in private? I mean,
23 whether there's a special reason to have these names not uttered in
24 public?

25 MR. VON BONE: I am not sure. This is a [REDACTED], and

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1 I wanted to make sure that I do not want to [REDACTED] who is
2 on [REDACTED]. And it's just a precautionary measure. It's not
3 because I think it's very secret or so, but I just want to make sure
4 whether the person knows it and, if so, what would be the context of
5 it, of each name.

6 PRESIDING JUDGE VELDT-FOGLIA: Very well. But it's good to make
7 that clear.

8 I will give the floor to Mr. Prosecutor if he wants to present
9 his view on this.

10 MR. DE MINICIS: Well, we learn now that Defence counsel's case
11 is that these were -- that he's putting the names of prisoners to the
12 witness, but these names are not protected. So as far as we are
13 concerned, there is no need. But we have no objection if counsel
14 wants to continue a little longer -- should any confidential
15 information surface to remain in private for a little longer.

16 PRESIDING JUDGE VELDT-FOGLIA: So no need to --

17 MR. DE MINICIS: Yes, no need. No need.

18 PRESIDING JUDGE VELDT-FOGLIA: So you're saying we can go back,
19 as far as we are concerned, into public?

20 MR. DE MINICIS: Yes, Your Honour. I mean, the fact that there
21 were people who may have been held prisoner is not protected
22 information as long as he doesn't reveal the names of people who are
23 subject to protective measures issued by the Court, and this is not
24 the case at the moment.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well.

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1 Does Victims' Counsel want to share anything?

2 MS. PUES: No, thank you, Your Honours. We fully agree with the
3 Prosecution here.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 Thank you that you took the precautionary measure, but I think
6 that at this point we can go back into public session.

7 Madam Court Officer.

8 [Open session]

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

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Defence counsel, you have the floor.

12 MR. VON BONE:

13 Q. Have you ever heard of a person with the name of Agim Fazliu?

14 A. No.

15 Q. Besim Abazi?

16 A. No.

17 Q. Bahri Havolli?

18 A. No.

19 Q. Vehbi Beha?

20 A. No.

21 Q. Hysen Borovci?

22 A. No.

23 Q. Fadil Mekolli?

24 A. No.

25 Q. Avni Berisha?

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1 A. No.

2 Q. Besim Beha?

3 A. No.

4 Q. Skender Gashi?

5 A. No.

6 Q. Rexhep Berisha?

7 A. No.

8 Q. Qamil Gashi?

9 A. No.

10 Q. Fatmir Gashi?

11 A. No.

12 Q. Ramadan Pestrisha?

13 A. No.

14 Q. Do you know if there was anybody detained in the area of
15 Llapashtice?

16 A. I don't.

17 Q. Have you ever heard of a person with the name Afrimi?

18 A. No.

19 Q. Or Vdekja?

20 A. No.

21 Q. A person with the name Avnija?

22 A. No.

23 Q. A person with the name Ilmi Rakovica?

24 A. No.

25 Q. A person with the name Bujari?

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1 A. No.

2 Q. A person with the name Bimi?

3 A. No.

4 Q. And a person with the name Bafta?

5 A. No.

6 Q. Okay. And could Bafta be a nickname?

7 A. It may be. It may be Bahri Gashi.

8 Q. And do you know what position, actually, Bahri Gashi had?

9 A. I don't.

10 Q. Do you know what his involvement was in the period of April --

11 A. I don't. It was none of my business, in fact.

12 Q. Do you recall when the offensive started in Zllash?

13 A. Yes.

14 Q. At that time when that offensive started, were they able, the
15 Serbians, to manage to get near the school?

16 A. Yes.

17 Q. And were you at that time located there at the school or near
18 the school?

19 A. I did not stay at the school, but, otherwise, we were in the
20 vicinity because we resisted.

21 Q. And at some point did you need to evacuate that area?

22 A. A tactical retreat, yes, because we were not in a position to
23 face a modern army. We were fighting with weapons from the Second
24 World War.

25 Q. I understand. And while you were retreating, at which point in

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1 time -- were there at that moment, at the time of the offensive,
2 still many refugees around Zllash?

3 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I did not hear
4 you establish today that there were refugees around Zllash, as the
5 way you have just put it. So I suggest you don't put words in the
6 mouth of the witness.

7 MR. VON BONE: Your Honour, I'm sure that the witness has stated
8 that after the air strikes in March 1999, there was a big influx of
9 refugees in the Zllash area. So I take it that they were remaining
10 there, and that's why my question was whether there were still a lot
11 of refugees there at the time.

12 PRESIDING JUDGE VELDT-FOGLIA: But you're saying in Zllash.

13 MR. VON BONE: Yes, the --

14 PRESIDING JUDGE VELDT-FOGLIA: Around Zllash. That is
15 indicating that it would be in the neighbourhood. I think that it
16 has not been established in that way.

