

1 Monday, 4 April 2022

2 [Open session]

3 [The accused entered court]

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

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Court Officer, can you call
6 the case.

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

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Good morning to you all.

12 I will call the appearances.

13 Mr. Prosecutor, could you tell us who is present. You have the
14 floor.

15 MR. MICHALCZUK: Good morning, Your Honours. Good morning,
16 everyone. The SPO is represented today by Filippo De Minicis,
17 Associate Prosecutor; Line Pedersen, Case Manager; and myself,
18 Cezary Michalczuk, SPO Prosecutor. Thank you.

19 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]
20 Victims' Counsel, you have the floor.

21 MS. VOSENBERG: Good morning, Your Honours. Good morning,
22 everybody. The participating victims are represented today by
23 Ms. Anni Poes, Victims' Counsel, and myself, Brechtje Vossenber,
24 co-counsel. Thank you.

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

1 MR. VON BONE: Good morning, Your Honour. Defence is
2 represented by Mr. Betim Shala, my co-counsel; myself,
3 Julius von Bone; Mr. Fatmir Pelaj, interpreter/investigator. And in
4 the courtroom is also Mr. Mustafa.

5 Thank you very much.

6 PRESIDING JUDGE VELDT-FOGLIA: And for the record, you are also
7 appearing today in front of Trial Panel I.

8 We will hear the testimony of Witness 600 today, Mr. Gani Sopi.
9 However, before that, the Panel would like to address a number of
10 issues. And the first one should be done in private session.

11 Mr. Court Officer, could you bring us into private session,
12 please.

13 [Private session]

14 [Private session text removed]

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1 [Private session text removed]

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6 [Open session]

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

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Court Officer.

9 The Panel will now render a second oral order regarding the
10 material the SPO intends to use during its cross-examination of
11 Defence Witness 600.

12 The SPO has requested leave from the Panel, via e-mail dated
13 1 April 2022 at 11.07, to use a series of newly disclosed materials
14 in its cross-examination of the Defence witness. The material
15 concerned was disclosed shortly thereafter, at three minutes past
16 12.00.

17 The Panel notes that the newly disclosed items have been
18 collected by the SPO in recent days in preparation for its
19 cross-examination of Defence Witness 600. They consist primarily
20 open-source material and are limited in length and scope.

21 The Panel finds that the SPO has shown good cause for not
22 disclosing the material previously and considers that the Defence and
23 the Victims' Counsel have had sufficient time to study it.

24 The Panel authorises the SPO to use the newly disclosed material
25 during its cross-examination of Defence Witness 600 pursuant to

1 paragraph 31 of the Decision on the Conduct of Proceedings, filing
2 170.

3 This concludes the Panel's second oral order.

4 And in addition, the Panel would like to reiterate that it
5 appreciates that both the Defence and the SPO complied with their
6 respective obligations in preparation for today's hearing by sending
7 their respective lists, including the accompanying e-mail, already at
8 the end of next week.

9 Yes. We can now proceed if there's nothing else to raise at
10 this moment in time.

11 MR. DE MINICIS: Good morning, Your Honours. Since we are
12 dealing with procedural matters and admission of exhibits.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes.

14 MR. DE MINICIS: I'd like to put on the record that during the
15 testimony of Defence Witness 400, who testified on 28 March 2022, I
16 used two documents. Now, there was an error on my part in calling
17 the ERN of the first document. So I'm referring to page 2923, line
18 21. There we -- I called document SPOE00325590 to 00325606, which
19 was shown on the screen, and -- but the document shown on the screen,
20 correctly, was SPOE00325607 to 00325629.

21 Now, that was the document that I wanted to have and -- but
22 because of a technical error on our side, we had uploaded that
23 document to Legal Workflow under a wrong ERN.

24 So I just wanted to put it on record because when we'll be
25 making our submissions for these documents, I will be requesting --

1 the first document that we tender, which was the instant messages of
2 the witness, was, in fact, a different ERN than what I had called on
3 record.

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

5 What I will do is I will have with the Panel a look -- a closer
6 look at it and just to confirm, and if it is necessary, I will come
7 back it to.

8 MR. DE MINICIS: Absolutely. And just to finish, the number
9 then that I called on record is -- because it's the correct number
10 for the second document. The document that I had told the Panel that
11 I will also like to tender into evidence. Now, we'll make this
12 crystal-clear in our written submissions, but I just wanted to put it
13 on record so that it is no surprise to Your Honours when our written
14 submissions come.

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

16 Does the Victims' Counsel want to comment on anything?

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

18 PRESIDING JUDGE VELDT-FOGLIA: Okay.

19 Defence Counsel? No.

20 MR. VON BONE: No.

21 PRESIDING JUDGE VELDT-FOGLIA: Good, thank you. That is noted.

22 And we can now proceed to hear the testimony of Defence

23 Witness 600, Mr. Gani Sopi.

24 Madam Court Usher, could you please usher the witness into the
25 courtroom.

1 [The witness entered court]

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Sopi, good morning, and
3 welcome to the Specialist Chambers. Can you hear me?

4 THE WITNESS: [Interpretation] I can hear you. Good morning.
5 Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: First of all, how are you?

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

8 PRESIDING JUDGE VELDT-FOGLIA: Very well. Mr. Sopi, thank you.
9 Today we start with your testimony. You are called to testify before
10 the Specialist Chambers in the case of the Specialist Prosecutor's
11 Office against Mr. Salih Mustafa in order to help -- to assist the
12 Panel reach a verdict. Yes?

13 After you have taken your solemn declaration to tell the truth,
14 you will be asked questions by the Defence Counsel of Mr. Mustafa, on
15 your right side, with the toga in red; the lawyers for the
16 Prosecution on your left side, nearest to the Panel; then by the
17 lawyers representing the victims admitted to the procedures, on the
18 left side nearest to you; and, at the end, by us, the Judges of the
19 Trial Panel.

20 I would like to provide you with some guidance for answering the
21 questions that you will be asked.

22 Mr. Sopi, please, listen carefully to each question. If you do
23 not understand, feel free to ask for the question to be repeated. We
24 want you to tell the truth, and to tell what you saw, what you heard,
25 what you sensed, what you experienced. If you did not see or hear it

1 yourself or found out in some other ways, please tell us.

2 You may not remember all details of the events, and this is
3 perfectly fine. You can say "I don't know" or "I don't remember."
4 Yes? Please answer the questions and don't deviate from what you are
5 asked.

6 I also remind you that you may object to provide your testimony
7 on issues that might incriminate you pursuant to Rule 151(1) of the
8 rules. You have that right.

9 Have you understood all that, Mr. Sopi?

10 THE WITNESS: [Interpretation] Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: Okay. I would like to give you
12 also some practical advice for your testimony.

13 Mr. Sopi, everything that we say here is translated and
14 recorded, so it is important to speak into the microphones in front
15 of you, to speak slowly, and to speak at a slow pace, to allow the
16 interpreters to translate what we are saying in this courtroom.

17 You should only start speaking when the person asking you a
18 question has finished. You should not overlap each other. When a
19 question is asked, please wait five seconds in your head before
20 answering the question. And those pause of five seconds is essential
21 for us and for the interpreters to record what you are saying and to
22 hear and translate everything.

23 If I raise my hand, like this, please stop talking. I don't
24 want to interrupt you because then we have overlapping speakers, but
25 it could be necessary that you stop talking and then I will raise my

1 hand.

2 If you have any questions, if you need a break, just raise your
3 hand and I will give you the floor, and then you can inform us of
4 what is needed.

5 Do you understand all this?

6 THE WITNESS: [Interpretation] Yes.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well. Mr. Sopi, do you
8 speak English?

9 THE WITNESS: [Interpretation] No.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. It could be
11 that at a certain moment before asking you a question, we will ask
12 you to take off your headphones because we need to discuss something,
13 and after that we will ask you to put them on again.

14 Understood? I see you nodding. If you nod and you don't say
15 anything, it is not recorded, so it is always important to say what
16 you mean, although I can interpret your body language.

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

21 Do you understand that?

22 THE WITNESS: [Interpretation] Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: Very well.

24 Madam Court Clerk, can you please assist the witness with his
25 solemn declaration.

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1 Please, Mr. Sopi, read the text.

2 THE WITNESS: [Interpretation] Solemn declaration according to
3 Rule 141(2).

4 Conscious of the significance of my testimony and my legal
5 responsibility, I solemnly declare that I will tell the truth, the
6 whole truth, and nothing but the truth, and I shall not withhold
7 anything which has come to my knowledge.

8 WITNESS: GANI SOPI

9 [Witness answered through interpreter]

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Sopi. You are now
11 under oath to tell the truth.

12 We can now begin with the testimony of Mr. Sopi, starting with
13 the questioning by the Defence Counsel.

14 Defence Counsel, you have estimated two hours for your
15 questioning of this witness. And as usual, please inform the Panel
16 of any changes in this regard for planning reasons.

17 You have the floor, Defence Counsel.

18 MR. SHALA: Thank you, Your Honour. Today I will examine the
19 witness, but this I will do in Albanian.

20 Examination by Mr. Shala:

21 Q. [Interpretation] Good morning, Mr. Witness.

22 A. Good morning.

23 Q. You remember giving a statement to the Defence Counsel for
24 Salih Mustafa?

25 A. Yes, I do.

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1 Q. Apart from this statement, did you give a statement also to the
2 Prosecution?

3 A. Yes, I did.

4 Q. Do you remember in what capacity did you give this statement?

5 A. In the capacity of a witness.

6 Q. Do you remember for which circumstances for what case did
7 that statement --

8 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

9 MR. SHALA: Yes, yes.

10 PRESIDING JUDGE VELDT-FOGLIA: Could you please talk --

11 MR. SHALA: Yes.

12 PRESIDING JUDGE VELDT-FOGLIA: -- very much slower because at
13 this rate, nobody can follow it.

14 MR. SHALA: Yes, yes.

15 Q. [Interpretation] I'll repeat it again.

16 Do you remember for what events did you give your statement to
17 the Prosecution?

18 A. Thank you, Your Honour, Presiding Judge.

19 I gave a statement to the Prosecutor. These were two
20 supplements to the statement that I gave to the lawyer. It was a
21 statement about the part that -- when I was injured --

22 Q. Mr. Witness, just briefly. Tell us for which event was that
23 statement.

24 A. It was about how I sustained my injuries and how close I was to
25 Salih Mustafa. This was all about my statement.

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1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you please
2 wait for the translation. Because there's hardly any time between
3 the --

4 MR. SHALA: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: -- answer and the question, and
6 the question and the answer, so it is difficult to follow. So we
7 have to go at a slower pace.

8 MR. SHALA: [Interpretation]

9 Q. Do you remember how long was that interview?

10 A. Three hours, three and a half hours. I'm not 100 per cent sure.

11 Q. Thank you. Do you know Salih Mustafa?

12 A. Yes, I do.

13 Q. Do you have a family relation with Salih Mustafa?

14 A. Yes, I do have family relation after the war. The daughter of
15 my brother is his wife. Apart from him being my comrade-in-arms and
16 a friend.

17 Q. Now I would like to speak with you about the war period in
18 Kosovo, particularly for the period between January and June 1999.
19 During this time-period that I mentioned, where did you live?

20 A. I lived in Prishtine.

21 Q. That means that between January and June 1999, you lived in
22 Prishtine?

23 A. I live in Prishtine since 1972/1973. I'm speaking about the
24 period that you asked me.

25 Q. Did it happen that during this period, between January and

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1 June 1999, you left Prishtine?

2 A. Yes, we did leave Prishtine.

3 Q. Do you remember when this happened and where did you go?

4 A. I am thinking about the date. It was sometime in the end of
5 March 1999 when we went to my birth place. In addition to Prishtine,
6 I have a native place, which is the village where I was born, the
7 village of Butovc.

8 Q. This village of Butovc, how far is it from Prishtine, in
9 approximate terms?

10 A. 7 kilometres.

11 Q. Is there only one village called Butovc?

12 A. Butovc is a larger village, but there are two neighbourhoods.
13 The Sopi neighbourhoods, which -- who are my neighbour -- relatives.
14 And there is also the Recica neighbourhood, which is inhabited by the
15 Recica family. And there is another Butovc which is a bit further
16 away and further from Prishtine.

17 MR. SHALA: [Interpretation] Mr. Court Officer, I would kindly
18 ask you to put on the screen the last page of document DSM00177 to
19 00186. The last page of this document; that is, page 00186.

20 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, what would you
21 -- how would you like to proceed now? Because I have a preference
22 that you first ask questions and that we then go to prior statements.

23 MR. SHALA: I asked the question about Butovc.

24 PRESIDING JUDGE VELDT-FOGLIA: Yes.

25 MR. SHALA: This is map. I want to show the map to the Defence.

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1 PRESIDING JUDGE VELDT-FOGLIA: Then it's good --

2 MR. SHALA: Because there are two Butovcs. He mentioned Lower
3 Butovc and Upper Butovc.

4 PRESIDING JUDGE VELDT-FOGLIA: For the Panel, I find it
5 important that before you call up a statement, you inform us what the
6 purpose of that statement is, without revealing anything that is --
7 that could influence the witness, of course, and then I can give
8 permission for you to proceed. Because if it would be for
9 refreshing, it would be too quick, because there was not a
10 contradiction.

