

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

1 Monday, 27 September 2021

2 [Open session]

3 [The accused attended via videolink]

4 --- Upon commencing at 11.31 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Court Officer, can you please call the case.

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

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.  
10 First of all, I will call appearances.

11 On my right-hand side, the SPO, you have the floor.

12 MR. DE MINICIS: Good morning, Your Honours. The SPO today is  
13 represented by Alex Whiting, Deputy Specialist Prosecutor;  
14 Cezary Michalczuk, Prosecutor; Silvia D'Ascoli, Associate Prosecutor;  
15 Julie Mann, Case Manager; and myself, Filippo De Minicis, Associate  
16 Prosecutor.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Yes, Victims' Counsel.

19 MS. PUES: Good morning, Your Honours. Good morning, everyone.  
20 The Victims' Counsel team is today represented by Liesbeth Zegveld,  
21 co-counsel; by Marie-Pier Barbeau, Senior Legal Associate; and by  
22 myself, as Victims' Counsel, Anni Pues.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 And, Defence counsel, you have the floor.

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

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1 represented by myself, Julius Von Bone, lead counsel; my co-counsel,  
2 Mr. Betim Shala; Mr. Fatmir Pelaj, interpreter and investigator. And  
3 joining us via remote is Mr. Mustafa, the accused.

4 Lastly, if I may, Mr. Mustafa will join us also on the 4th of  
5 October remotely.

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

7 Mr. Mustafa, does the connection work well? Can you hear us  
8 fine?

9 THE ACCUSED: [via videolink] [Interpretation] Yes, Your Honour,  
10 very well.

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 And I note the presence of Mr. Hans van de Wal, deputy counsel  
13 for Witness 4600.

14 For the record, you are appearing before Trial Panel I. We have  
15 planned today to continue with the testimony of Witness 4600.

16 Court Usher, can we please usher the witness into the courtroom.

17 [The witness takes the stand]

18 PRESIDING JUDGE VELDT-v: Welcome back, Mr. Witness. Did  
19 you have a nice weekend?

20 THE WITNESS: [Interpretation] Yes, thank you, very well.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. Mr. Witness, today we will  
22 continue with your testimony.

23 Before we start, I would like to go briefly into private  
24 session.

25 Madam Court Officer, can we go into private session.

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

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

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

4 Mr. Witness, I want to inform you that we have given you  
5 assurances last week and they are still valid.

6 Do you understand that?

7 THE WITNESS: [Interpretation] Yes, I do.

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

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

10 [Open session]

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

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 Mr. Witness, I remind you that you are under oath to tell the  
14 truth. Do you understand that?

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

16 PRESIDING JUDGE VELDT-FOGLIA: Good.

17 Defence counsel, on Friday, you informed us that your estimation  
18 was that you still would need about 15 minutes to do some  
19 questioning. Is that estimation still accurate?

20 MR. VON BONE: I think so. It will be 15 to 20 minutes,  
21 maximum. It is just two brief issues, I think. We can go through  
22 them quite quickly.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, I will now give the  
24 floor to the Defence counsel in order to continue with some  
25 questioning.

Witness: W04600 (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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

1 You have the floor, Defence counsel.

2 THE WITNESS: [Interpretation] Thank you.

3 WITNESS: W04600 [Resumed]

4 [Witness answered through interpretation]

5 Cross-examination by Mr. von Bone: [Continued]

6 Q. Good morning, Mr. Witness.

7 A. Good morning.

8 Q. Mr. Witness, do you know a person during the war who came from  
9 the village [REDACTED]?

10 A. Can you please repeat your question? Because I did not  
11 understand it.

12 Q. Do you know a person during the war who came from the village or  
13 the place [REDACTED]

14 A. Not one. I knew many.

15 Q. Do you know a person with the name of [REDACTED] who came from  
16 the  
17 village of [REDACTED]

18 A. There are many [REDACTED] I mean that I might have known not one  
19 but two, three, five.

20 Q. Is there one in particular that you knew during the period of  
21 the war or that you had contact with?

22 A. There were soldiers with -- having last name [REDACTED] There  
23 were many such soldiers. I don't know which in particular you're  
24 referring to.