17 MR. VON BONE: Okay.

18 Q. Were there in the Zllash area refugees at the time of the
19 offensive?

20 A. Yes, about 200.000 refugees were there in the area of
21 responsibility of Brigade 153.

22 Q. I see. And at which point in time did these people needed to
23 evacuate from that area where -- the area of Brigade 153? So at
24 which point in time did the people need to evacuate?

25 A. From the moment which is -- which in military terms is called

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1 the artillery preparation. When the Serbian army started shelling
2 the area of responsibility of Brigade 153 using weapons of calibre no
3 smaller than 153 millimetres. As a matter of fact, they even used
4 the first aid helicopter with Red Cross markings and it shelled us
5 using Russian weaponry on board. So if there was anyone that has
6 infringed the rules of war, it was Serbia, first and foremost,
7 because they came, they came to our territory. We did not go to
8 Serbia to fight. The large number of people started to -- to
9 retreat. A large number of went to Makovc.

10 Q. I understand.

11 PRESIDING JUDGE VELDT-FOGLIA: Before you continue, Defence
12 counsel, I want to make something clear in the questioning of this
13 witness, not with regard to you, but two questions I want to put to
14 the witness in order to clarify something we are discussing at the
15 moment.

16 Mr. Veseli, if you say "the area of Zllash," what do you mean
17 with that?

18 THE WITNESS: [Interpretation] It was the zone of responsibility
19 of Brigade 153.

20 PRESIDING JUDGE VELDT-FOGLIA: I would like to know from a
21 geographical point of view, if you say "the area of Zllash," what do
22 you mean with that?

23 THE WITNESS: [Interpretation] It's the zone of responsibility of
24 Brigade 153. This is the military terminology for it. However, if
25 we talk about the area, it's Rimanishte, Bardhosh, Radashec, Koliq,

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1 Grashtice, Mramor, Makovc, Viti e Marecit, Prapashtice, Kecekolle,
2 Nishec, Ballaban, these are the villages that form the area of
3 responsibility of Brigade 153. They were shelled from five different
4 directions from the Serbian army, and the population started to
5 retreat.

6 Your Honours, please try to understand me because I'm full of
7 emotions here. It is not easy to see one of your co-fighters have
8 his limbs cut with a saw, with an electrical saw. We've seen quite a
9 few things like this, and you have to understand the well of emotions
10 here. Please do try to understand, even when I expand on it, I
11 cannot -- I cannot stop myself from doing so because it comes from
12 deep inside my soul.

13 Most of you are parents. You may have -- you may be able to
14 understand how the children experienced the -- that fact, i.e., that
15 their father's leg was cut, then the other leg, then the other limbs,
16 and then his head. So there's hundreds of people who were -- who
17 were subjected to this kind of thing when the offensive started, and
18 the population started to retreat towards Albania and Macedonia.

19 Please do not forget --

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Veseli --

21 THE WITNESS: [Interpretation] -- there were Russian and Serbian
22 paramilitaries taking part.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Veseli, I'm going to
24 interrupt you. I'm going to interrupt you and to ask you to answer
25 the questions that are posed to you.

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1 THE WITNESS: [Interpretation] Okay.

2 PRESIDING JUDGE VELDT-FOGLIA: I will come back to my question
3 because I'm not ready yet.

4 If you say "the area of Zllash," what I now understand is that
5 you mean with "the area of Zllash" the area of responsibility of
6 Brigade 153. That is for you the same.

7 And what I want to avoid is a misunderstanding when we talk
8 about Zllash, because we could also be indicating the village of
9 Zllash. Yes? So before when the Defence counsel asked the question
10 of if there were refugees in the area of Zllash, you meant the area
11 over which Brigade 153 had responsibility, and you were not referring
12 to the village of Zllash.

13 THE WITNESS: [Interpretation] That's right.

14 PRESIDING JUDGE VELDT-FOGLIA: That's right. Okay. And that I
15 wanted to clarify. Because my question, and when I interrupted the
16 Defence counsel, had to do with that misunderstanding. So I wanted
17 to clarify that.

18 Defence counsel, you have the floor.

19 MR. VON BONE:

20 Q. And, Mr. Veseli, were there also refugees in the village of
21 Zllash?

22 A. Yes.

23 Q. And could you give us an estimate roughly how much we'd need to
24 imagine for that?

25 A. We did not count them, but there wasn't a single household that

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1 wasn't hosting 20 -- 10, 20, 30 people.

2 Q. I understand. So that included the area, let's say, around the
3 school as well?

4 A. Not at the school, because a military base with soldiers there.
5 But every single house around had at a minimum 10 to 15 people who
6 had sought shelter and accommodation there.

7 Q. Thank you very much. Mr. Veseli, when the offensive came near
8 the village of Zllash, where were you able to go? Where did you go?