11 So I want to understand why documents are being pulled up.

12 MR. SHALA: To better the situation there, me as a Defence, and
13 based on that and to continue with my questioning of the witness.

14 PRESIDING JUDGE VELDT-FOGLIA: Of course, but --

15 MR. SHALA: And to show to the Panel also the area of the
16 Prishtine. How looks like in that time.

17 PRESIDING JUDGE VELDT-FOGLIA: But you have understood my point
18 that I prefer to know on beforehand?

19 MR. SHALA: Okay.

20 PRESIDING JUDGE VELDT-FOGLIA: Yes? Thank you.

21 MR. SHALA: I will do that. Yes.

22 [Interpretation] Can you please bring it a bit up. Thank you.

23 Q. Mr. Witness, can you see the map on your screen, the map of
24 Prishtine town?

25 A. Yes, I can. And I like this map very much. It's very clear.

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1 Everything is visible and I can explain to you many things through
2 this map.

3 Q. On this map, there is a circle marked with 1 in red and one
4 marked with 2 in black. Did you make these markings?

5 A. The circle in red, which I'm marking with an X, is Butovc, is
6 the neighbourhood where I lived and the other neighbourhoods around
7 it. And the other one, in black, with number 2, is the other Butovc,
8 which is further away from this Butovc and from Prishtine.

9 Q. From Lower Butovc, the Butovc marked with the red circle, how
10 far is Prishtine from that?

11 A. I said earlier it's about 7 kilometres.

12 Q. How far is Mramor village?

13 A. 3 to 4 kilometres.

14 Q. And, if you know, from Butovc, how far is the village of Zllash?

15 PRESIDING JUDGE VELDT-FOGLIA: For my understanding, Defence
16 Counsel, which Butovc?

17 MR. SHALA: I ask it this circled with red colour.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. Just to be clear.

19 MR. SHALA: From beginning, I start to make a question based on
20 that Butovc.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay.

22 MR. SHALA: [Interpretation]

23 Q. Do you know how far is Zllash village from Lower Butovc?

24 A. Approximately. It should be about 13 kilometres away, not as
25 the crow flies, but I would say the travel distance is about

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1 13 kilometres between the two.

2 Q. Thank you. Considering the time, the state of the roads, and
3 the situation prevailing in Kosovo at the time - and Kosovo was in
4 war - can you tell us approximately how long would it take to go from
5 Prishtine to Lower Butovc on foot?

6 A. In normal circumstances, one hour, one hour and 20 minutes. In
7 war circumstances, depending on the circumstances at the time, it
8 could take longer because the enemy positions were in several
9 locations and there were much more difficulties at the time to travel
10 this road Prishtine-Butovc.

11 Q. Let's go back to Prishtine, to this time-period
12 January-June 1999, in fact, January, end of March 1999, when you left
13 Prishtine.

14 At the time what did you do? What were your activities in
15 Prishtine?

16 A. Your Honour, now it's April, and it is exactly 23 years ago that
17 I was a witness of the events at the time. I don't know if it's just
18 a coincidence for me to be here in front of you 23 years later.
19 Everything had its continuity. You cannot stop and explain just a
20 fixed period of time, January-June 1999. Everything was continuous.

21 My activity in the beginning was purely political, and from
22 1990s, I was one of the persons who established the political
23 activity of the LDK. My position at the time was member of the
24 presidency and from that period until the end of the war, I led a
25 very important commission. This was the commission for information

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1 which was active in the territory where I was active. I had the
2 structures who gave me the information on what was going on in that
3 territory at the time.

4 Q. Thank you, Mr. Witness. You asked that you -- you said that you
5 were given information. Can you tell us more specifically what was
6 this information about?

7 A. The political activists of my party --

8 PRESIDING JUDGE VELDT-FOGLIA: Please, Mr. Sopi, wait a moment
9 when -- after the question of Defence Counsel is posed, then just
10 wait a moment, and then come with your answer. Because now it is
11 almost overlapping. And I see that you are eager to answer and we
12 appreciate that, but we need some time between the question posed by
13 the Defence Counsel and your answer. Okay?

14 THE WITNESS: Okay.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

16 THE WITNESS: [Interpretation] The information was of various
17 nature, coming back to the question asked of me by the counsel.

18 In Prishtine, there were major difficulties because of the
19 population displaced from various parts of Kosovo and they were
20 accommodated where we operated. Our activists, our collaborators
21 were engaged to help all this population in terms of accommodation,
22 food, medicaments, and so they had to follow up developments in every
23 place where the Serb forces, paramilitary and military forces were
24 stationed.

25 MR. SHALA: [Interpretation]

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1 Q. Thank you.

2 MR. SHALA: [Interpretation] Please, Court Clerk, can you remove
3 the map from the screen.

4 Q. You said that at the end of March you went to Butovc. Do you
5 recall approximately when that was; that is, the date? Taking -- no,
6 I'm putting it differently.

7 Do you recall when, in March, did the NATO air strikes start
8 against Serb targets in Prishtine and all over Kosovo?

9 A. It's a historic date which will never be forgotten by our
10 people, because it was 24 March 1999. It was at 8.00 in the evening
11 when the strikes started. And that day -- and that date will never
12 be forgotten by my people and by myself either.

13 Q. Referring to this date, can you please tell us how long after
14 this date did you leave Prishtine and went to Butovc?

15 A. Distinguished Presiding Judge and Panel, it is interesting to
16 note that, even though it's a long period and the dates may not be
17 properly remembered given that 23 years have passed, but I have
18 said -- I have said 28 March, but the truth was not that because
19 we -- it was the end of March. We have two celebrations - the
20 Eid al-Fitr and the Eid al-Adha, so the difference between them was
21 two months and ten days, so the date would be precisely the end of
22 March. The first Bajram was on 12 January, so the second one is end
23 of March 1999.

24 Q. Do you remember why you left Prishtine?

25 A. I'm repeating it. It's difficult to remember these things

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1 because it was a hard time. We were subjected to great reprisals in
2 the city, not only in my city but also in other parts of the city.
3 The Serb police and paramilitaries exerted great violence, and there
4 was nothing left for us but to organise the people, also in the place
5 where we lived, in cooperation with my friends and activists, and to
6 guide the population towards Butovc which was my birth place but also
7 we thought it would be more safer as a place. That's why we left.

8 So the ultimatum was either to vacate the city; otherwise, we
9 would be subject to violence against our population there.

10 Q. Before you left Prishtine, do you recall any event that happened
11 to you personally?

12 A. Yes, I do, because I was injured, I was wounded on 24 March 1999
13 in Prishtine. But if you agree, I would rather not comment at
14 greater length because of what I went through. So I'm happy that I
15 remained alive and was able to come and testify before this Court.

16 Q. You said that when you left Prishtine, in coordination with your
17 activists and friends, you organised a displacement of the population
18 from that part of Prishtine to Butovc, Lower Butovc village. Do you
19 recall approximately what was the number of the people that left
20 Prishtine at that time? From the neighbourhood you lived, from the
21 place where you lived.

22 A. It was a great number. I wouldn't give you a precise figure,
23 but I would say they were over 10.000, of all ages, of both sexes,
24 women, children, sick people, elderly people. Everyone was -- left
25 Prishtine.

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1 Q. Who were those comrades of yours that organised, coordinated
2 such a displacement?

3 A. Most of them were people, were friends with whom we worked from
4 earlier on. We were LDK activists and members, but now we also were
5 engaged in a military organisation, so they worked together.

6 I would like to make a digression which I forgot to mention.
7 During the time that we were dealing with accommodation and other
8 things, Salih Mustafa rendered a major contribution, with whom I met,
9 we discussed, and he told us to assist the population, to be ready
10 for any eventuality, to find accommodation, foodstuff, medicaments.
11 So we cooperated a lot during that period with him.

12 Q. Since you referred to Salih Mustafa's contribution, can you tell
13 us please, this contribution was during the abandonment of Prishtine
14 or even before?

15 A. Even before.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, next time,
17 please pose an open question, when did Salih Mustafa render this
18 contribution. And then can he specify.

19 MR. SHALA: [Interpretation]

20 Q. Can you please tell us, when you say "from before," when was
21 that?

22 A. I would say January, early February. Because that was the
23 greatest challenge for us when the population was displaced.

24 Q. Do you recall what activities Salih Mustafa was engaged in and
25 what in capacity he asked to you do what you said?

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1 A. In the capacity of a civic activist. Because we knew him since
2 when he was released from jail. I knew him through my brother whose
3 student he was.

4 Q. You said that you were involved also in a military organisation,
5 you and your friends.

6 A. Yes.

7 Q. Does it mean that you were a member of the KLA?

8 A. Yes, I was. And I'm very proud that I was a member of the
9 Liberation Army of Kosovo.

10 Q. Since when were you a member?

11 A. From January 1998.

12 Q. Your military activity, from 1998 to the day that Prishtine was
13 vacated at the end of March 1999, what does it involve? Where did
14 you operate mostly?

15 A. The first phase mostly in Prishtine. Then in Butovc. Mainly in
16 Butovc and in its surroundings, up to Mramor.

17 Q. Where were you -- when you went to Butovc, where did you settle?
18 You mentioned that there was a large number of people there.

19 A. In Butovc, the population of Butovc early -- earlier had moved
20 to the city. So in those neighbourhoods where the houses of my
21 family, of my close relatives, they -- these houses were used, also
22 the houses of other neighbourhoods, we had sheds and other places, we
23 put the population there. Some of them in barns, as we said. So
24 also some of them moved to Mramor.

25 PRESIDING JUDGE VELDT-FOGLIA: Stop. Was your question "where

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1 you settled"? What you did mean with "you"?

2 MR. SHALA: You, the -- all, because I said and the -- and the
3 population that left Prishtine together. So you and other people.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. Because for me, I had the
5 -- was under the impression that you were mentioning him.

6 MR. SHALA: When I went to mention him, I will say "ti" [phoen].

7 PRESIDING JUDGE VELDT-FOGLIA: I'm not interested in the --

8 MR. SHALA: [Interpretation] When I -- [In English] yeah, okay.

9 PRESIDING JUDGE VELDT-FOGLIA: -- in the Albanian version. But
10 for me, the question -- let me put it differently. The question was
11 not clear what you meant with "where did you settle." I would say --
12 but I understand now --

13 MR. SHALA: Okay, okay. I --

14 PRESIDING JUDGE VELDT-FOGLIA: -- from you that you were meaning
15 the population.

16 MR. SHALA: Together. He, his family, together with population.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed. It was
18 just not clear for me.

19 MR. SHALA: Yeah, okay.

20 Q. [Interpretation] Mr. Witness, let us repeat. When you went to
21 Butovc and that large number of people together with you, were you
22 all settled or accommodated in Butovc?

23 A. Most of them, yes; but some of them went to Mramor.

24 Q. You and your family were accommodated in Butovc?

25 A. Yes, in Butovc.

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1 Q. You said earlier that your military activity was continued also
2 in Butovc.

3 A. Yes.

4 Q. Do you recall in what unit were you a soldier of?

5 A. I wasn't interested in that because we were organised in order
6 to assist the population and to be by their side, so it didn't matter
7 to me what unit I was in. Later on, yes. But at that phase, I
8 wasn't impressed by that.

9 Q. Did you report to anyone?

10 A. Yes, we did. I had or we had our leaders -- a leader that we
11 appointed, my brother, Mustafe Sopi.

12 Q. So what was his position?

13 A. I didn't analyse that, but I think he was responsible for this
14 group of friends and comrades that we were both in the city and in
15 Butovc.

16 Q. When you were in Butovc, do you remember whether during the time
17 you were there you met Salih Mustafa?

18 A. I said also earlier, April is a very -- let's say, a month that
19 is difficult for me to remember. Not only for me but for all
20 Albanians from Gollak area. It is true that I met him at the
21 beginning of April, in the first weeks of April; that is, I met
22 Salih Mustafa in Butovc at that time.

23 Q. Do you remember the circumstances in which you met him? What --
24 how come that you met him?

25 A. I'm repeating. The reason was that it was Bajram, and he was

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1 very close to my brother who was -- used to be his professor, so he
2 came to visit him in Butovc, but also to look after the population,
3 to see how they were faring. As I said, there were many people in
4 Butovc. He wanted to see how they were settled, how they were
5 organised, accommodated, whether we were accumulating food for them,
6 and many other such issues.

7 Q. Based on what he saw there, in terms of the population,
8 conditions, and so on, did you feel the need to organise yourself to
9 collect medicaments and foodstuffs?

10 A. Yes, indeed. And it was very hard for us to carry such things
11 from Prishtine. But our lads, our friends, and co-fighters, managed
12 to enter the city, going through many vicissitudes, and they brought
13 them back to this village.

14 Q. Do you recall from the very first moment that you met
15 Salih Mustafa -- when, after the first meeting, did you meet him in
16 Butovc?

17 A. I would rather not refer to dates because of the time that has
18 passed and I might have forgotten after 23 years.

19 I know that it was the first and the second week of April when
20 we met and talked. But in those circumstances, he dealt more with
21 Professor Mustafe Sopi, my late brother, who was in charge and who
22 organised all these things. I was there, too, and we discussed about
23 the situation, the events, developments. Also within the ranks of
24 civilian population.