25 Q. Do you know a person with the name [REDACTED]

A. No, I don't. I don't remember.

Witness: W04600 (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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

1 Q. Do you know anybody who was [REDACTED]

2 [REDACTED]

3 A. I don't remember any.

4 Q. Do you recall if there was a military police officer with a  
5 beard?

6 A. No, I don't remember.

7 Q. Do you know a person with the name [REDACTED]

8 A. [REDACTED] yes.

9 Q. Who was he?

10 A. His pseudonym was [REDACTED]

11 Q. And what was his real name?

12 A. [REDACTED]

13 Q. And what was his position?

14 A. I don't know.

15 Q. How do you know him? Or how have you heard of him?

16 A. I knew him since he joined the brigade in Zllash as a soldier.  
17 I didn't know him before that.

18 Q. And as a soldier, where was he stationed?

19 A. He was in the brigade, in the Brigade 153 in Zllash.

20 Q. And on what location exactly was he stationed?

21 A. The brigade was located in the school of Zllash. He might have  
22 been located in some other unit that I'm not aware of.

23 Q. Did Rrahman Dini have any assistant?

24 A. Yes, he did. [REDACTED]

25 Q. And apart from this person, did Mr. Dini have any other

Witness: W04600 (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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

1 assistant?

2 A. He might have had because he was sick. He might have had other  
3 assistants, but I'm not aware of them now. But I know that this  
4 person was mostly assisting him.

5 Q. Was Mr. Dini in charge of anything in particular?

6 A. [REDACTED]

7 Q. How many times did you have contact with him?

8 A. Both in my private life and in my military life, I had contacts  
9 with him.

10 Q. And in your [REDACTED] about what would you have contact  
11 with him?

12 A. In relation to the organisation of the liberation army in  
13 Gollak, he was involved in that, so we had such contacts. Normal  
14 contacts.

15 Q. But why would you, as a [REDACTED] have contact  
16 with him? [REDACTED]

17 A. [REDACTED]

18 Q. Yes, [REDACTED] but -- so could you give us  
19 an example what kind of issues you would discuss with [REDACTED]

20 A. I don't remember the exact issues we talked about. We talked  
21 about the method of organisation. We talked about the private lives  
22 of our people, of our families. We talked as friends, because we  
23 were not always in the line of fire, waiting for the enemy to come.  
24 But we also talked at our own leisure of our military duties. We  
25 spent time at each other's families, at the men's -- at men's

Witness: W04600 (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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1 assembly, let's say, places, so we also had such discussions.

2 Q. And in the period of the war, did you discuss ever any security  
3 issues with [REDACTED]

4 A. No, I didn't.

5 Q. Why not?

6 A. I didn't have to.

7 Q. Why not?

8 A. When I needed to discuss something, I could have discussed with  
9 [REDACTED] So I've discussed issues  
10 with my superiors when it was necessary. In this case, with this  
11 person, it wasn't necessary to discuss such issues. That's why.

12 Q. Do you know if there was a person in the brigade with the name  
13 of Salih?

14 A. Can you repeat the name once again, please.

15 Q. Salih.

16 A. You mean Salih?

17 Q. Yes, if that's how you pronounce it.

18 A. Yes.

19 Q. Who was he?

20 A. There were two Salihs.

21 Q. So could you tell --

22 A. There was Salih Mustafa and there was another Salih, whose last  
23 name I don't know.

24 Q. And the other person, where was that person stationed?

25 A. Sometimes at the base. Sometimes at certain locations.

Witness: W04600 (Resumed) (Open Session)

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Cross-examination by Mr. Von Bone (Continued)

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

1 Sometimes at the Skifterat base. Sometimes at the Karadak base.

2 Sometime in Llap. So he moved around.

3 Q. And this Salih, what was his task? Do you know? If you know.

4 A. I don't know.

5 Q. Did you meet him personally?

6 A. Yes, I met with him outdoors. I've also met with him when we  
7 spent time together with other people.

8 Q. What kind of things would you discuss with him on a professional  
9 or level of your positions?

10 A. Perhaps we discussed only private issues, private matters. I  
11 didn't discuss anything with him about military issues.