9 A. Up in the mountain. In the mountains. The terrain is such that
10 you could find a different position. We repositioned ourselves.

11 Q. And where would the people, the refugees go?

12 A. When the shelling started, the refugees began to retreat. You
13 have to understand that on those occasions there's panic all over.
14 You cannot stop a crowd which departs. We did appeal to them, for
15 instance, not to go to a certain direction. However, when panic
16 seizes a whole population, they just try to escape.

17 Q. And could you tell when after the offensive you came back to the
18 village of Zllash?

19 A. We never abandoned the village of Zllash.

20 Q. I thought you just said: We went to the mountains.

21 A. The centre is like that, but there is a -- there are mountains
22 and forests around, but we never abandoned the area, the terrain.

23 Q. And did you have to abandon -- or did the school have to be
24 abandoned?

25 A. Yes, the school was shelled at. It was not usable. But we did

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1 not retreat. As a matter of fact, we set fire to their APCs and to
2 their tanks.

3 Q. And what was the situation regarding the houses in the Zllash
4 village after the Serbian offensive?

5 A. The majority of the villages in the centre of Zllash were burnt
6 down, beginning with Fatmir's house, his uncle's, the headquarters
7 in -- including the computer which we had. Everything was burned
8 down. They used the -- even napalm as weaponry.

9 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel.

10 MR. VON BONE: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Allow me to ask a question about
12 the answer of the witness.

13 Mr. Veseli, you said:

14 "The majority of the villages in the centre of Zllash were
15 burnt ..."

16 Do you mean with "villages," houses?

17 THE WITNESS: [Interpretation] The houses, yes.

18 PRESIDING JUDGE VELDT-FOGLIA: The houses.

19 THE WITNESS: [Interpretation] Including the school. The school
20 was shelled.

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

23 Please proceed, Defence counsel.

24 MR. VON BONE:

25 Q. At which point in time was the offensive in the village of

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1 Zllash over or ended? Do you recall that?

2 A. Yes, I do.

3 Q. Could you roughly say what date that was?

4 A. It lasted for about a week. It was over in about a week. They
5 finished what they set off to do, and they returned to their previous
6 positions and kept the encirclement.

7 Q. Have there been many deaths at that time?

8 A. Yes.

9 Q. In Zllash village?

10 A. Yes.

11 Q. Were these people visible, dead people?

12 A. There were civilians, children, and women who died.

13 Q. Do you know what would happen to these people who were lying
14 there dead?

15 A. They used to slash people in their necks, stab them, stab them
16 in their fronts. They even killed the cows who were about in the
17 meadows. If they saw cars, they were run over by tanks.

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Veseli, could you please
19 answer the question. Or maybe the question was misunderstood. If I
20 understood right, you said what happens with the persons, Defence
21 counsel, when they were lying dead on the ground.

22 MR. VON BONE:

23 Q. Yes. What would happen with the corpses of those people,
24 eventually?

25 A. We buried them.

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1 Q. Where?

2 A. In the village cemetery.

3 Q. And when was that in time?

4 A. After the offensive. There is a monument in their memory where
5 people go and pay tribute at Viti e Marecit, because it borders
6 Zllash.

7 Q. And do you know if there were people who were unidentified?

8 A. Those who were burned in their homes could not be identified.
9 The father of Shefki Gashi and his son were burned in their home, and
10 they found only their remains. They could not be identified.

11 Q. Were there people who were at a particular moment not yet
12 identified and later on identified, or was there within the brigade
13 or, later on, any kind of unit busy to find out who is who from the
14 people who did not survive the offensive?

15 A. The forensic institute did that after the war, following NATO
16 troops coming into Kosovo.

17 Q. In which period of time was that that you are speaking about?

18 A. It didn't last long, because on 12 June, the NATO ground troops
19 entered Kosovo and actually the war finished.

20 Q. Where was your family staying actually?

21 A. My family went along with the refugees. They were driven out of
22 Prishtine and went to Albania.

23 Q. I see.

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

25 [Specialist Counsel confer]

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1 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, before you --
2 please.

3 MR. VON BONE: I have finishing questions, and then we finish
4 our line of questioning.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. How much time do you think
6 you will need because I --

7 MR. VON BONE: I think a few minutes.

8 PRESIDING JUDGE VELDT-FOGLIA: A few minutes? No, I say that
9 because I would like to finish around quarter past 1.00, less or
10 more, because in that way we can allow people to make use of the
11 facilities for our lunch. And, of course, we have time after that,
12 but just to indicate what I have in mind.