25 Q. These meetings and the time you spent with Salih Mustafa, did

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1 they occur only during the day or also in the evening or at night?

2 A. No, I met him for longer periods. Even though I was wounded, I
3 went to observation points several times also with Salih Mustafa and
4 with the professor and with some other co-fighters. We went to
5 observe the strategic points, because Serbian police and army were
6 very closely stationed.

7 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

8 MR. SHALA: Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: You asked: "These meetings ...
10 did they occur only during the day or also in the evening or at
11 night?"

12 We received an explanation, but he didn't specify, yes or no, if
13 it was during the night or evening or day. I did not get an answer
14 to that.

15 MR. SHALA: [Interpretation]

16 Q. Mr. Witness, can we repeat. I asked you whether you met him
17 during the day or in the evening or at night. Such meetings, did
18 they occur both during the day and at night?

19 A. Yes, these meetings occurred during the day but also in the
20 evening. Also in the evening. Because we had to observe the terrain
21 also at night.

22 Q. When you met Salih Mustafa, did you know in what unit -- what
23 unit he was a part of?

24 A. No, I didn't.

25 Q. When you met Salih Mustafa, do you remember how he was dressed?

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1 What clothes had he on?

2 A. To my recollection, he was mostly wearing civilian clothes. The
3 jacket, I think, was -- his jacket was green, like military green
4 colour.

5 But, Your Honour and Panel, we have -- we didn't wear uniforms,
6 because there were many civilians there, and we had to mind women,
7 children, elderly, who were very stressed because of the Serb
8 violence. And so we tried not to appear as if we were engaged in,
9 let's say, military formation because of the civilian population.
10 Even the weapons, we did not display them.

11 Q. Was Salih Mustafa armed?

12 A. He may have had a small weapons, but he kept it hidden. He
13 didn't want to be seen, let's say, by the population, civilian
14 population.

15 Q. During your meetings with Salih Mustafa, did you organise any
16 movement for the members of your group, for them to go to Prishtine
17 and obtain food, clothes or medicaments for the population?

18 A. I couldn't move a lot because I was wounded. And whatever
19 movements I made, I made it in a controlled way.

20 But with Salih Mustafa and some friends, after looking at the
21 map, which I really liked, I'd never seen it before, we went to the
22 various observation points together, and we observed the enemy
23 positions because it was the -- it was likely that they might come
24 and penetrate in the ranks of the civilians and commit massacres as
25 they used to. So we wanted to observe what was going on, where the

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1 Serbian army and police forces were moving about.

2 Q. During the time in Lower Butovc, were there other members of the
3 KLA that were stationed there or passed by there?

4 A. Yes, yes. There were our friends, our co-fighters who stayed
5 there with us.

6 Q. Do you recall, during the time that Salih Mustafa was in Butovc,
7 at whose house was he staying?

8 A. Initially at our house, at the house of Professor Mustafe Sopi.
9 That's where he was accommodated. But from there, he moved about.
10 But I'm telling you that he couldn't go far. Because I could follow
11 every movement. I knew the terrain.

12 Q. When you say "our home," you are thinking your own home or --

13 A. The home of my parents and my brother.

14 Q. So in the same house where you stayed?

15 A. Where I was born.

16 Q. My question is: When you say -- said that Salih Mustafa stayed
17 at "our home," was he staying at the same home where you too were
18 staying initially?

19 A. Yes.

20 Q. During this time that you were in Butovc, did it ever happen
21 that Butovc was attacked by the Serb forces?

22 A. Fortunately, no.

23 Q. So that being the case, you and your family felt safe and then
24 returned to Prishtine.

25 A. All my family was with me, even my children.

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1 Q. Do you remember when you returned to Prishtine?

2 A. Distinguished Presiding Judge and Panel, my family and some of
3 the families of my friends returned a bit earlier, that is, on
4 18 April 1999, because the situation got more difficult and we were
5 short of foodstuffs. So we were obliged to return our families, even
6 though it was very dangerous, to Prishtine.

7 Q. When did you personally return?

8 A. On 13 June. After the NATO entry -- NATO forces entered into
9 Prishtine.

10 Q. During the time-period that you were in Butovc --

11 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I have a
12 question on a question you have asked.

13 MR. SHALA: Okay.

14 PRESIDING JUDGE VELDT-FOGLIA: Page 25, line 10, you put a very
15 closed question to the witness.

16 Please, Witness, can you take off your headphone. Thank you.

17 You said:

18 "So that being the case, you and your family felt safe and then
19 returned to Prishtine."

20 That's not really a question. Because afterwards -- yeah. It
21 is a very closed question, so I would like you to ask the question
22 again but not so closed, because this is a kind of affirmation.

23 MR. SHALA: Okay. Okay.

24 Q. [Interpretation] Mr. Witness, again, please. During the time
25 when you and your family were in Butovc, did you feel a bit more safe

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1 there?

2 A. There was no safety or security anywhere in Kosovo at that time.
3 Now it seems like we are talking about a movie. But the situation
4 indeed was very serious and grave.

5 But because that was my birth place, I was very familiar to it,
6 I knew where to go. Because it wasn't safe anywhere, as I said.

7 Q. So what was the reason why your family moved out of Butovc and
8 returned to Prishtine in April?

9 A. The reason was that the amount of foodstuffs available to us was
10 reduced and it was difficult to remain there since we were -- we had
11 no foodstuffs. So there was no other way for us then to return to
12 Prishtine. Because of the difficulties, it was very difficult for us
13 to obtain food in Prishtine.

14 Q. During the time you were in Butovc and during the meetings with
15 Salih Mustafa, did you discuss also the occurrences in the
16 neighbouring area in Gollak?

17 A. Yes, there were occasions when we discussed this.

18 Q. During these discussions, did it happen -- I apologise. I'm not
19 going to ask this question. I'll move to another one.

20 While you were in Butovc, did it ever happen that you left
21 Butovc and went somewhere else?

22 A. Once I went to Mramor and that was it. I mainly stayed in
23 Butovc, because I felt responsible. I was from that area, I knew the
24 area, and I felt there was need for me to be there.

25 Q. Thank you.

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1 MR. SHALA: Your Honour, just to consult my co-counsel.

2 [Specialist Counsel confer]

3 MR. SHALA: [Interpretation]

4 Q. Mr. Witness, you mentioned that you went to Mramor. How long
5 did you stay there?

6 A. I got a cold and that's why I went to Mramor, to have myself
7 checked up. I know that I received an injection, and it --
8 everything lasted two to two and a half hours, the whole trip, and I
9 returned to Butovc.

10 Q. Let's go back to Bajram, the issue of Bajram, Mr. Witness.

11 You mentioned there is a big Bajram and a small Bajram. Do you
12 remember how many days is the big or greater Bajram and how many days
13 is the small Bajram; if you know?

14 A. This is a matter of the Islamic community, but I will try.

15 I had the 28th fixed in my mind, but when I asked and when I
16 analysed, the big Bajram was on 19 January at that time; whereas in
17 the religious books, the small Bajram follows two months and ten days
18 after. And if you calculate, it will be the end of March 1999. The
19 big Bajram lasts three days and the small Bajram is a bit longer. I
20 think it lasts for five days.

21 Q. When you are mentioning the two months and ten days, do you take
22 into account also the month of February, how long it is?

23 A. February is shorter and I have taken it into account, and it
24 should be around 30, 31 March.

25 Q. Thank you, Mr. Witness.

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1 A. You're welcome.

2 [Specialist Counsel confer]

3 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

4 MR. SHALA: Sorry.

5 PRESIDING JUDGE VELDT-FOGLIA: No, no, you were discussing.

6 I want to ask you a question which remained not completely --
7 that remained not clear for me.

8 You asked the witness, at page 26, line 23, if they discussed
9 occurrences in the region or in the area. And I was wondering what
10 you meant with -- in English they said "occurrence," but I wondered
11 what was met with that word.

12 MR. SHALA: [No interpretation][Overlapping speakers] ...

13 PRESIDING JUDGE VELDT-FOGLIA: Maybe we can ask the witness to
14 take off his headphones and then you can re-ask, because it was a
15 kind of general --

16 MR. SHALA: Yeah, okay. My -- my question is --

17 PRESIDING JUDGE VELDT-FOGLIA: No, no, wait, wait.

18 MR. SHALA: Okay.

19 PRESIDING JUDGE VELDT-FOGLIA: Could you take off your
20 headphones. Thank you.

21 Please.

22 MR. SHALA: About the situation, about the whole situation in
23 the region, Gollak area, meaning wars activities by -- taken by KLA
24 and by Serbian police and Serbian military forces.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay.

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1 MR. SHALA: But maybe it's that -- that I didn't want to
2 continue with the question, just started and not continuing with the
3 question.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. Then we leave it here.

5 MR. SHALA: Yeah.

6 PRESIDING JUDGE VELDT-FOGLIA: Because for next time, please try
7 to specify because it remains a little bit in the air where --

8 MR. SHALA: No, I --

9 PRESIDING JUDGE VELDT-FOGLIA: -- where if --

10 MR. SHALA: I think I say, no, I'm not going --

11 PRESIDING JUDGE VELDT-FOGLIA: Yes, that I said, but the
12 question before was very general.

13 MR. SHALA: Yeah, so -- yeah.

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

15 You can put on your headphones.

16 [Specialist Counsel confer]

17 MR. SHALA: [Interpretation]

18 Q. Mr. Witness, during the Eid festivities, the Bajram festivities,
19 pursuant to Muslim traditions, at the time, was the small Bajram
20 celebrated?

21 A. Yes, yes. They did celebrate it, not as we would used to
22 celebrate it before. But Salih Mustafa, I know, came to congratulate
23 us, to celebrate the Bajram with us, and together with the
24 professor -- and with the professor.

25 Q. If you can explain to us in what form is this Bajram tradition

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1 manifested? When you say "he came," is it a tradition?

2 A. Yes, it is a sort of respect. You go to somebody to
3 congratulate them on Bajram and to celebrate it with them.

4 Q. So Salih Mustafa came to congratulate, to celebrate Bajram with
5 you and the professor?

6 A. Yes, it was natural to do that. And there was a lot of
7 population there. He did congratulate Bajram to many of the
8 population but, of course, could not do it with every single member
9 of the civilian population.

10 Q. Since you said that the small Bajram is four or five days
11 long --

12 A. I'm not very sure, but I think it's about five days.

13 Q. During these days, Bajram is celebrated and people greet each
14 other, congratulate each other?

15 A. Yes. We did that, to the extent we could.

16 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, try to formulate
17 questions, not affirmations he can say "yes" or "no" to. I mean.

18 MR. SHALA: Okay. Okay.

19 Q. [Interpretation] Once again. During the days of Bajram, how is
20 this holiday celebrated?

21 A. We are talking about war circumstances, Your Honour. Some
22 circumstances that occurred 23 years ago. However, in that time, we
23 did celebrate it, and with that much food that we had and could offer
24 others, we did try to celebrate it. As I said, the circumstances
25 were very difficult.

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1 Q. As a form of celebration of Bajram, apart from food, is there
2 anything else?

3 A. There's no other form, just greet each other. You can meet
4 someone four or five days later and you can wish him a good, happy
5 Bajram, and that's it.

6 Q. Thank you.

7 [Specialist Counsel confer]

8 MR. SHALA: [Interpretation]

9 Q. Mr. Witness, you mentioned the check-point, control point, the
10 point where you held guard duty in Lower Butovc. From that point,
11 how far were the Serbian forces' positions, be they police or
12 military positions?

13 A. I could tell you this on the map we saw earlier. And on that
14 map, I can show you, Your Honour, where these forces were positioned.
15 There were several locations that we would observe, and there were
16 times when we were 200 metres near those positions, there were times
17 when we were even nearer than that. So we would go out and observe
18 their positions.

19 Q. At those locations where they were positioned, that is, the
20 military forces or the police of Serbia, did they also have
21 check-points in those parts?

22 A. Yes. Of course, they did. We had binoculars and we would
23 observe them, and whoever would go through those check-points would
24 undertake a great risk.

25 Q. From the description you just gave of the area of Butovc and

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1 Mramor, do you remember how many such check-points could there have
2 been?

3 A. Approximately ten. Maybe more. But for ten, I would say I'm
4 sure.

5 Q. Did you have knowledge about the civilian population passing
6 through those check-points?

7 A. When we were leaving Prishtine, they were positioned closer to
8 Prishtine. And the corridor that we used to leave, and we knew that
9 area very well -- and a digression again. I left Prishtine while I
10 was wounded, together with the population. We went to Butovc. So it
11 was very risky to leave Prishtine through the outskirts, but since we
12 knew the area, we chose the corridor that was a bit safer. And after
13 we arrived Butovc, they then positioned in every point. There was
14 also a permanent point of the military forces even before the war, as
15 well as the positioning of the Serbian forces once we left Prishtine.

16 Q. While you were in Butovc, was there any offensive taken by the
17 Serbian military and police forces in the area of Gollak?

18 A. Unfortunately, yes, in the area of Gollak. Fortunately, it did
19 not happen in our Butovc. But in the other parts of this area, it
20 did. There was violence, there was reprisals. So the month of
21 April was a very difficult month. And apart from what happened, from
22 what I explained, there were cases when people suffered in Llukar, in
23 Makovc. The civilians fell into the trap of these forces and were
24 subjected to a genocide, to a massacre. Civilians were killed in
25 most [indiscernible] ways.