12 Q. Do you know who was his superior?

13 A. [REDACTED]

14 think.

15 Q. And where exactly would you meet him, if you would meet him?

16 Could you give us a location of that?

17 A. In the streets, outdoors, when we moved around. For example, we  
18 were going towards each other and then we greeted each other. I  
19 might have met with him at certain houses when we had meetings with  
20 other people, and I've seen him there. What -- so by that I mean  
21 that I saw him in such places.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel --

23 MR. VON BONE: Briefly in private session.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay.

25 MR. VON BONE: And then we'll have one more issue to discuss.



Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 832

Cross-examination by Mr. Von Bone (Continued)

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

1           PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, it was not to  
2 tell you that you should shorten.

3           It was more for Mr. Witness. Be careful when you give answers  
4 in order not to identify you. We have -- you have said twice that  
5 you were in the [REDACTED] We have redacted that. Once that you were  
6 in the [REDACTED] and once that you were -- excuse me.

7           We will go into private session.

8           THE WITNESS: [Interpretation] I apologise.

9           PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, please can  
10 we go into private session.

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

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

13           PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14           So now we are in private session, but in public session, we must  
15 be careful.

16           THE WITNESS: [Interpretation] Thank you.

17           MR. VON BONE:

18           Q. Do you know if there was any [REDACTED] from  
19 Presheva [phoen], the village [REDACTED]

20           A. There isn't a village called Presheva but there is a town called  
21 [REDACTED] However, I know a person that was a soldier. I don't know  
22 if he was a [REDACTED]

23           Q. And do you know his name?

24           A. Yes, I do. [REDACTED] [phoen].

25           Q. Is that a nickname or is that his real name?

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 833

Cross-examination by Mr. Von Bone (Continued)

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

1 A. I don't know. This is what he was called.

2 Q. And where was he stationed?

3 A. [REDACTED]

4 Q. Could you describe him for us, please. His appearance, I mean.

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. And was he stationed at the compound?

9 A. I have seen him quite a few times there, so I guess yes.

10 Q. Was he from the [REDACTED]

11 A. I don't know.

12 Q. Would you just repeat his name. I did not completely catch it,

13 I think, and I can't read it back.

14 A. [REDACTED]

15 Q. Mr. Witness, a question more about the location in Zllash. You  
16 said it was the compound of a particular family.

17 A. What are you referring to? Because Zllash has many compounds of  
18 many families. So what exactly are you referring to?

19 [REDACTED]

20 [REDACTED]

21 A. In reference to that compound, I can say what I know and what I  
22 saw. It is located in Zllash, in the upper-most part or location in  
23 Zllash, if you are asking about its location. So it is the  
24 upper-most location in Zllash where that compound was located.

25 Q. And, in particular, which neighbours did you know there of that

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 834

Cross-examination by Mr. Von Bone (Continued)

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1 family who was living there?

2 A. It was the Cubaj neighbourhood, the Sobve [phoen] neighbourhood.  
3 Other neighbourhoods I don't really remember the names of. But this  
4 was the highest point, the highest location in that area. That is  
5 that family's compound.

6 Q. But on that family's compound, who were the neighbours of that

7 [REDACTED]

8 [REDACTED]

9 A. They were and they are part of their clan, Sfarç, Emini and  
10 Smajli. So they were the neighbours of that compound. And they're  
11 cousins with each other.