13 Please proceed.

14 MR. VON BONE:

15 Q. Mr. Veseli, who is Shukri Rafuna?

16 MR. DE MINICIS: Your Honour, haven't we already discussed this?

17 PRESIDING JUDGE VELDT-FOGLIA: I must agree with Mr. Prosecutor.
18 So please formulate --

19 MR. VON BONE: Okay.

20 PRESIDING JUDGE VELDT-FOGLIA: -- a follow-up question --

21 MR. VON BONE: Okay.

22 PRESIDING JUDGE VELDT-FOGLIA: -- on that.

23 MR. VON BONE:

24 Q. Do you know when exactly he became commander or taking over
25 your ...

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1 A. Before the offensive. He was during the phase of the founding
2 of the brigade. Then after all the units were in place, we had
3 established the command. But the name of police meant a certain
4 type -- I mean, form of security to protect families against
5 something happened, the headquarters of the units. More or less,
6 this was what they did.

7 Q. And did you have any particular contact with him, with
8 Shukri Rafuna?

9 A. Yeah, I know him. I used to know him even before the war.

10 Q. And in the period of the war, in the period of April 1999, would
11 he participate in meetings of the brigade command?

12 A. No.

13 Q. Why not?

14 A. You have to use Adem Shehu [as interpreted]. I don't know.

15 Q. And, lastly, you at some point became chief of staff; is that
16 correct?

17 A. Yes, yes.

18 Q. When was that in time?

19 A. After withdrawing the bodies of the wounded.

20 Q. And what was the reason for that?

21 A. They were in the front line, and we had to withdraw their
22 bodies. And the reason you have to find -- look for the reason at
23 the zone command. They knew that I had military experience and
24 knowledge, and they trusted me with that duty. I didn't join the war
25 for positions. And I'm saying this very briefly. When they said

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1 that, "NATO is here now, give up your weapons," I did that. And then
2 I started work at the National Institute of Public Health.

3 Q. Okay.

4 MR. VON BONE: Your Honour, we have no further questions.

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

6 No, let us do it differently. We will adjourn the hearing till
7 quarter to 3.00. I hope you will have some rest, Mr. Veseli, and
8 have your lunch, and then we will continue.

9 THE WITNESS: [Interpretation] Thank you.

10 PRESIDING JUDGE VELDT-FOGLIA: I will ask Madam Court Usher to
11 usher you out of the courtroom. Thank you for now.

12 THE WITNESS: [Interpretation] Thank you.

13 [The witness stands down]

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

15 Let me see. We will have the possibility for a redirect
16 examination.

17 Mr. Prosecutor, do you feel the need for that?

18 MR. DE MINICIS: Yes, Your Honour, but we'll be brief. I
19 foresee 10 to 20 minutes tops.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 Victims' Counsel, would you like to ask any further questions?

22 MS. PUES: Possibly not. What we will do is we'll review during
23 the break. If so, it would only be one, maximum two questions.

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

25 And I won't ask it for now to you, Defence counsel.

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Procedural Matters

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

1 Very well. For the record, I have something to mention with
2 regard to the communication of the SPO yesterday. Indeed, yesterday,
3 at 9.48, an e-mail was sent to our inbox about the new estimation
4 with regard to this witness. We overlooked it, so thank you for
5 that.

6 Good. We will resume the hearing at quarter to 3.00. The
7 hearing is adjourned.

8 --- Luncheon recess taken at 1.10 p.m.

9 --- On resuming at 2.45 p.m.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well. Welcome back. Let us
11 call appearances.

12 Mr. Prosecutor.

13 MR. DE MINICIS: Your Honour, we are the same as before.

14 PRESIDING JUDGE VELDT-FOGLIA: Very well.

15 Victims' Counsel.

16 MS. PUES: Good afternoon. No changes. Thank you.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Defence counsel.

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

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 And I see that Mr. Mustafa is present via videolink.

22 Very well. Madam Court Usher, could you please usher the
23 witness in.

24 [The witness takes the stand]

25 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Mr. Veseli,

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1 welcome back.

2 THE WITNESS: [Interpretation] Thank you.

3 PRESIDING JUDGE VELDT-FOGLIA: We will now continue with the
4 examination, the redirect examination by Mr. Prosecutor.

5 You have the floor.

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

7 Re-examination by Mr. de Minicis:

8 Q. Mr. Veseli, I just have a couple of questions for you.

9 The first question concerns an order that was signed by you that
10 you discussed with Defence counsel. The order is U0009804, and the
11 discussion was at page 33 of the provisional transcript of today.

12 Now, page 35, this was an order that you issued, you explained,
13 to arrest an operative of the Karadak zone who had stolen some flour
14 that was, in fact, destined to the people. Asked by Defence counsel
15 whether when an order to arrest someone was issued, it would be
16 issued in written format, you answered that you thought it ought be
17 written because spoken words may be forgotten. Do you recall?

18 Now, I understand that that's --

19 A. Yes.

20 Q. Thank you. I understand that's -- so your opinion is about
21 that. But are you able, in fact, to say that any arrest order issued
22 by a KLA commander or member during the war or during that time in
23 1999 was always issued in written form?

24 A. I don't know about others, but in my case, that was the only
25 case that I issued an order, a written order. And I would have done

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1 the same if that happened again.