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1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

2 MR. SHALA: Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: I want to go back to a point you
4 have just made because I tried to look it up. Page 31, line 10, you
5 mentioned the point that Mr. Witness was holding guard. But I --
6 where did he say that, that he was holding guard?

7 I -- because I did not -- I did not hear about it. And I
8 thought I might have overlooked it, but ... okay. We have had
9 several people checking it.

10 So for next time, to avoid these kind of things, if you want to
11 refer to something that the witness has said -- please, take off your
12 headphone, Mr. Witness.

13 For next time, please refer to where you -- where he stated that
14 because then we can avoid misunderstandings. But maybe you have an
15 answer for us.

16 MR. SHALA: Okay. I can ask again the witness.

17 PRESIDING JUDGE VELDT-FOGLIA: No. My point is where did he say
18 in the statement that he held guard today.

19 MR. SHALA: Sorry, Your Honour. But I understand that because
20 he stated "I made observation on that point," so that is my
21 interpretation, guarding.

22 PRESIDING JUDGE VELDT-FOGLIA: So then you can ask him what he
23 meant with that specific quote that you interpreted. But if you have
24 found that quote, please quote that phrase to the witness and then
25 ask what he meant with that. And for next time, try to cite what the

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1 witness has said, in order to avoid misunderstandings.

2 MR. SHALA: Yes.

3 MR. VON BONE: May I assist with the citation.

4 PRESIDING JUDGE VELDT-FOGLIA: Of course. I mean, you are a
5 team.

6 MR. VON BONE: Okay. I think, Your Honour, if I read page 24,
7 and I read line 12:

8 "So we wanted to observe what was going on, what -- where the
9 Serbian army and police forces were moving about."

10 This is the observation. And apparently my counsel interpreted
11 it as a kind of a duty guard, indeed duty -- and on page 22, on line
12 16, Your Honour:

13 "Even though I was wounded, I went to observation points several
14 times also with Salih Mustafa and with the professor and some other
15 co-fighters. We went to observe the strategic points, because
16 Serbian police and army were closely stationed."

17 So that ends my citations, as far as the observation is
18 concerned about this witness.

19 PRESIDING JUDGE VELDT-FOGLIA: I didn't understand the last two
20 phrases.

21 MR. VON BONE: Oh. That I ended my citation.

22 PRESIDING JUDGE VELDT-FOGLIA: I see -- I hear what you are
23 saying, but the specific words were "held guard." And he was now
24 saying going to -- for me, there is a difference more than a nuance.

25 So my point is just for next time try to cite what the witness

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1 has said. And at this moment in time, you can re-ask the question by
2 asking what these observation posts were and then specify if there
3 was also -- if it was also for guarding. Because those are two
4 different things, I would say, but -- or maybe not. But let the
5 witness explain it.

6 MR. SHALA: [Interpretation]

7 Q. Witness, during your testimony today, you stated that you stayed
8 at a particular point in the village of Lower Butovc and that, there,
9 from that point, you carried out observation.

10 Can you explain to us what does this observation involve? What
11 does that mean? What activities did it involve?

12 A. I think I was clear, but I don't know how well you understood
13 me.

14 We went out for observation not only on one point but on other
15 points as well. With observation, I mean we observed the Serb
16 forces, military, paramilitary forces. They were positioned in the
17 other Butovc, around Germia. So we observed these positions. Not
18 only me, but on several occasions I was together with the professor,
19 with Salih Mustafa and other co-fighters. So we carried out this
20 activity mainly during the day but also during the night.

21 Q. While you were out for observation, did it ever happen to stop a
22 citizen that was passing by?

23 A. No, not on our points.

24 Q. Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: For me, it's clear now,

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1 Defence Counsel. So please continue with your examination.

2 We are -- yes, I see you looking at the clock. Very well. We
3 are approaching 11.00, so if can you finalize this line of questions,
4 and indicate how long you think you will be needing after the break.
5 Thank you.

6 THE INTERPRETER: Microphone for the counsel, please.

7 MR. SHALA: I think now it is really good to go on break and to
8 continue with other line. I believe not more than ten minutes after
9 that.

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

11 Very well. Mr. Sopi, we will now have a break of 30 minutes.
12 You will be ushered out by Madam Court Usher, and we will see you
13 back in a while. Thank you for now.

14 THE WITNESS: [Interpretation] Thank you, Your Honour.

15 [The witness stands down]

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

17 Yes, Mr. Prosecutor. We heard the Defence Counsel, that they
18 will be needing only ten minutes after the break. How would you
19 think it's best to proceed? Because -- can we have a longer break
20 and then you prepare for the cross-examination right away? Or we
21 resume -- we work for 15 minutes, but then we will have a really
22 early lunch today?

23 MR. MICHALCZUK: Your Honours, everything depends on the
24 availability of the transcript. I will try to read the transcript of
25 the session that has happened up to now. Everything depends on

1 what's going to happen on the next part and how much time I would
2 need to also review that part of the transcript.

3 I try to use my time right now to read the transcript, to
4 make -- to note references that I might be willing to use, and then I
5 will try to proceed shortly after the examination-in-chief is over.

6 But I might also ask for a little bit more time to prepare for
7 the remainder of the cross-examination.

8 PRESIDING JUDGE VELDT-FOGLIA: Yes. But I think that it would
9 be another approach, is that after the examination -- after the
10 direct examination, what we do is, if you need some time, that we
11 have a break but not a lunch break. We will just take some time for
12 that and then continue in order not to have a one-and-a-half-hour
13 break at quarter past 11.00.

14 MR. MICHALCZUK: I'm entirely in Your Honours' hands.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. Thank you.
16 Then we adjourn for half an hour.

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

18 --- On resuming at 11.30 a.m.

19 PRESIDING JUDGE VELDT-FOGLIA: Welcome back again.

20 Madam Court User -- no, I will first do appearances. Yes, we
21 are in the same composition, so that's noted.

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

23 [The witness takes the stand]

24 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Sopi. Do you
25 hear me?

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1 THE WITNESS: [Interpretation] Yes. Thank you.

2 PRESIDING JUDGE VELDT-FOGLIA: Very well.

3 Defence Counsel, you may continue with the questioning.

4 MR. SHALA: Thank you, Your Honour.

5 Q. [Interpretation] Mr. Witness, in your statement today, on
6 page 31, line 22 of the transcript, you said that, of course, they
7 were thinking of those control points, and that you observed such
8 points, and that whoever passed by, they did that undertaking a great
9 risk.

10 Has it ever happened, during the time when you observed such
11 control points, that you saw a situation when someone from the
12 civilians that passed through was maltreated or some other form of
13 mistreatment?

14 A. We didn't see anything because their positions were such that we
15 couldn't observe any civilians in that situation.

16 Q. Thank you. Before 24 March of 1999, in Prishtine, were there
17 people displaced from other regions of Kosovo?

18 A. Yes, there were.

19 Q. Do you know from which part or regions of Kosovo they came?

20 A. Mainly from the places where the war was most raging. From what
21 I remember, there were people from Drenica and Dukagjin area; mainly
22 from Llap and some other parts that I can't recall now.

23 Q. After 24 March, do you remember what the security situation was
24 like in Prishtine?

25 A. Very bad.

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1 Q. In what sense, "very bad"?

2 A. It was very grave. I think I described at the beginning of my
3 testimony that it was really very difficult for people to go from one
4 place to another because of the maltreatment, reprisals, beatings,
5 and all -- everything that they could think of; that is, the Serb
6 police, who operated also using paramilitaries. They resorted to all
7 kinds of methods to torture the people. They did whatever they could
8 against the people.

9 Q. So the actions of the police and the paramilitaries, was that
10 the reason why the inhabitants of Prishtine were obliged to leave the
11 city?

12 A. Unfortunately, yes.

13 Q. You -- in the part of the city where you lived, when you left
14 the city of Prishtine, were you also obliged because of those -- the
15 acts of such forces to leave the city?

16 A. I --

17 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

18 MR. SHALA: Yes.

19 PRESIDING JUDGE VELDT-FOGLIA: I am under the impression that we
20 are now repeating a little bit what we have been saying at the
21 beginning.

22 MR. SHALA: Only -- only [indiscernible] then I'm finished.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. But I prefer not to have
24 any repetition at all.

25 MR. SHALA: Okay. Okay.

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1 Okay. Thank you.

2 Q. [Interpretation] Thank you, Mr. Witness.

3 MR. SHALA: Your Honour, I don't have more questions.

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

5 Very well. Mr. Prosecutor, where do we stand with the
6 possibility to proceed with the cross-examination?

7 You have the floor.

8 MR. MICHALCZUK: Yes, Your Honour, we could start with the
9 cross-examination.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well.

11 Mr. Sopi, I will now hand over the floor to Mr. Prosecutor. He
12 will continue with the cross-examination.

13 I see you nodding. You understood.

14 Mr. Prosecutor, you have the floor.

15 Cross-examination by Mr. Michalczuk:

16 Q. Mr. Sopi, good morning. How are you?

17 A. Good morning. Good. Thank you.

18 Q. Mr. Sopi, I'm the counsel for the Prosecution who will be
19 conducting this part of the interview with you. As we have limited
20 time, I would ask you to listen very carefully to my questions and
21 give me exact answers without expanding or adding on. If that does
22 not happen, I will ask you to stop and just focus on the question
23 that I ask. This is in view of streamlining your examination for the
24 benefit of the Panel.

25 Mr. Sopi, on 12 January 2022, you gave your statement to the

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1 Specialist Prosecutor's Office; do you remember that?

2 A. Yes.

3 Q. When you gave that statement, did you tell the truth to the
4 Prosecutor?

5 A. I believe so.

6 Q. When you gave that statement, did you describe there the events
7 to the best of your knowledge and belief?

8 A. Yes. Yes, and we exchanged views.

9 Q. Yes. Did you give that statement to the Prosecutor voluntarily,
10 without any pressure, threat or coercion?

11 A. Yes. We professionally discussed the issue.

12 Q. Mr. Sopi, today in court - and I will do my best to quickly
13 quote the citation - on at least two occasions you stated that the
14 day of you moving from Prishtine to Butovc, the time was the end of
15 March. Do you confirm that, that you said that today?

16 A. Yes, it was the end of March.

17 MR. MICHALCZUK: I would like to give the citation. The first
18 one I found was on page 11 of the provisional transcript of today's
19 session and it starts from line 1 and it ends on line 5. This is the
20 whole thing. This is the whole paragraph.

21 Q. When you said:

22 "It was sometime in the end of March 1999 when we went to my
23 birth place. In addition to Prishtine, I have a native place, which
24 is the village where I was born, the village of Butovc."

25 During your interview with the Prosecutor - and it was actually

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1 myself who was interviewing you in the capacity of the witness - you
2 never mentioned the end of March 1999 as the time when you went to
3 Butovc, but you mentioned the day of 28th. Is that correct?

4 A. Yes, I said, Your Honour, but then I stopped and thought about
5 it, because it happened a long time ago. Yes, I said that. That's
6 right. But the truth is that it was the end of March.

7 Q. Mr. Sopi, you also gave your statement to the Defence; do you
8 remember that?

9 A. Yes, yes, I do.

10 Q. That statement that you gave to the Defence is dated
11 31 March 2021. Did you tell in that statement to the Defence the
12 truth?

13 A. Yes. Whatever I had to say, I said.

14 Q. Mr. Sopi, in several lines - and I'm going to quote them for the
15 record - you mentioned as the time of your move from Prishtine to
16 Butovc in March 1999 a very precise date, and that date is 28 April,
17 and I would like to make reference -- to 28 March. I apologise.

18 MR. MICHALCZUK: And to be more precise, Your Honours, and I'm
19 referring to the statement of the Defence, which is DSM000177-00186
20 and Albanian version is DSM00706-00715.

21 Q. Starting from page 2, you discuss different dates. Amongst
22 them, there is this date of 28 March. And there is a question, for
23 example, on that page asked by the Defence Counsel:

24 "And did you continue to live in Prishtine?"

25 And then you comment on what happened, and then you say:

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1 "So on 28 March, Serbian police encircled the neighbourhoods and
2 forced the people to leave their houses and the people headed in the
3 direction of Germia. The police did, of course, not say to Germia.
4 They just said get lost from there. And so we helped the citizens
5 and they knew me as a political figure of the area and an activist of
6 the branch. So we started walking, and whoever could get some food
7 to carry -- they did not give people time to take things, but people
8 took whatever they could get in a hurry and took it with them. We
9 continued this road towards Dardanisha [phoen] -- Dardisha [phoen],
10 around Germia, and we arrived in the village of Lower Butovc,
11 Butovci Uljet [phoen]."

12 And then the question of the Defence Counsel again is:

13 "On which day was that, that you arrived in Butovc?"

14 And your answer is:

15 "I think it was on 28 March 1999. The reason that we went to
16 Butovc was that it was the place where I was born."

17 In the same statement -- do you remember saying that to the
18 Defence, Mr. Witness, first?

19 A. Your Honour, I will go back to this question --

20 Q. Mr. Sopi tell me whether you said that to the Defence or not.
21 Then we will move on and then you might have a chance to comment.
22 But, as I said, please answer to the questions posed by myself.