12 Q. Okay. Mr. Witness, I will refer to one document now. It is the  
13 ERN 072914-TR-ET, Part 3, Revised, RED3, and in particular, page 27  
14 of that transcript. The transcript is from 21 January 2020. And I  
15 will discuss, if we have it, the lines 10 until 21.

16 MR. VON BONE: It's page 27, the lines 10 until 21 of Part 3,  
17 RED. I just want to make sure that everybody is on the same page.

18 Q. Mr. Witness, on 21 January 2020, you give an interview to the  
19 SPO. And this particular part is regarding the fact that you had

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 835

Cross-examination by Mr. Von Bone (Continued)

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

1 And a little further, you said - and I'm at line 17, Your Honour

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Could you tell me, what did you mean, "don't want the court to  
11 call me"?

12 A. I will tell you. Why should I be called about that? But if I  
13 am called by the court, then I'm under obligation to tell the truth.  
14 I'll always tell the truth to the point I know about it. I don't  
15 know anything further than that. That's why I expressed it like  
16 that, stated it like that.

17 Q. Okay. And then you said:

18 [REDACTED]

19 Mr. Witness, my question to you is --

20 A. I don't know the circumstances. I don't know whether he was  
21 killed or where he was killed or how he was killed. However, from  
22 point A to point B, that's what I knew about. But I don't know  
23 anything beyond that point. Because many people were killed. There  
24 were people killed by the Serb forces as well, children, old men and  
25 women, because they were also surrounded. I don't know how they were

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 836

Cross-examination by Mr. Von Bone (Continued)

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Please, Mr. Witness, could you explain how you -- what do you  
9 mean with this?

10 A. After we talked that -- said that following the shelling by the  
11 Serbian forces, many civilians were killed. Ones who knew the  
12 circumstances how he was killed should explain them, because I  
13 couldn't have known those circumstances. I was further away. I  
14 don't know the circumstances of his death to this date. And this is  
15 the reason why we discussed it and this is what I meant by it.

16 Q. So just to be clear: You did not know whether Salih Mustafa  
17 actually knew the circumstances in which he was killed?

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 this the same way with him?

23 A. I don't have interpretation.

24 Q. I will repeat the question. Can you hear me?

25 A. Yes.

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 837

Cross-examination by Mr. Von Bone (Continued)

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. Yes, he was alone.

11 Q. And where did that meeting in which you discussed this took  
12 place?

13 A. It took place in Prishtine. I don't know the exact location  
14 where, but it took place in Prishtine.

15 Q. And was this on your initiative or was it on his initiative that  
16 this meeting took place?

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Q. And what was the reason to pick that location?

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 838

Cross-examination by Mr. Von Bone (Continued)

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

1 A. I did not choose that location. He happened to be there. It  
2 was not proposed by me or by him. He was there, having a coffee  
3 there in that cafeteria near that building, so I went to that  
4 location and we talked.

5 Q. And do you recall in which period of time in the day this took  
6 place, this particular conversation, whether it was in the morning or  
7 in the afternoon or in the evening? I don't need to have a specific  
8 timeline obviously.

9 A. It was midday.

10 Q. And do you recall approximately date-wise when this meeting took  
11 place?

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

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

16 MR. VON BONE: Madam Presiding Judge, I think we have concluded  
17 our questions regarding this. Thank you very much.

18 Q. I thank the witness for his answers.

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

20 Pursuant to Rule 127(3) of the Rules and our decision on the  
21 conduct of proceedings, the Panel may allow re-direct.

22 Mr. Prosecutor, you indicated last Friday that you needed to  
23 review the record over the weekend and you would inform us today  
24 where you would stand.

25 Do you wish to re-examine the witness; and if so, how long?

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 839

Re-examination by Mr. De Minicis

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

1 MR. DE MINICIS: Just a couple of questions, Your Honour. Thank  
2 you. I don't think it will take more than five minutes.