2 Q. Thanks, sir. My second question concerns Mr. Rrahman Dini whom
3 we discussed today. And at page 11 of the provisional transcript,
4 you told the Panel that his health was poor. And when I asked you if
5 he had any operational task, you said that you didn't think that
6 would be possible. Page 46, in fact, you said that he was waiting to
7 die.

8 Now, Rrahman Dini was a comrade of yours at the time. Did you
9 ever have the chance to visit him in March or April 1999 as he was
10 convalescing?

11 A. Yes, I saw him daily. Every day I saw him.

12 Q. And where was he convalescing? In which location of Zllash?
13 Could you tell us where you would see him, where he was stationed,
14 you know, considering his poor health?

15 A. In a house. It's not that he knew that he was -- his death was
16 about to come soon, but we knew that there was no -- I mean, he
17 couldn't save -- he couldn't escape death.

18 Q. Was this house situated within that compound that hosted the BIA
19 base or outside?

20 A. No, no, no, not there.

21 Q. So it was outside?

22 A. It was near the school.

23 Q. Mr. Veseli, this concludes all the questions I have. Thank you
24 very much.

25 MR. DE MINICIS: Your Honour, we have no further questions.

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Further Cross-examination by Mr. Von Bone

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1 We're done.

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

3 Victims' Counsel, you have the floor.

4 MS. PUES: Thank you, Your Honours. We do not have any further
5 question -- no questions at all. Thanks.

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

7 I now turn to the Defence. Do you wish to proceed with a
8 rejoinder examination, Defence counsel?

9 MR. VON BONE: Yes, Your Honour. One question.

10 Further Cross-examination by Mr. von Bone:

11 Q. That order that the Prosecutor just mentioned to you that was
12 issued, was it a standard practice to issue these kind of orders in
13 written form?

14 A. It was the first time for me. But it didn't mean that if there
15 was -- if it was the same case, this wouldn't happen again, because
16 they deprived the people from their daily bread. It had to be
17 stopped, that practice. If we couldn't do that, we would have
18 referred the case to the Llap operational zone.

19 Q. I understand. But to issue the order in written form, was that
20 in the regulations?

21 A. No. I did that myself. I didn't know of any other way how to
22 deal with that, because he stole people's bread, the bread that was
23 donated by others. So I did that. And I would do it again. And I
24 do not repent that I did it. But I can't tell you -- I don't know if
25 he was indeed detained or not for that.

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1 Q. But the point was more not so much to what that person did but
2 whether such order would be in written form. And that is why I said
3 was that, more or less, a standard practice if an arrest would need
4 to be done, that it would be done in written format by either you
5 or --

6 A. In every army, orders are issued in writing. It's recorded it's
7 an order. If it has the army logo it -- it should be a written
8 order. Oral orders are given only to the soldiers in the front line.
9 Otherwise -- during fighting. Otherwise, they are issued in writing.

10 Q. Okay. Well, thank you very much.

11 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, so you're done
12 with your questions?

13 MR. VON BONE: [Microphone not activated]. Yes, that was my
14 question.

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

16 Mr. Witness, you have been asked several questions by the
17 Prosecutor, the Victims' Counsel, the Defence counsel, and I would
18 like to ask you to bear with us a little bit more and the Judges will
19 now ask you some questions in order to try to gain some more clarity
20 about some things you have been testifying on this morning. Okay?

21 Questioned by the Trial Panel:

22 PRESIDING JUDGE VELDT-FOGLIA: Now, let me see. Yes. We
23 discussed today the Gollak region. Could you clarify to the Panel
24 which villages -- not all, but some of the villages that were
25 included in the Gollak region to get a better overview of what area

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1 we are talking about?

2 A. Gollak is a large area, and our brigade couldn't cover all of
3 it. We covered the villages I enumerated earlier. I can do that
4 again, if the need be. Can I?

5 PRESIDING JUDGE VELDT-FOGLIA: Yes, of course.

6 A. Rimanishte, Kuline [phoen], Bardhosh, Radashec, Grashtice,
7 Makovc, Mramor, Busi, Zllash, Kecekolle, Koliq, Ballaban, Nishec, and
8 Prapashtice.

9 PRESIDING JUDGE VELDT-FOGLIA: So do I understand well that the
10 Gollak area is the same as the Zllash area, that you use them for
11 same --

12 A. Gollak is much larger.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. Okay. And the Gollak
14 area, was that the area that was under the responsibility of
15 Brigade 153?

16 A. The parts that I referred to, that I mentioned, were part of the
17 responsibility of Brigade 153.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you. We have been
19 discussing the BIA compound in Zllash, in the village of Zllash. And
20 you have said today that the soldiers from the BIA unit - and that is
21 the provisional transcript page 44, line 9 - that they went to Zllash
22 to recover.