23 Did you say that to the Defence?

24 A. Yes.

25 Q. Later on, on page 4 of the same transcript, the Defence is

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1 asking you the question and in this question this date is mentioned
2 and you refer to it later. He said in that question:

3 "Directly after you arrived in Butovc," so after 28 March 1999,
4 "is there any special incident, event or anything that occurred that
5 you remember in Butovc or around it?"

6 And then you, commenting on that day, that question, you say:

7 "There was no incident to be mentioned, but all of us were
8 involved with the displaced and we were busy to provide them with
9 necessities."

10 Did you say that in that Defence statement, Mr. Witness? It's a
11 yes-or-no question again.

12 A. Yes, yes.

13 Q. I'm not going to quote too many parts but we also find reference
14 to the date 28 March on page 5 of the Defence statement. The
15 question of the Defence Counsel is again:

16 "And did you meet him ever in Butovc after your arrival on
17 28 March 1999?"

18 And then the witness answers this question.

19 And then finally on page 8, again, it's the Defence statement,
20 when there is a question about Salih Mustafa at the very bottom of
21 the page. The witness himself says the following thing:

22 "So I start from 28 March when we left Prishtine. There was
23 this Muslim celebration, Eid al-Adha, and when I calculate from this
24 date," and then he continues.

25 Did you say that, all those dates, 28 March 1999, as the time

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1 when you left from Prishtine to Butovc to the Defence?

2 A. Your Honour, if you allow me.

3 PRESIDING JUDGE VELDT-FOGLIA: Please first answer the question
4 and then you will be given, of course, the possibility to explain.
5 But there is a question still pending.

6 THE WITNESS: [Interpretation] Can you repeat the question,
7 please.

8 MR. MICHALCZUK:

9 Q. Yes. The question was: Do you confirm that in all those
10 quotations you were referring to 28 March 1999, and you, indeed,
11 never mentioned, as you said today, the end of March, or 30 March, or
12 31 March. Is that true?

13 MR. VON BONE: Your Honour, may I?

14 PRESIDING JUDGE VELDT-FOGLIA: Now, no. I just want to finish
15 this. It's a clear yes-or-no question. And then you will be given
16 the floor. But I think that this should now be finished. There's
17 evidently a problem with the date, and Mr. Prosecutor can ask his
18 question.

19 Please proceed, Mr. Prosecutor.

20 MR. MICHALCZUK:

21 Q. Shall I repeat the question, Mr. Sopi? I can, of course.

22 A. The question is clear to me, but I think I gave the explanation.
23 I have said this at the time, but when I thought it over, because,
24 Your Honour, we are talking about things happening 23 years ago, and
25 it's difficult to remember every detail and date.

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1 Indeed, I ask for some lenience regarding dates because they
2 might not coincide, not because I want to hide something, but because
3 of the time that has elapsed. I have said that I gave the wrong
4 date, that is, 28, because, *de jure* and *de facto*, it was the end of
5 March. That is the truth.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, please.

7 MR. MICHALCZUK: Yes.

8 Q. But before today, on different occasions -- before today, on
9 different occasions, to the Prosecutor, to the Defence, you were
10 giving very precise date: 28 March. Is that correct? And there was
11 no maybe. It was 28 March.

12 A. Yes, yes, I gave that.

13 Q. To clarify the issue of that festivity that we are talking
14 about, this Muslim holiday, Eid al-Adha, what was the date, could you
15 tell us again, so for us to have it here on the record? What, in
16 your opinion, was the date of that celebration in 1999?

17 A. According to what I was keen on knowing was the end of March;
18 that is, the small Eid or Bajram, because there are two Bajrams.

19 Q. Mr. Witness, I understand that there are two. We are discussing
20 this specific event.

21 MR. MICHALCZUK: Your Honours, can we put on the screen the
22 document SPOE00325819, and it continues later, but probably you have
23 to also pull up on the screen the next document. But let's first
24 deal with this one.

25 Your Honours, what we are having on the screen right now is the

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1 online calendar of Muslim celebrations and here we focus on this
2 specific celebration called Eid al-Adha. And I apologise also to the
3 witness for my probably incorrect pronunciation of it.

4 So this is the calendar where we have precise dates of this
5 celebration. If we could move to the next document which is a page
6 later. It ends with 820. This is the continuation of this one. It
7 is a new document so we have to probably pull up a separate document.

8 It should be the next one, I believe, Your Honours. I
9 apologise. It should be the one which depicts the date of 1999, so
10 it should end with 821 instead.

11 Q. So at the very, very bottom of the page, Mr. Witness, as you can
12 see, the date is -- of this Muslim celebration day is 28 March 1999.
13 Can you see that?

14 A. Yes, I can.

15 MR. MICHALCZUK: Your Honours, we could remove it from the
16 screen. Thank you very much.

17 Q. Mr. Sopi, speaking about being very correct about the dates, you
18 said yourself today that it's been 23 years from those events and you
19 cannot be clear about dates; is that correct?

20 A. Yes.

21 Q. On page 11 of today's transcript, I'm talking about lines from 1
22 to 3, you indeed said that to the question of the Defence, the
23 question was:

24 "Do you remember when this happened and where did you go,"
25 speaking about that move from Prishtine to Butovc.

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1 And you said the following thing:

2 "I am thinking about the date. It was sometime in the end of
3 March 1999 when we went to my birth place."

4 You said it was "sometime." So, indeed, you are not clear about
5 the dates; correct?

6 A. Yes, of course. But it doesn't change much.

7 MR. MICHALCZUK: With the permission of the Panel, I would like
8 to -- speaking about the dates of encounters with Salih Mustafa, I
9 would like to show to the witness and also present in this court a
10 very short paragraph of the SPO statement 104551-TR-ET Part 1,
11 page 31, and this is the statement taken on 12 January 2022. And I
12 would like to refer the witness to lines from 16 to 24.

13 Mr. Sopi, this is the exchange about the meetings with
14 Salih Mustafa that you had with the Prosecutor.

15 Question of the Prosecutor:

16 "Do you remember when Mr. Salih Mustafa came to, as you said,
17 check the local population and to see your brother Mustaf?"

18 And your answer was:

19 "He was only ... from what I remember, Eid was on 28 March and
20 that's what I remember as a date."

21 And then you continue:

22 "From what I remember, he came to visit towards the end of the
23 last" -- "sorry," you said, "towards the end of the first week of
24 April. Towards the end of the first week of April."

25 Do you confirm that, Mr. Sopi, that you said that to the

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1 Prosecutor?

2 A. I'm repeating, Your Honour, Presiding Judge, that it's hard for
3 me to remember the dates. But I've already declared that it was --
4 this happened during the first two weeks of April.

5 Q. You said that today, Mr. Sopi, indeed, but I would like to be
6 clear. In that statement given to the Prosecutor, you precisely
7 indicated that it was towards the end of the first week of April, and
8 you repeated that "towards the end of the first week of April." So
9 did you see Mustafa in Butovc towards the end of the first week of
10 April 1999?

11 A. I'm repeating it. I referred to the period as a whole. The
12 first two weeks of April.

13 Q. Mr. Sopi, did you tell the truth to the Prosecutor when you said
14 that? Let me rephrase my question.

15 A. I said the truth to the Prosecutor, and I am saying it now. The
16 date may be not the same because of the length of time that has
17 passed ever since.

18 Q. Also in this paragraph that I quoted to you, you said "from what
19 I remember." So, again, it seems that you are saying from what you
20 could remember; however, you cannot be certain. Is that correct?
21 About the dates. That's correct?

22 A. That's correct, yes.

23 Q. Speaking about the time within which -- the time-span within
24 which you saw Salih Mustafa in Butovc, there is also a line in the
25 statement that you gave to the Prosecutor.

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1 MR. MICHALCZUK: And with the permission of the Panel, I would
2 like to present the witness a very, very short paragraph on that.

3 PRESIDING JUDGE VELDT-FOGLIA: Something you already discussed
4 with the witness.

5 MR. MICHALCZUK: Yes, of course. Yes, and I would like to have
6 clarity. The witness said that he remembers Salih Mustafa within two
7 weeks, and I would like to bring him back to his statement where, in
8 my view, he might be a bit more precise. And let's see what he will
9 reply to that quotation.

10 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

11 MR. MICHALCZUK: Mr. Court Officer, would like to pull up on the
12 screen the statement of the witness given to the SPO on
13 12 January 2022, 104551-TR-ET, it's Part 1, page 32, lines 11 to 14.

14 Q. So speaking about the time-span within which you saw
15 Salih Mustafa in Butovc, you said to the Prosecutor the following
16 things. Question:

17 "Okay. So he came, as you said, towards the end of the first
18 week of April. How long did he stay in Butovc?"

19 And your answer was:

20 "Sometime until the end of the second week. I remember this
21 based on the situation that was developing in the village."

22 Did you tell the truth to the Prosecutor when you said that?

23 A. Yes, yes. I don't have the Albanian translation here.

24 MR. MICHALCZUK: Your Honours, I believe that our interpretation
25 services have interpreted verbatim what I have just read to the

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1 witness. I believe this is the case.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Sopi, what is the problem you
3 are encountering?

4 THE WITNESS: [Interpretation] I don't have before me on the
5 screen the Albanian version. It's only in English, which I don't
6 understand. But, of course, I understand the questions of the
7 Prosecutor. But the statement is only in English before my eyes.

8 PRESIDING JUDGE VELDT-FOGLIA: I know. But do you think that
9 you need now the translation in English in written before you?
10 Because it has just been translated to you by the interpreters. Is
11 there something not clear to you from the question?

12 I will be happy to put it up for you, but I'm just wondering if
13 it is necessary for the purpose we are dealing with now. There's no
14 intention of confusing you. Let that be clear.

15 Would it help you if the question would be repeated by
16 Mr. Prosecutor?

17 THE WITNESS: [Interpretation] Let us not take so much time.
18 It's all right, Your Honour. The question is clear.

19 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

20 We proceed.

21 MR. MICHALCZUK: Also in the same -- thank you, Your Honours.

22 Q. Also in the same quote, your answer starts with the word
23 "sometime until the end of the second week." So does that mean again
24 that you cannot be super precise about the dates?

25 A. It was around that time.

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1 Q. Mr. Sopi, earlier today you were talking, in your answers to the
2 Defence, on observations that you were conducting in the village of
3 Butovc when also Salih Mustafa was with you; do you remember that?

4 A. Yes.

5 MR. MICHALCZUK: Your Honours, I'm trying to find a quotation.
6 For example, there are lines about that on page 22 of today's
7 provisional transcript. It starts from line 16 and it ends in
8 line 20, when he talks about such observations also conducted with
9 Salih Mustafa.

10 Q. When Mr. Mustafa was conducting observations during his stay in
11 Butovc, were there occasions that he was conducting them not with you
12 but with other persons?

13 A. There were such occasions, yes.

14 MR. MICHALCZUK: Your Honours, nevertheless, even if this answer
15 corresponds roughly to the statement of the SPO, I would like to,
16 nevertheless, read to the witness the statement in view of asking him
17 to confirm it or not, if I may.

18 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

19 MR. MICHALCZUK:

20 Q. Mr. Sopi, I'm talking about the same transcript, 104551-TR-ET,
21 Part 1, page 34. In that part, the Prosecutor quoted to you the
22 statement that you yourself gave to the Defence on these observations
23 of Salih Mustafa. And this is the exchange that you had with the
24 Prosecutor. Question:

25 "In your statement to the Defence, you said the following thing

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1 about the observations that you were conducting. And I quote:
2 'Since I knew the area, I, my brother, and Salih Mustafa, we would
3 observe the area, but he would also go and observe with others.'

4 And the Prosecutor asked you:

5 "Did you say that?"

6 And you said from line 17:

7 "Yes, that's correct."

8 Question:

9 "So from what you said, it seems that you were not with him all
10 the time; is that ... is that right?"

11 And you said:

12 "No, because he was with other friend, co-fighters. I couldn't
13 have possibly been with him all the time."

14 Did you say that to the Prosecutor?

15 A. Yes.

16 Q. Mr. Sopi, do you have memory lapses?

17 A. I would say I'm pretty good, considering the time that has
18 passed and everything that has happened.

19 Q. Were you ever mistreated by Serbian military or Serbian police?

20 A. Your Honour, Presiding Judge, it is true, but I do not wish to
21 go to that experience. It is true that I was kidnapped together with
22 three other soldiers by the Serbian regime, and we were maltreated
23 and we were punished with a severe prison sentence. And, as lawyers,
24 we all know what a severe prison sentence involves.

25 Q. Mr. Sopi, I'm not going to ask you questions about the details

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1 of that event of that maltreatment and what happened to you.
2 However, I would like to talk to you about the long-lasting, if any,
3 consequences of that beating.

4 What were the long-lasting consequences, if any, of that
5 maltreatment that you received from the Serbian forces?

6 A. I would spare you that. I gave these details. These were
7 severe maltreatments, and I wouldn't prefer to go on. Isa Kastrati,
8 Sabit Mushici, and a third friend were with me in this group, and the
9 maltreatment was really heavy.

10 Q. My question is not about maltreatment as such. My question was
11 about consequences, long-lasting consequences, if any, that you have
12 suffered as a result of that maltreatment. Have there been any? Are
13 there any?