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, the Specialist  
4 Prosecutor's Office will now ask you some questions.

5 THE WITNESS: [Interpretation] Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, do you want to  
7 stay in private or do you want us to revert to go to public?

8 MR. DE MINICIS: Your Honour, I think it's safe to move -- we  
9 can safely move back into an open session.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good.

11 Madam Court Officer, can you please go into public session.

12 [Open session]

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

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you have the  
15 floor to re-examine the witness. Please proceed.

16 MR. DE MINICIS: Thank you, Your Honours.

17 Re-examination by Mr. De Minicis:

18 Q. Good morning, Witness. And I remind you we're in open session  
19 now, so let's be extra careful.

20 On 24 September - we can find this at page 18, line 20 of the  
21 draft transcript for that day - you told us that Brigade 153 and  
22 Skifterat were two separate entities, two separate units. Do you  
23 recall telling us that?

24 A. Yes.

25 Q. Today during cross-examination by Defence counsel, you said that



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Re-examination by Mr. De Minicis

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1 you knew two Salihis at the time. One was Salih Mustafa and then  
2 there was another Salih whose surname you could not recall who was  
3 also -- whom you also sighted in that area.

4 A. Yes.

5 Q. You told us that his superiors must have been in Brigade 153.  
6 And so was that because you knew him to be a member of that brigade?

7 A. Yes, this is how it was.

8 Q. Finally, you also told us that you saw him in different places.  
9 You also mentioned that Skifterat base. Now, was he based, as in  
10 stationed, there or was there a place where you saw him on occasion?

11 A. Maybe I was misunderstood in relation to the Skifterat base. I  
12 did not see him there. I saw him in movement, while we were moving  
13 from the brigade to other points, like Buna 29 or from the Llap zone  
14 or from the Karadak zone. So we were constantly in movement. I did  
15 not see him at Skifterat's base.

16 MR. DE MINICIS: Just one second, Your Honour, please.

17 Q. To your knowledge, was this Salih ever part of the Skifterat  
18 unit?

19 A. I don't know that he was.

20 MR. DE MINICIS: Thanks, Your Honours, for allowing us some  
21 re-direct, and we have no further questions.

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

23 I turn now to the Victims' Counsel. Do you wish to proceed with  
24 the examination of the witness; and, if so, for how long?

25 MS. PUES: Would you allow us two minutes for consultation

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 841

Further Cross-examination by Mr. Von Bone

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1 amongst ourselves regarding one particular issue and then I will let  
2 you know?

3 PRESIDING JUDGE VELDT-FOGLIA: Of course.

4 [Victims' Counsel confers]

5 MS. PUES: Your Honours, thank you very much. We don't have any  
6 further questions.

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

8 I now turn to the Defence. Do you wish to proceed with the  
9 rejoinder examination of the witness, Mr. von Bone?

10 MR. VON BONE: Just two questions, Your Honour.

11 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

12 Further Cross-examination by Mr. von Bone:

13 Q. At the moment that you --

14 MR. VON BONE: I think it's better to go in private session.

15 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could we  
16 please -- could you please revert us to private session, please.

17 ~~[Private session]~~ [Open session]]

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

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

20 Mr. von Bone, you have the floor.

21 [REDACTED]

22 the particular compound that we have discussed, you explained us you  
23 were there briefly, delivering him. At that time, have you seen if  
24 there was any particular building guarded with guards?

25 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I see the

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 842

Further Cross-examination by Mr. Von Bone

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1 Specialist Prosecutor standing --

2 MR. DE MINICIS: Objection, Your Honour. This question does not  
3 stem from my re-direct. This is a topic that I didn't touch in my  
4 re-direct, so I don't think it is appropriate to ask in rejoinder.

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. von Bone, I see the point of  
6 the Prosecution.