23 And then on two other occasions - and I will cite them for the
24 record without pulling them up on the screen - you said that Zllash,
25 the BIA compound, it was used by the soldiers from the BIA unit as a

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1 shelter.

2 And for the record, I mention Part 2, page 13, lines 18 till 21,
3 and page 16 of Part 2, line 24 and 25, and also the first line of
4 page 17.

5 So you have been talking about to recover and talking about
6 shelter for the soldiers of the BIA. That that's the reason they
7 went there. Could you clarify some more what you mean with shelter
8 and recover? Where had they have to recover from, and from what did
9 they have to seek shelter?

10 A. Because it was impossible for them to go to Prishtine. They
11 were afraid of the Serb police. Otherwise, I wouldn't know any other
12 reason why they chose that.

13 PRESIDING JUDGE VELDT-FOGLIA: But why specifically the BIA
14 soldiers and not other KLA soldiers?

15 A. The KLA soldiers were part of Brigade 153, but the configuration
16 of Gollak terrain is such that it gives you greater protection than
17 in a city. It's a mountainous area. That's why for them it was a
18 kind of base which sheltered them.

19 PRESIDING JUDGE VELDT-FOGLIA: Yes. But my question is why did
20 the BIA soldiers have to be specifically sheltered and not, for
21 example, the soldiers of Brigade 153?

22 A. They were another unit. In fact, BIA was part of another unit.
23 Brigade 153 was another. BIA did not report to this brigade, that
24 is, 153. They were an independent, if you like, unit.

25 PRESIDING JUDGE VELDT-FOGLIA: That's completely clear to me.

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1 Thank you for that. But my question is a different one. Why you say
2 specifically about the BIA soldiers, that they had to seek shelter.

3 A. Based on my experience during the time of underground activity,
4 when I undertook an operation, an action in the city, I withdrew for
5 a time in a village to find shelter there.

6 PRESIDING JUDGE VELDT-FOGLIA: For me, it's not completely clear
7 yet.

8 However, you said today - and I refer to page 22, lines 7 and 9,
9 and page 21, lines 18 till 21 - that the soldiers of the BIA were --
10 what you found strange that they were up in the mountain, you said,
11 and they were not engaging in the battlefield. Could you clarify
12 some more what you meant with that?

13 A. When the offensive started, the BIA soldiers who were there
14 joined Brigade 153 in a joint front, because we were all part of the
15 same army. That doesn't mean that they were aliens. So under
16 military discipline, every unit had their own tactical activity. So
17 it was a normal thing for them to be separate, just as in any other
18 army.

19 PRESIDING JUDGE VELDT-FOGLIA: I will read out to you what you
20 said, Mr. Veseli. Let me see.

21 "What I saw, I'm going to say it and I don't hesitate to say it.
22 If one pretends to be a military unit and all the time it stays up in
23 the mountains and never engages in the battlefield, for me, this is
24 not something regular."

25 That's what you said when you were asked what did the BIA do to

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1 make you think of it as a dirty and bad part of history. That was
2 your answer. And I am asking you could you explain to us what you
3 meant with that. What I now understand is that those were soldiers
4 who were not participating in the fight. They were hiding in the
5 mountains.

6 A. I didn't know of their programme, and I didn't want to be
7 meddled in their work. They knew what they were doing. But I have
8 said, and I am saying now, that they were part of the Kosovo
9 Liberation Army. They had their own programme, their own command,
10 and based on that programme, they have undertaken the relevant
11 tactical actions.

12 But when it came to the offensive, those BIA soldiers
13 accommodated in that compound, they joined Brigade 153 in the same
14 front and fought alongside it in Viti e Marecit.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Veseli, you are not answering
16 my question in the sense that I am asking you to clarify or to tell
17 us some more about the fact that you didn't find it, apparently, a
18 proper thing to do to stay up in the mountains and to never engage in
19 the battlefield. That was something not regular.

20 And I'm asking you to clarify or explain some more what you
21 meant with that. And then you're answering me that during the
22 offensive they would fight together, but that's not an answer to my
23 question.

24 A. I said that they came there as part of a military unit, not to
25 work in the fields. I understand what you are saying. It may be --

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1 it maybe was a lapse or maybe the interpretation was not right,
2 because when I looked at the transcript, I saw that there were major
3 mistakes there. So it may happen.

4 I am saying it here again. Those were members of the Kosovo
5 Liberation Army just like me. They had their own command. It was
6 not my duty to follow what they did. And I didn't let anyone to
7 interfere in my work in the Brigade 153, because there are strict
8 rules for that. But nobody can deny the fact that they fought
9 against the occupiers, and that they came there not out in a picnic.
10 They came to convalesce after the actions, because, as you might
11 know, it's very hard for such units to operate in the cities.

12 The city was surrounded, was encircled under the observation of
13 the snipers. A large number of people were killed on their way to
14 Gollak to get accommodation from the Serb soldiers and military.
15 They were afraid even to pass on the streets, because Gollak was the
16 best terrain for a kind of recovery, a rest after an operation.