14 A. Of course there are consequences. There were major consequences
15 in -- on the knee, but also other consequences throughout the body
16 and my face.

17 MR. MICHALCZUK: Your Honours, if I could quote a very short
18 part of the statement exactly on this issue to the witness and then
19 it will be followed by a question, whether he confirms that or not.

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MR. MICHALCZUK: I would like to pull up another part of this
22 statement. It's on page -- starts on page 17 and then it continues
23 on the following page.

24 Q. Mr. Sopi, here the Prosecutor is discussing with you the
25 consequences of that mistreatment that you received from the Serbian

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1 forces.

2 Line 23, question:

3 "My question was more precisely about any long-lasting
4 consequences of that beating. Were you -- you said to the
5 Defence Counsel and you confirmed that to us of ... having hearing
6 problems. Have you been experiencing anything else, like
7 psychological episodes, for instance, trauma, sleeplessness, memory
8 lapses, any other -- any other negative outcomes of that -- of that
9 mistreatment?"

10 On the next page your answer was:

11 "Sleeplessness only to a certain extent; but memory lapses,
12 yes."

13 Did you tell that to the Prosecutor?

14 A. Yes, yes.

15 Q. Is that true what you said here?

16 A. It is true.

17 Q. So today you have told us about the move of yours and a large
18 group of population from Prishtine to Butovc, and I would like to
19 give an immediate quote from today's transcript.

20 MR. MICHALCZUK: On page 17 of today's provisional transcript,
21 we have a discussion on it, and it starts at line 15.

22 Q. Mr. Sopi, you said the following thing about the group of people
23 going with you from Prishtine to Butovc. Line 15:

24 "It was a great number. I wouldn't give you a precise figure,
25 but I would say that they were over 10.000, of all ages, of both

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1 sexes, women, children, sick people, elderly people. Everyone was --
2 left Prishtine."

3 Do you confirm that? It's the transcript of today, Mr. Sopi.

4 A. Yes, yes.

5 Q. You also confirmed the same thing in your SPO statement, and it
6 would be on page 30; and also in your Defence statement, and it would
7 be on page 7 of the Defence statement. I am not going to quote to
8 you because it largely corresponds to what you have said today.

9 Mr. Sopi, could you tell us in brief about the humanitarian
10 situation in Butovc when you got there with this big number of
11 people? Could you please picture it for us.

12 A. I believe I did explain it earlier. I spoke about the situation
13 that was difficult. As I said earlier, we, together, organised
14 ourselves, and in those circumstances, we tried our utmost to provide
15 people with shelter and accommodate them.

16 Q. First of all, you said that "we," and I -- what you said
17 precisely was: "... we tried our utmost to provide people with
18 shelter and accommodate them."

19 By saying "we," who are you talking about?

20 A. The group of friends who were from Prishtine and with whom I was
21 active and operating. And, of course, the population itself helped
22 us because it was in their interest also to create conditions for
23 their accommodation and shelter in that area.

24 Q. I'll come to the humanitarian situation in a moment because we
25 have not still explored that.

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1 But upon your answer on the friends who were helping the
2 civilian population in Butovc, I would like to give the Panel the
3 names of those friends of yours who were helping you in Butovc in
4 1999.

5 A. If you allow me, Presiding Judge, those friends were
6 co-fighters. I can mention some of them by name, because I don't
7 remember every single person. It was Hazir Borovci, Sabit Mushica,
8 Jakup Ismaili, Sabit Krasniqi, Mustafe Sopi, my brother.

9 PRESIDING JUDGE VELDT-FOGLIA: Not so quick.

10 MR. MICHALCZUK:

11 Q. Could you please for the record -- because I think we have lost
12 a couple of names. So I have Hazir Borovci; correct?

13 A. Hazir Borovci, Jakup Ismaili, Sabit Krasniqi, Sabit Mushica.
14 There were two Sabits. There was Ilmi Recica, Haki Recica, and many
15 others. But at the moment, I don't remember all the names.

16 MR. MICHALCZUK: Speaking about the humanitarian situation, I
17 would like to, with the permission of the Panel, refer the witness to
18 a very short paragraph from his SPO statement where he, indeed,
19 briefly discusses that and also discusses this situation in relation
20 to dates, a special date in particular.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay.

22 MR. MICHALCZUK: Thank you, Your Honours. It would be SPO
23 statement, the number 104551-TR-ET, Part 1. It's page 21. If we
24 could pull up this part on the screen. And I believe we would start
25 from line 25, I believe. Excuse me, Your Honours. I think I have

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1 gotten my quote wrong.

2 Sorry, it's page -- I apologise. It's the same statement, but
3 it starts on page 28, line 25, the very, very end of the page.

4 Q. The question of the Prosecutor in relation to this was as
5 follows:

6 "Could you ... could you tell us what you were doing in the ...
7 in the whole month of April" --

8 MR. MICHALCZUK: If you could scroll down a little bit.

9 Q. "Could you tell us what you were doing in the whole month of
10 April. From the moment you came to Butovc on 28 March, what were you
11 doing in the month of April of that year?"

12 And your answer was:

13 "There was a lot of civilian population there. We helped them.
14 First and foremost, to shelter them. There was millions -- no -
15 sorry, thousands of refugees that had arrived."

16 Did you tell that to the Prosecutor?

17 A. Yes.

18 Q. I would like to change the topic just a little bit, and you have
19 touched upon this topic today yourself, Mr. Sopi.

20 Could you tell us again about your current relationship with
21 Mr. Salih Mustafa? You said something to that effect today, and I
22 quote from today's transcript.

23 MR. MICHALCZUK: This is on page 10, from lines 9 to 14.

24 Q. So just not to confuse you, Mr. Sopi, I'm going to tell you what
25 you already stated about it today and then I'll ask you the follow-up

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1 question.

2 The question of the Defence Counsel today, line 9:

3 "Thank you. Do you know Salih Mustafa?"

4 Your answer:

5 "Yes, I do."

6 "Do you have a family relation with Salih Mustafa?"

7 And your answer is:

8 "Yes, I do have family relation after the war. The daughter of
9 my brother is his wife. Apart from him being my comrade-in-arms and
10 a friend."

11 Do you confirm that, Mr. Sopi?

12 A. Yes, that's correct. Since 2002.

13 Q. Since 2002. What happened in 2002, just to be clear?

14 A. They got married.

15 Q. Speaking about the marriage, you also said the same to the
16 Prosecutor.

17 MR. MICHALCZUK: And I don't want to pull it up on the screen,
18 not to waste time. But the reference to that part would be document
19 104551-TR-ET, Part 1, page 21, from lines 11 to 17.

20 Q. Where you say exactly this, that Salih Mustafa and your
21 brother's daughter are married; correct?

22 A. That's correct.

23 Q. You confirmed the same later in the same Prosecution statement.
24 This is on page 22, lines 19 to 23, and you here, again, mentioned
25 the same date of marriage, 2002.

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1 Mr. Sopi, had you been seeing Salih Mustafa before his arrest by
2 the Specialist Chambers?

3 A. We have family relations, but not recently. Because I go very
4 often. The mother of the hero is there in the same yard, she lives,
5 so I go very often. But not in the last period or more recent
6 period.

7 Q. But do I understand correctly that as you are family related,
8 you had been meeting with Salih Mustafa, I don't know, during family
9 celebrations, different family occasions? Is that the case?

10 A. It is possible. It is possible.

11 Q. Were you also -- had you also been meeting Salih Mustafa on the
12 anniversaries, celebrations of the Kosovo Liberation Army?

13 A. Yes, I met with Salih and with many others.

14 MR. MICHALCZUK: If I could, just to also confirm it -- Mr. Sopi
15 said roughly the same or similar thing in his SPO statement, and this
16 would be on page 23 of the same statement, lines 4 to 10.

17 Q. And the question was:

18 "So you were meeting on commemorative events from -- is that the
19 case, from what I understand?"

20 You said:

21 "Yes, yes, yes."

22 "But he's right now a member of your family, I understand, so
23 you are -- so ... have you also been meeting with him on family
24 occasions, private ... privately?"

25 You said:

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1 "Of course. His wife is my niece."

2 Correct, Mr. Sopi?

3 A. Yes, yes.

4 Q. Where is your house located in relation to the house of
5 Salih Mustafa?

6 A. They are not very far from each other. It's just one line, the
7 line that goes to Butovc, during the war time, that's where they live
8 now with their houses -- their houses are now. But we are not very
9 far from each other.

10 Q. How long have you known Salih Mustafa for?

11 A. I have known Salih Mustafa ever since he was released from
12 prison, 1996, 1997. I, together with my brother, went to visit him.
13 As I said, my brother was his professor. Salih Mustafa was his
14 student.

15 Q. So you're talking about your brother Mustafe Sopi; correct?

16 A. Yes, my brother, Professor Mustafe Sopi.

17 Q. So you visited Salih Mustafa where?

18 A. We visited him in his house, and I mentioned and described this
19 in the statement. When we visited him, he was not in a good health
20 condition because of the maltreatment suffered by the Serbian regime.

21 Q. Was that the first time you met with Salih Mustafa?

22 A. Yes.

23 Q. You said it was in 1996 or 1997. So you're not sure about the
24 year?

25 A. I'm not sure, but it is in these two years.

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1 Q. So just to recap, you're family related with Salih Mustafa and
2 you have known him since 1996, 1997, roughly; is that correct?

3 A. Yes, yes. Correct.

4 Q. Are you friends with Salih Mustafa?

5 A. We are friends and in-laws.

6 Q. And I understand that as you were in the Kosovo Liberation Army
7 and he was also in the Kosovo Liberation Army, you also consider him
8 as a brother-in-arms; correct?

9 A. Of course.

10 Q. Let's change the topic and let us come back to the events of
11 April 1999.

12 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

13 MR. MICHALCZUK: Yes, Your Honour.

14 PRESIDING JUDGE VELDT-FOGLIA: Just for the record, you gave a
15 reference on page 54 and 55 of the provisional transcript where we
16 discussed -- where you discussed the number of displaced people.

17 MR. MICHALCZUK: Yes, Your Honour.

18 PRESIDING JUDGE VELDT-FOGLIA: And just for the record, that in
19 the Defence statement on page 7, I could only find that you -- that
20 the witness discussed displaced people but not numbers. So maybe I
21 understood it wrong, but for the record I want to be precise on what
22 we are --

23 MR. MICHALCZUK: Your Honour, the amount of people were not
24 given in that statement, and I was referring to page number -- not
25 page number 7. The mistake was on my part. Because in my document

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1 before me, I put it as a footnote number 7, and this is the reason
2 why. It's actually, again, on page number 2 that we are discussing
3 this situation. But the number, 10.000, this number was not given
4 there. It just discusses the situation without providing precise
5 numbers.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay.

7 MR. MICHALCZUK: In the SPO statement he gave the number
8 "millions" first, and then he said "thousands." Today it was 10.000.
9 In the Defence statement, there is no precise number.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well. But let us be precise
11 when we cite because it can lead to confusion.

12 MR. MICHALCZUK: Your Honour, I apologise. I'll try to avoid
13 these issues in the future.

14 Q. Mr. Sopi, today while discussing the situation in Butovc in
15 April 1999, you said that there were check-points in the proximity of
16 Butovc, Serbian check-points; is that correct?

17 A. That's true.

18 MR. MICHALCZUK: Your Honours, with your permission, I will give
19 the quotation a bit later today. I cannot find it right now. I
20 don't want to fidget with my papers.

21 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

22 MR. MICHALCZUK:

23 Q. And you said that there were several such check-points in the
24 area of Butovc; correct?

25 A. Yes, they were positioned in several locations.

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1 Q. Today, however, you told us that you and a group of 10.000,
2 around 10.000 people, a big group of people, marched on a certain
3 date from Prishtine to Butovc and they reached Butovc. And I
4 understand they were not stopped by the Serbian police or military.
5 Is that correct?

6 A. Yes, that's correct. That day when we left, we didn't pass
7 through check-points. They had their positions, but we managed to
8 pass through.

9 Q. Mr. Sopi, today you also mentioned a certain moment in time when
10 you went from Butovc to Mramor to get medical aid. Is that what you
11 said today?

12 A. Yes, that's correct. I got an injection because I had a cold.

13 Q. And I understand travelling from Butovc to Mramor and back, you
14 were not stopped by the Serbs at any of the check-points; correct?

15 A. No. Because at that time there were not check-points in that
16 part, when I went for a medical checkup.

17 Q. When was it when you went to undergo the medical checkup then?

18 A. It was in April. Beginning of April, I believe. I went for two
19 or three hours and came back. So the entire trip lasted two or three
20 hours in total.

21 MR. MICHALCZUK: Your Honours, the check-points we are talking
22 about right now were discussed at pages 31 and 32. On page 32, the
23 witness mentioned approximately ten check-points being in the area of
24 Butovc. That is for the sake of clarity.

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

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1 MR. MICHALCZUK:

2 Q. So, Mr. Sopi, do I understand correctly that when you went to
3 Mramor from Butovc to get that medical checkup, there were no
4 check-points at that time? They appeared at some point later;
5 correct? Is that what you are saying?

6 A. Your Honour, Mr. Prosecutor, they had positions but they were
7 most towards Prishtine, Germia, Prishtine, and there were positions
8 near the neighbourhoods where we lived. And the part that goes
9 through Mramor which we took to go there, that was free. But there
10 was a position at Badovc where they had their check-point.