7 MR. VON BONE: Let me rephrase the question.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 A. No, I've never seen that person in that compound or in any other  
15 compound guarding or on guard duty. I don't know what his position  
16 was, but he had a higher-up position. He was not a guard. The  
17 soldiers would do the guard duty, but not him.

18 Q. And why would he not do guard duty?

19 PRESIDING JUDGE VELDT-FOGLIA: Yes, I'm going to -- this is not  
20 about the questions that were asked by the SPO, Mr. von Bone.

21 MR. VON BONE: Fair enough, Your Honour --

22 PRESIDING JUDGE VELDT-FOGLIA: I was trying to give you a little  
23 bit of space, but you're taking too much of it.

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

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

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 843

Questioned by the Court

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

1 We are now in private. Madam Court Officer, could you bring us  
2 back into public, please.

3 [Open session]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 Mr. Witness, you have been asked several questions by the  
7 Specialist Prosecutor's Office and by the Victims' Counsel and by the  
8 Defence counsel. I ask you to bear a little bit more with us. Also  
9 the Trial Panel wants to ask you some questions. They will allow us  
10 to gain some more clarity about what you have said in your testimony  
11 up till now.

12 THE WITNESS: [No interpretation]

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 I think it's best that we have to go now into private session.

15 Madam Court Officer, can we go into private?

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

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

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

19 Questioned by the Court:

20 PRESIDING JUDGE VELDT-FOGLIA: Do you know if the decision of

21 [REDACTED]

22 [REDACTED]

23 And, for the record, I say -- I mention -- I give as reference  
24 the transcript of 23 September, page 51, lines 11 and 12. And the  
25 SPO interview 072914-TR-ET, Part 3, redacted, page 5, line 25. Yes.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 844

Questioned by the Court

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. No, I didn't ask him.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. Now I refer to the  
13 transcript of 4 September, page 16, line 15 and 16, and your  
14 statement. It's the same statement but then page 17, lines 17 to 19.

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. But more generally

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 845

Questioned by the Court

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you. You said in your  
9 testimony that Salih Mustafa was the commander of the BIA and that  
10 the BIA used this base in Zllash. And then I refer to the transcript  
11 of your testimony of 23 September, lines 23 and 25 on page 44, and  
12 lines 1 till 6 on page 45.

13 And my question is: Was Salih Mustafa in control of the  
14 Skifterat base in Zllash?

15 A. Yes. Yes, it was him.

16 PRESIDING JUDGE VELDT-FOGLIA: And there has been questioning by  
17 the Defence. That's 24 September, page 50, lines 11 till 25. You  
18 told us that Agron Xhemajli and Fatmir Sopi and Salih Mustafa would  
19 rotate in that base. And what do you mean by that?

20 A. It's a misunderstanding. They would change their positions, not  
21 rotate within the base. For example, Sejdi Veseli was chief of staff  
22 and that position changed later and so did the positions of the other  
23 two. So this is what I meant by "change."

24 I did not refer to changes in their whereabouts or location,  
25 where they were based.

Witness: W04600 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 846

Questioned by the Court

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

1 PRESIDING JUDGE VELDT-FOGLIA: Okay. I will read out what you

2 said:

3 "And in those moments or in those times," is the question, "that

4 [REDACTED] who were you meeting there?"

5 And then your -- and your answer is:

6 "Whoever was there at the time. Initially it was Salih Mustafa,  
7 Rrahman Dini, Agron Xhemajli, and many others."

8 And then you said:

9 "They would rotate."

10 And my impression was, but we are here to clarify, my impression  
11 was that they would rotate there on the premises of the Skifterat  
12 base.

13 A. That's not what I meant with that answer. What I meant was that  
14 they moved. These names that you mentioned moved, changed. But in  
15 any case, the person in charge of that base was Salih Mustafa.

16 As for their change or rotation, I did not mean their rotation  
17 within that base, but I meant the positions that they held. They  
18 could have been there, they could have been in Buna 29 or at  
19 Skifterat's base, wherever they wanted, because they were leaders of  
20 the brigade.