17 You should know that even our food was not like that of a
18 regular army, or our logistical base. I said that we fought with
19 arms of the Second World War.

20 PRESIDING JUDGE VELDT-FOGLIA: I will now interrupt you,
21 Mr. Veseli. I can assure you that the translation is taken care of
22 in a very scrupulous way so that everything that you have said in
23 Albanian will appear in that way in the English version.

24 So I leave this topic for now here.

25 Could you describe the village of Zllash? The village of

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1 Zllash.

2 A. Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

4 THE INTERPRETER: Could you ask the witness to repeat the
5 beginning of his sentence, please?

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Veseli, you are requested to
7 repeat the beginning of your answer again, because it could not be
8 translated.

9 THE WITNESS: [Interpretation] Yes. From the road from Prishtine
10 to Kecekolle, you can go to Medvegje [phoen]. In Stallove, there is
11 a branch that goes to Zllash. You drive 3, 4 kilometres before you
12 enter Zllash. The house of Fatmir Sopi is near the school. It's a
13 neighbourhood like you find in every other village, with houses
14 adjacent to one another. And then you continue towards
15 Zllash i Vogel. In the north, you can go to the road that goes to
16 Viti, Slivove, Gjilan, and then Prishtine. This is Zllash. It's not
17 a large village. It doesn't have more than 30 houses in the centre
18 of the village.

19 PRESIDING JUDGE VELDT-FOGLIA: And the houses, you said some of
20 them were adjacent, one next to the other. Was there also some
21 distance between the house? I mean, from the north to the south from
22 Zllash, how much is that in kilometres? And to the east to the west,
23 from the east to the west.

24 A. If we draw a circle, the diameter wouldn't be more than
25 4 kilometres.

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1 PRESIDING JUDGE VELDT-FOGLIA: And in those --

2 A. In both directions 4 kilometres. Not more than that.

3 PRESIDING JUDGE VELDT-FOGLIA: And in that area, the 30 houses
4 were?

5 A. Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: Mramor, how far was that situated
7 from Zllash?

8 A. Mramor is south of Zllash. Mramor is a large village. Like a
9 township, I would say.

10 PRESIDING JUDGE VELDT-FOGLIA: So you could not --

11 A. Maybe 3 kilometres from Zllash. Not more than that.

12 PRESIDING JUDGE VELDT-FOGLIA: So you could not say that -- or
13 could you say that Zllash is a neighbourhood from Mramor?

14 A. You may. Because before, Mramor was a commune and Zllash was
15 part of that commune.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. That clarifies it. Thank
17 you, Mr. Veseli. Then we go to this next question.

18 Madam Court Officer, could you pull up from the SPO witness
19 statement with ERN 069889-TR-ET, Part 1, page 14, lines 5 till 11.

20 We are talking about the Gollak area, and you said -- you were
21 talking about Gollak:

22 "Yes. There were assault units called Buna ..."

23 And I wanted to ask you what do you mean with "assault units
24 called Buna"? What kind of units were that?

25 A. There were no regular military formations. We had military

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1 groups. They were called -- in villages. They were called Buna.

2 PRESIDING JUDGE VELDT-FOGLIA: And could you explain to the
3 Panel why that area was the worst organised area?

4 A. Maybe we were in the periphery, bordering Serbia. And the
5 weapons came to other parts of Kosovo and less so to our region. We
6 returned many boys and girls who wanted to join because of lack of
7 weapons. Only for that reason. We didn't have -- we couldn't
8 provide weapons to them.

9 PRESIDING JUDGE VELDT-FOGLIA: And if you talk about this
10 assault units called Buna, are you also referring to Buna 29?

11 A. Yes, they had numbers. They were divided in numbers. All bases
12 were called Buna with the idea when that, when we establish regular
13 formation, we could create units, companies, or battalions, or
14 brigades based on military standards.

15 PRESIDING JUDGE VELDT-FOGLIA: In your witness statement before
16 the SPO, and that is Part 2, page 19, and with the same number I
17 cited before, you talked about Buna 26.

18 A. Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: My question is was that a
20 so-called assault unit?

21 A. They were more defensive groups, I would say. We engaged in
22 assault attacks only when there were no citizens in the periphery of
23 the area. Otherwise, as I said, we couldn't undertake attacks
24 because of the population, of the population present there.

25 Buna 26, the place where they were, during the offensive was

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1 burned down by the Serbs.