11 So the path that we followed to get there, until 13, 14 April,
12 it was a more free area.

13 Q. I understand. Mr. Sopi, but we discussed this issue - and I was
14 myself interviewing you as a witness - you never mentioned the
15 presence of any check-points in your Prosecution statement. And the
16 reason why?

17 A. I would have said the same. This is the truth. There is no
18 other reason for that.

19 Q. Mr. Sopi, I'm reviewing also the Defence statement, and I cannot
20 see anywhere you mentioning any check-points in the area of Butovc.
21 What's the reason for that? That you didn't mention that to the
22 Defence. You didn't mention that to the Prosecutor. You are just
23 mentioning about the check-points now. And the reason why there is
24 such a change --

25 A. I don't think there is anything wrong in it. I just didn't

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1 think about it. I might have mentioned it. When I say "the
2 check-point," they were the places where they were stationed. Just
3 slipped my mind or I was -- felt tired and I couldn't speak about
4 everything. Even today I can't speak about everything. Because if I
5 do that, I have to stay here about 50 days. But I'm giving just the
6 crux of the matter.

7 Q. The fact, Mr. Sopi, is that you didn't mention any check-points
8 in the Defence statement or in the Prosecution statement; correct?

9 A. Your Honour, I think we really mixing up things. I -- by
10 "check-points," I meant the places where the Serb forces were
11 stationed or positioned. Check-point is another thing. Maybe we are
12 mixing them up.

13 Q. So when you were saying that the Serb forces were in the area of
14 Butovc, were you talking about check-points or Serbian forces but not
15 check-points. Could you clarify it for the Panel?

16 A. I am explaining that. They -- the position was what I referred
17 to. They might well use these places where they were positioned also
18 as check-point. But we -- they were there, positioned there, but --
19 and very close to us. And it posed for us a danger.

20 I believe I made it clear now.

21 PRESIDING JUDGE VELDT-FOGLIA: To be honest, for me, it's now
22 not clear. I thought it was clear, but it's not clear.

23 MR. MICHALCZUK:

24 Q. So, Mr. Sopi, just to clarify it.

25 When you're referring to the presence of the Serbian forces in

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1 the area of Butovc, were you referring to the check-points or to the
2 Serbian forces, or to both? Could you clarify it for the Panel?
3 Because it's also not clear in my view.

4 A. Both. Of course, both.

5 Q. So there were check-points and also Serbian forces where there
6 were no check-points. Is that what you are saying?

7 A. Yes, yes. In this sense.

8 Q. You were referring to the period of April 1999. Is that what
9 you are saying?

10 A. Yes.

11 Q. Mr. Sopi, could we briefly discuss your role in the
12 Kosovo Liberation Army.

13 You told us today that you were in the Kosovo Liberation Army;
14 is that correct?

15 A. Yes, correct. I was a soldier of the Kosovo Liberation Army.
16 Something about which I felt good then and now.

17 MR. MICHALCZUK: Your Honours, just to give a quotation from
18 today's transcript. It would be on page 18, lines 23, 24, and 25.

19 Q. Mr. Sopi, what was your role in the KLA, in the
20 Kosovo Liberation Army?

21 A. I was a soldier of this liberation army.

22 Q. Mr. Sopi, were you a member of any particular brigade on the --
23 of the Kosovo Liberation Army?

24 A. I already explained, because the circumstances of the time
25 changed, but I was not interested in that fact. The only thing that

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1 interested me was how to help the population and get liberated from
2 the Serbs.

3 Q. Mr. Sopi, it is very noble what you were doing. I'm not
4 questioning that at all.

5 My question, however, was very simple. Were you a member of any
6 Kosovo Liberation Army brigade or not?

7 A. Not of any brigade. No, no.

8 Q. Were you a member of any other Kosovo Liberation Army unit or
9 subunit that you could tell us about?

10 A. At that time, when we acted and operated, I did my work and
11 my -- carried out my responsibilities as a soldier of the KLA,
12 disregarding anything about formations like units or brigades.

13 Q. Mr. Sopi, today before this Court, you have mentioned several
14 names of individuals. You mentioned, for example, Hazir Borovci.
15 You mentioned Mustafe Sopi. You mentioned Jakup Ismaili and some
16 other names.

17 Do you understand correctly that all these persons mentioned by
18 yourself, and you also referred to them as friends, were members of
19 the KLA unit that you also belonged to?

20 A. Yes, they were my co-fighters.

21 Q. Did you have any name of that unit?

22 A. Professor Mustafe was the man in charge and he followed some
23 very strict rules. He told us, "Carry out what I tell you and I am
24 responsible for other things." I was not interested in other things.

25 Q. No. My question was: Was there a name of that unit that you

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1 belonged to? Was there or was there not?

2 A. No, we didn't have any names.

3 Q. So do I understand correctly that what you are telling us now is
4 the head of your unit, your KLA unit, was Mustafe Sopi?

5 A. Yes.

6 Q. Were you engaged yourself - and I'm talking also about the whole
7 unit of yours - in any combat operations of the Kosovo Liberation
8 Army?

9 A. A direct -- in direct battle? No, to be very frank. Because
10 our position was very close to the position I -- of the Serbs I
11 mentioned earlier, which we observed all the time.

12 Q. I'm trying to understand better your role and the role of your
13 unit. Correct me if I'm wrong but I think from your statement of
14 today, it seems that you and possibly your unit had two functions.
15 One of them was, in general terms, the protection of the civilian
16 population in Butovc. Is that so?

17 A. Yes.

18 Q. And caring for their basic needs, like food, accommodation,
19 supplying them with medicine and clothing; is that correct?

20 A. Correct.

21 Q. If I understand correctly, the second function of your unit
22 would be to observe Serbian forces, at least from what you told us.
23 That is what you yourself were doing. Is that correct?

24 A. Yes, correct.

25 Q. So did also other members of that unit of yours, did it also

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1 conduct such observation of Serbian forces?

2 A. Yes, yes.

3 Q. Apart from these two functions, did your unit have any other
4 functions within the KLA?

5 A. No. Mainly these were our responsibilities. Also logistics was
6 part of them.

7 Q. How do you define logistics? Could you tell the Court what you
8 mean by that?

9 A. Logistics consisted in the supply with foodstuffs, medicaments,
10 and all the other things needed by the population. But also for the
11 soldiers, of course.

12 Q. And these functions were performed by yourself and the unit from
13 the moment you entered Butovc from Prishtine until the end of the
14 conflict; is that correct? Or am I misinterpreting that?

15 A. Correct, correct. Correct.

16 Q. Mr. Sopi, were you a member of the unit called BIA or -- it was
17 also known by another name, Skifterat. Were you a member of that
18 unit?

19 A. To be very frank, at that time I had no information about this
20 fact. But before the war was over, I realised that it was called BIA
21 after the name of Bahri, Ilir, Agron.

22 Q. My question again: Were you a member of that unit at any point
23 before the end of the war? At any point.

24 A. Yes, yes, I realised that. That's true.

25 Q. So at which point did you become the member of BIA?

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1 A. The acronym or the name came later. But I joined it since 1998.

2 If you allow me, Your Honour, I would like to say that we didn't
3 have any administration, per se, to keep track of everything and
4 register everything because we were a voluntary army and so we didn't
5 have everything. The organisation came out of the people but it was
6 on a voluntary basis, not a paid one.

7 That is the truth.

8 Q. Mr. Sopi, I understand that. You have just told us that you had
9 been during the war a member of BIA at some point, but upon my
10 question earlier, were you a member of any KLA unit, particular unit
11 of any name, you said no.

12 So could you, for us, reconcile these two positions, that now
13 you are saying you were indeed at some point a member of BIA but
14 before you said, "Our unit had no name." There was no specific unit
15 like this.

16 A. Your Honour, let's not create any confusion. When we were in
17 Prishtine, we operated there for a year or so. At the beginning, we
18 didn't have any names because of the dangers. We didn't have any
19 administration and have the relevant documentation which might be
20 captured by the Serbs.

21 When I was imprisoned, I was already organised. That's why we
22 left. So in case of any of our comrades being captured he didn't
23 have -- he shouldn't have a lot of information. That's why I wasn't
24 keen on knowing things. But it was about May 1999 that I was
25 informed and explained to me that this was how it was.

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1 Q. Yes. Thank you very much for this explanation. But again, I'm
2 coming back to the issue that for you might petty, but for us it is
3 relevant. Before, you said that you were not member of any unit.
4 Now you are saying that in May 1999 you were a member of BIA.

5 Can you see the discrepancy between your earlier answers and
6 that particular answer that you have just given us, that you were a
7 member of BIA?

8 A. I understand. But we are talking about the period of May when I
9 learned it. Even if I knew before, there is nothing wrong about it.
10 Because a large number of my family members took part in the war, we
11 could have formed our own unit. All the people were -- but, as I
12 said, I was wounded and couldn't deal with every single detail.

13 Q. I understand. But you only mentioned that you were a member of
14 BIA after I had put it to you; correct? Not spontaneously before.

15 A. In May, I think.

16 Q. No, no, no. But my issue is that you mentioned that you were a
17 member of BIA only after I had put to you that there was such a unit
18 and that you might be its member; correct? Can you see that?

19 A. In May, I said, of 1999, I realised that. And my late brother
20 also explained that to me, who was also in charge of that unit.

21 Q. Mr. Sopi, my point is not about when. You stated that already,
22 that you were a member of BIA in May 1999. But my issue was that,
23 upon my earlier question or even questions, were you a member of any
24 unit, you said: No, I was not. And only after I had put it to you
25 that there was, indeed, a unit called BIA and that you might be its

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1 member, and you said: Ah, yes, now I remember. It was May when I
2 joined that unit.

3 A. That was when I understood it. Before I wasn't interested.

4 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor --

5 MR. MICHALCZUK: Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, my question to you
7 would be: Why didn't you say as an answer to Mr. Prosecutor were you
8 at certain moment in time member of a unit of the KLA, yeah, you
9 could have said, you could have said, "I understood -- or I was a
10 member of BIA in -- from May on." You didn't say that.

11 So I understand the question of the Prosecutor. Why didn't you
12 say, "Yes, I have been a member since May 1999"? Would have been a
13 perfect answer, according to what you just shared with us. But when
14 you were asked, you did not say anything about a unit.

15 So I will repeat my question. Why didn't you just gave a short,
16 clear answer, "I was a member from BIA since May 1999"?

17 THE WITNESS: [Interpretation] Maybe it got mixed up. Because
18 initially I spoke about the time that I started to be engaged. Then
19 I showed that, from May, I found out that I was a member of the BIA.

20 We worked, we carried out actions as member of the KLA, but I
21 realise it, as I said, in May. Before I wasn't interested.

22 PRESIDING JUDGE VELDT-FOGLIA: That's not the point of the
23 question, Mr. Sopi. It was a plain question: Were you member of a
24 unit of the KLA? And you first answered: No. And then you said:
25 Yes, from May on.

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1 But we're not going to get over and over on this same issue. I
2 just want to put it to you. I have heard your answer.

3 And I will give the floor back to Mr. Prosecutor.

4 MR. MICHALCZUK: Thank you, Your Honour.

5 Q. Mr. Sopi, who was the commander of the BIA unit?

6 A. At that time I didn't know.

7 Q. Do you know now who the commander of that unit was?

8 A. Of the unit? Mustafe Sopi was in charge.

9 Q. My question was: Who was the commander of the BIA unit?

10 A. About the time I am speaking, I knew that Mustafe Sopi,
11 Professor Mustafe Sopi was in charge. Later, I found out that the
12 commander was Salih Mustafa.

13 Q. Mr. Sopi, didn't you tell us spontaneously that you were the
14 member of BIA because you didn't want to volunteer the information
15 that it was Salih Mustafa who was your commander?

16 A. I am saying to you that I wasn't interested to know about that
17 period. But later on, I knew.

18 Q. My question was different. Is the reason why you didn't
19 volunteer the information that you were in BIA, was it that you
20 didn't want to tell us that your commander in the KLA was ultimately
21 Salih Mustafa?

22 A. No, no, no. I am recounting you how things really were. I have
23 no reason not to say it.

24 Q. You said that Salih Mustafa was the head of BIA. You also told
25 us that your immediate superior was Mustafe Sopi. So from this, do I

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1 understand --

2 A. Before, yes.

3 Q. Yes. So from that, do I understand correctly that you were the
4 KLA soldiers, the head of your unit was Mustafe Sopi, and the person
5 above him in the structure of BIA was Salih Mustafa? Do I understand
6 that correctly? Could you say "yes" or "no"? Because just nodding
7 is not on the record.

8 A. Yes, yes. Yes.

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

10 MR. MICHALCZUK: Yes, Your Honour.

11 PRESIDING JUDGE VELDT-FOGLIA: Just to announce that we are
12 getting close to 1.00. So we will be having a lunch break.

13 MR. MICHALCZUK: Your Honours, I would need maybe 15 to
14 20 minutes, depending on how this -- the end of this examination
15 unfolds. So maybe we could break now, not for lunch but maybe for
16 something shorter. Depending on Your Honours' wishes, of course.

17 PRESIDING JUDGE VELDT-FOGLIA: I think we will have our break
18 and then you continue with the questioning and -- you said 15 to
19 20 minutes?