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

22 Yes, there was another remark you made in the transcript that is  
23 of 23 September, page 12, line 8 till 8 [sic], you mentioned that  
24 there were families on the premises of Zllash, other families.

25 A. There were many families in Zllash, because Zllash is divided by

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 847

Questioned by the Court

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

1 neighbourhoods. But at the Skifteri compound, as we called it, there  
2 were other families. There were families that were family related to  
3 the owners of the compound. So there were other families there.

4 PRESIDING JUDGE VELDT-FOGLIA: And then do I understand you well  
5 that on the Skifteri compound, what you are saying - but please  
6 correct me if I'm wrong - there were soldiers of BIA and there were  
7 also houses with families living there?

8 A. No. There were no families living in the compound. The family  
9 had moved out of that compound years before, moved to the town. But  
10 in the vicinity of that compound, there were families that lived  
11 there. In the vicinity.

12 PRESIDING JUDGE VELDT-FOGLIA: That's clarifies. Thank you for  
13 that too.

14 And then my last question would be -- and then I refer to the  
15 same SPO statement I already referred to but then to page 16, line 10

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 848

Questioned by the Court

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. I did not think because I didn't have a clue. I didn't have the  
9 slightest idea what could happen. I didn't think in that direction  
10 at all.

11 PRESIDING JUDGE VELDT-FOGLIA: You had just a general idea this  
12 is not right. But the only thing that was -- what I could understand  
13 that was not right was the order you were given.

14 A. This is what I thought.

15 PRESIDING JUDGE VELDT-FOGLIA: That is what you thought, that it

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 PRESIDING JUDGE VELDT-FOGLIA: So if I understand you well, you  
25 say: It was not good that neither of us would be seen by other

Witness: W04600 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 849

Questioned by the Court

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. This was my last question.

9 What we will do now is go back into public session.

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

12 [Open session]

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

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, this is the end of  
15 your testimony here at the court. You've spent three days with us,  
16 and I can imagine it has been -- it must have been tiring and  
17 demanding. I would like to thank you because I believe that your  
18 testimony will help us in our effort to try to find the truth. So  
19 thank you very much.

20 I wish you a safe journey home, and I remind you that you should  
21 not discuss with anyone the testimony you have given here before the  
22 Specialist Chambers. Yes?

23 Please, Court Usher, could you usher the witness out of the  
24 courtroom.

25 THE WITNESS: [Interpretation] Thank you very much.

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

1 [The witness withdrew]

2 PRESIDING JUDGE VELDT-FOGLIA: Now that the testimony of the  
3 first two SPO witnesses has finished, I would like to remind the  
4 parties and the Victims' Counsel of the procedure for submission of  
5 material through a witness. We set that out in our conduct of  
6 proceedings in paragraph 37 of the decision on conduct of  
7 proceedings. And this includes any material produced during a  
8 witness testimony, such as items marked by a witness during his  
9 testimony.

10 Do the parties and the Victims' Counsel have anything to raise  
11 with the Panel?

12 MR. DE MINICIS: Nothing from us, Your Honour. Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: And Victims' Counsel.

14 MS. PUES: No, thank you.

15 PRESIDING JUDGE VELDT-FOGLIA: And the Defence counsel.

16 MR. VON BONE: Just as I said, the next witness, when he  
17 appears, then the accused will be in videolink participating during  
18 that questioning. I understood there was some kind of request and,  
19 in that respect, if that might help organisational issues in court.  
20 Thank you very much.

21 PRESIDING JUDGE VELDT-FOGLIA: Very much appreciated, counsel.

22 I recall that we will commence the testimony of the next SPO  
23 witness, W01679, on 4 October at 9.30.

24 The hearing is adjourned.

25 --- Whereupon the hearing adjourned at 12.44 p.m.