2 PRESIDING JUDGE VELDT-FOGLIA: And where were they stationed?

3 A. On the road between Stallove and Zllash, right in the middle.

4 PRESIDING JUDGE VELDT-FOGLIA: Can you repeat that again? On
5 the road to?

6 A. On the road axis from where we -- we call it the dry well.

7 That's where the junction is. And where it turns towards Zllash,
8 that's where the Buna 26 were stationed.

9 PRESIDING JUDGE VELDT-FOGLIA: That clarifies your SPO witness
10 statement, because there was a mention to Stalovice [phoen] and I
11 wondered if that was --

12 A. Stallove.

13 PRESIDING JUDGE VELDT-FOGLIA: It was Stallove.

14 A. Stallove.

15 PRESIDING JUDGE VELDT-FOGLIA: Stallove. Okay. I think that
16 has been a problem with the interpretation that you have clarified
17 now.

18 A. It is the -- the name is Stallove.

19 PRESIDING JUDGE VELDT-FOGLIA: That is clear now.

20 A. Let me clarify. There is a junction on the other side. It's --
21 on the other side, it's the road for Koliq.

22 PRESIDING JUDGE VELDT-FOGLIA: But your answer to my question
23 was where Buna 26 was stationed, that was before the village of
24 Zllash?

25 A. Not near but right in the middle. It was close to a quarter

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1 called the quarter of the Kotrans [as interpreted] but it is in the
2 region of Stallove.

3 PRESIDING JUDGE VELDT-FOGLIA: And how far is that from the
4 village of Zllash?

5 A. It could be between 2, 2 and a half kilometres, not more. As
6 the crow flies. Because the -- it may be 5 kilometres, if you were
7 to take the road, that is.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you for that, Mr. Veseli.
9 I will look at my colleagues to see if we need some further
10 questioning.

11 The colleague on my left-hand side will ask you some further
12 questions.

13 JUDGE BITTI: Mr. Veseli, I just have one question. Today in
14 page 60 of the transcript, line 21, you said, when speaking about the
15 offensive by the Serbs around 18 April, that "we resisted." Could
16 you tell us how many days were you able to resist before you had to
17 withdraw from Zllash?

18 A. Two. We did not withdraw from Zllash, but we retreated towards
19 the mountains on the outskirts. We did not abandon the region of
20 Zllash, because the area was such that we were able to mount a
21 defence.

22 JUDGE BITTI: Okay. I understand that. But when did you have
23 to retreat from the place you were, from your headquarters? How many
24 days did you resist the offensive of the Serbs before you went up to
25 the mountains? Do you remember that?

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1 A. We moved the headquarters when the M-34 Serbian tank shelled
2 against it and the school, so we were forced to abandon the position.

3 JUDGE BITTI: I understand perfectly that. But do you remember
4 when was that in comparison with the first day of the offensive?

5 A. At the end of the day, at the end of the offensive. We weren't
6 able to return, in fact, to our points because they had been razed.
7 They were uninhabitable.

8 JUDGE BITTI: Thank you, Mr. Veseli.

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Veseli. We've
10 reached the end of your testimony, and you have shared with us
11 already at an earlier moment today that it's very demanding for you.
12 And we thank you for the effort you put in sharing with us your
13 testimony. I'm sure that it will help us in our exploration to find
14 the truth. This is it for now.

15 THE WITNESS: [Interpretation] May I add something?

16 PRESIDING JUDGE VELDT-FOGLIA: You may certainly add, depending
17 on what you're going to say. But I will give you the floor, please.

18 THE WITNESS: [Interpretation] Very briefly.

19 I am grateful for the attitude, the constructive attitude that
20 you have shown, and I have full belief in your search for truth. And
21 I have been sincere in my answers since the very beginning.
22 Regardless of the fact that you're the Trial Panel, these are the
23 Prosecutors, and so on and so forth, I will count on you as being
24 friends.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Veseli.

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1 This is the end for this testimony. I wish you a safe journey
2 home. I remind you not to discuss your given testimony with anybody.
3 And I will now ask Madam Court Usher to accompany you out of the
4 courtroom.

5 THE WITNESS: [Interpretation] Shall I take them off? Goodbye.

6 [The witness withdrew]

7 PRESIDING JUDGE VELDT-FOGLIA: Goodbye.

8 Thank you, Madam Court Usher.

9 Very well. Before we adjourn this hearing, I will do my regular
10 round to see if there's something the parties and the
11 Victims' Counsel would like to raise.

12 Mr. Prosecutor.

13 MR. DE MINICIS: Nothing from us, Your Honour. Thank you.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 Victims' Counsel, something?

16 MS. PUES: Nothing from us either. Thanks.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 MR. VON BONE: No, Your Honour, not at this moment.

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

20 Very well. If there is nothing else to raise, we will resume
21 next week, and then we will hear Witness 4849. We will start at 9.30
22 on Tuesday, 1 February.

23 And, as always, I thank the translators, the stenographer, the
24 people of the audio-visual booth, and the security for their
25 assistance, and also the parties and the Victims' Counsel for their

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1 attendance.

2 The hearing is adjourned until next week, Tuesday, 9.30.

3 --- Whereupon the hearing adjourned at 3.24 p.m.

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