20 MR. MICHALCZUK: I would say 15 to 20 minutes. That would be --
21 that would be --

22 PRESIDING JUDGE VELDT-FOGLIA: But, anyhow, everybody needs to
23 have a break, so we will continue then afterwards with the rest of
24 the cross-examination.

25 MR. MICHALCZUK: Of course, Your Honour.

1 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

2 Mr. Sopi, we are going to have a break for one and a half hour
3 for lunch, and then we see you back at - what is it - 2.25, around
4 that. Yes? Have a good lunch break.

5 THE WITNESS: [Interpretation] Thank you. You too.

6 [The witness stands down]

7 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will resume at
8 2.25.

9 Have a good lunch break.

10 --- Luncheon recess taken at 12.57 p.m.

11 --- On resuming at 2.25 p.m.

12 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated]. Let
13 us call the appearances. We are in the same composition, I see.

14 Yes. Before we continue with the cross-examination by
15 Mr. Prosecutor, I would like to address the following point, and we
16 will also issue in that respect an oral order.

17 This morning, Defence Counsel proceeded to examine the witness
18 in Albanian. The Panel notes in this regard that pursuant to Rule 8
19 of the Rules of Procedure and Evidence before the Kosovo Specialist
20 Chambers and the pre-trial decision on working languages, which is
21 filing 32, the working language of the proceedings in the present
22 case is English. And, therefore, the examination of the witness
23 should be done, in principle, in English.

24 For the future, Defence Counsel shall seek permission if he
25 intends to use an official language other than English in his

1 questioning of the witness at the earliest opportunity, with a short
2 explanation, and no later than the day before at 6.00. And we will
3 then, as soon as possible, respond to you. Not the next day, of
4 course.

5 Further, for practical reasons, I would like to reiterate that
6 it is important - and I will say that also to the witness - to leave
7 some time between questions and answers in Albanian in order for the
8 parties and the participants, and especially also the Panel, to be
9 able to hear the interpretation and proper follow the testimony.

10 And this concludes the Panel's oral order.

11 And for Defence Counsel, and this is not within the oral order
12 but it is important for the Panel, and I also look at Mr. Shala, that
13 we are able to assess the question, and if you do it in Albanian and
14 I'm listening to the English translation, I just need a little bit of
15 time before the witness answers. And this morning, that -- at the
16 beginning that became rather complicated. And we would also not have
17 this fait accompli that there is a change of language, but of course
18 we -- if there is a request of this kind, we will assess it, like --
19 taking in mind the interests of all.

20 Very well.

21 MR. VON BONE: May I?

22 PRESIDING JUDGE VELDT-FOGLIA: You may.

23 MR. VON BONE: Yeah, in this -- apologies for that, Your Honour.
24 At the time that the Pre-Trial Judge said that on the proceedings, I
25 recall that I was alone at the time, not in any other manner

1 assisted, if I recall well. But I do seek permission, then, for it,
2 for Mr. Shala to do the examination in the Albanian language.

3 We understood that even -- that the decision on the Decision on
4 the Conduct of Proceedings was silent on it, and at any stage of the
5 proceedings, that that could be dealt with. So at the beginning of
6 the Decision on the Conduct of Proceedings, the issue was simply not
7 addressed at all, so I -- I had no idea that would -- we would need
8 to speak not in Albanian but only in the English language. I mean,
9 as I said, at the time I recall -- I think I recall that I was at
10 that time still alone in the -- forming the Defence.

11 So I do seek permission for that, as it needs to be done before
12 6.00 this afternoon, because Mr. Shala intends to do the examination
13 this week. And he's --

14 PRESIDING JUDGE VELDT-FOGLIA: And what is the justification?

15 MR. VON BONE: Simply because he is more comfortable in the
16 Albanian language rather than in the English language to conduct
17 examination in that language. And that is basically why it's being
18 done in that manner.

19 So we did not in any manner want to confront the Panel with any
20 kind of fait accompli or -- so we -- so we did not stand still by to
21 seek permission as according to the Rules, the Law, and the Decision
22 on the Conduct of Proceedings was not saying anything about it and,
23 therefore, we -- in that manner, we did that.

24 So it's very clear, the oral order is clear, but we do seek the
25 permission to do that in that manner.

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1 MR. MICHALCZUK: Thank you, Your Honours.

2 Q. Mr. Sopi, good afternoon.

3 A. Good afternoon to you, too.

4 Q. I would like to continue with your examination by the
5 Prosecution, Mr. Sopi.

6 MR. MICHALCZUK: And before I continue, I would like to kindly
7 ask Mr. Court Officer to pull up the following document,
8 SPOE00325566. So this is the first document.

9 The second one would be its English translation, so the same
10 number but with ET at the end. Yes. Thank you. That would do.

11 Q. Mr. Sopi, please take a look at this photograph. On both sides
12 it is the same -- we are talking about the same photograph?

13 Could you tell us who the people on these photographs are?

14 Let's maybe start from the left-hand side with the people who are
15 kneeling. Do you know these persons?

16 A. Some of them I do; some I don't.

17 Q. Okay. Mr. Sopi, in this case, let's go, as I said, from the row
18 of the people who are kneeling, starting from the left. Do you know
19 who the first person kneeling on the left-hand side? This person is
20 wearing glasses.

21 A. Yeah, that's Jakup, Jakup Ismaili, with glasses.

22 Q. Who is the person next to him, kneeling?

23 A. This one I don't know.

24 Q. And the third person kneeling?

25 A. I don't know him. I can't remember.

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1 PRESIDING JUDGE VELDT-FOGLIA: For the record, Mr. Prosecutor, I
2 cannot see that they are kneeling. For me, they could be also
3 sitting, but maybe that's the clarity of the --

4 MR. MICHALCZUK: They could be kneeling, crouching or sitting.
5 It is hard to really say.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay.

7 MR. MICHALCZUK: My point was to just point to the witness those
8 who are positioned lower than the rest of the people standing. That
9 was my only goal.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 MR. MICHALCZUK: Thank you, Your Honour, also for your
12 assistance.

13 Q. Mr. Sopi, let's move on to the persons who are standing. And,
14 again, let's start from the same side, namely from the left-hand
15 side. Who is the first person standing on the left-hand side of this
16 photograph?

17 A. I'm not sure, but I think his name was Avdi. I haven't seen
18 them for a long time.

19 Q. Do you remember whether he had a nickname or an alias during the
20 war?

21 A. No, no.

22 Q. Mr. Sopi, who is the second person next to that first one
23 standing?

24 A. That's me.

25 Q. Thank you. Who is the third person, a man standing next to you,

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1 Mr. Sopi?

2 A. The third, I don't know his name. I don't know whether he is
3 still living or not. But he was a lawyer. He was a very good man.
4 I don't remember his name.

5 Q. That woman standing next to that person - she is fourth from the
6 left - what's her name?

7 A. I don't know. I think it's his wife, the lawyer's wife. But
8 it's been a long time, so I don't know.

9 Q. Let's move on to the next person who is fifth from the left with
10 a beard and moustache. Who is that person?

11 A. My co-fighter, Hazir Borovci.

12 Q. The next person standing next to him?

13 A. That's Islam Selimi. We used to work together in Auto
14 Prishtine.

15 Q. Mm-hm. And the next person, next to Mr. Selimi?

16 A. I don't remember. I don't know him.

17 Q. And the last person on that photograph?

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

19 Q. If we zoom out a little bit, this photograph, Mr. Sopi, what you
20 can see as a description of that photograph on the right-hand side of
21 it, can we translate it into English as:

22 "During the war, when BIA guerrilla unit Skifterat was formed"?

23 So it seems to me that the caption, this comment, suggests that
24 this photograph was taken during the war and it deals with the
25 members of the unit BIA, Skifterat. Do you confirm that?

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1 A. No, that's not true. It's not true.

2 Q. When was this photograph taken, as far as you remember?

3 A. This was after the war, but I now cannot remember when
4 precisely.

5 Q. Do you remember who took that photograph?

6 A. No, I don't remember.

7 Q. Do you remember where this photograph was taken?

8 A. Somewhere in Prishtine. But where exactly, I can't remember.
9 It's in a location, a place ...

10 Q. This photograph, as you can see, was posted by Hazir Borovci, a
11 friend of yours and the person who was in the KLA with you. And as I
12 said, the caption says it was during the war when the BIA guerrilla
13 unit Skifterat was formed.

14 So any idea why the description of this photograph speaks about
15 BIA, guerrilla unit, Skifterat, members of that unit? Any idea?

16 A. No, I don't. But that's not at all true. This photograph does
17 not belong to that.

18 Q. Doesn't belong to what?

19 A. Does not belong to guerrilla unit BIA. It has nothing to do
20 with BIA.

21 Q. Yes. But before the break today, you told us that you,
22 yourself, Gani Sopi, Jakup Ismaili, and also Hazir Borovci were
23 indeed members of that BIA unit. So it seems that at least three
24 persons on that photograph belonged to BIA during the war. Is it not
25 the case?

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1 A. Your Honour, Presiding Judge, as persons, yes, but the other
2 person are friends, well-wishers who happened to be there at that
3 moment. And this was taken longer. We cannot say that these persons
4 here were members of BIA.

5 Q. Those other persons -- let's leave aside yourself, Mr. Jakup
6 Ismaili, Mr. Hazir Borovci. Let's talk about the other persons on
7 that photograph. Were they also during the war members of the BIA
8 unit?

9 A. No, absolutely not.

10 Q. Were these people other than you, Mr. Ismaili and Mr. Borovci,
11 were those other people members of the Kosovo Liberation Army during
12 the war?

13 A. That I wouldn't know.

14 MR. MICHALCZUK: Okay, Mr. Court Officer, thank you very much.
15 We could remove this photograph.

16 Q. Mr. Sopi, do you have a Facebook account?

17 A. Yes, I do.

18 MR. MICHALCZUK: Mr. Court Officer, could we pull up the
19 document SPOE00325580.

20 Q. Mr. Sopi, you have in front of you a Facebook page which says
21 "Gani Sopi" on it. Is it your Facebook account?

22 A. Yes.

23 MR. MICHALCZUK: Mr. Court Officer, we can remove this one also.

24 Q. Mr. Sopi, earlier on today you told us that Hazir Borovci and
25 Jakup Ismaili were your co-fighters during the war. Are they

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1 currently your friends?

2 A. Yes.

3 MR. MICHALCZUK: Your Honours, I would like to show this witness
4 another document. And I would kindly ask Mr. Court Officer to pull
5 up document SPOE00325583.

6 Q. Mr. Sopi, this is the photograph that you posted on
7 23 November 2019. As I can see from the description of that
8 photograph, it says: "Sabit, Hazri, Jakupi." Could you tell us who
9 these persons are, starting from the left, on this photograph?

10 A. These are my friends, co-fighters, with whom I worked together
11 from the very beginning, including political activity, and during the
12 war.

13 The one with the glasses is no longer living. And then it's
14 Hazir Borovci, it's myself, and it's Jakup Ismaili, whom I mentioned
15 earlier.

16 Q. So starting from the left, the person in glasses, in the shades,
17 what was his name?

18 A. Jakup Ismaili.

19 Q. The first from the left?

20 A. Yes, from the left, as I see it.

21 Q. The second person from the left?

22 A. The second is inseparable friend of ours who is no longer
23 living, unfortunately, Sabit Krasniqi.

24 Q. The third person?

25 A. Hazir Borovci.

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1 Q. And the last one?

2 A. The last one is me.

3 Q. Thank you very much, Mr. Sopi.

4 Do you still feel a strong association with the
5 Kosovo Liberation Army?

6 A. I always loved it and I will love it until I am on this earth.

7 Q. Mr. Sopi, during the war, at any point during the war, did you
8 wear a Kosovo Liberation Army uniform?

9 A. During the war, I carried the emblem. Uniforms, there weren't
10 uniforms; but on the other hand, we also kind of tried to hide it
11 from the population so that -- from the children especially so that
12 they did not create any association with trauma.

13 Q. I understand. But my question was: Did you at any point during
14 the war wear Kosovo Liberation Army uniform? Did you or did you not?

15 A. Only the emblem, the KLA emblem.

16 MR. MICHALCZUK: Your Honours, I would like to show the witness
17 another document. And in this regard, I would kindly ask
18 Mr. Court Officer to pull up another document, SPOE00325585. We
19 could show it on the left-hand side of the screen. And on the
20 right-hand side, I would kindly ask Mr. Court Officer to put the
21 English translation of it.

22 Q. Mr. Sopi, this is the post that you yourself posted on your
23 Facebook account on 18 April 2019.

24 A. 19, yes.

25 Q. Did you do that?

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1 A. Yes.

2 Q. This -- there's a photograph here which portrays you in the
3 military uniform with the Albanian flag at the background; correct?

4 A. That's correct, Your Honour, Distinguished President of the
5 Panel. This photograph, as I said in the beginning, was in difficult
6 times. The door was open to the people who came for condolences. My
7 brother's son was killed, so many citizens came to visit and to pay
8 their respects and condolences. It was after the war, while we were
9 receiving our former co-fighters, friends, and well-wishers. This
10 photograph was taken in Prishtine. It brings back very sad memories,
11 but that's it.

12 Q. I'm sorry to hear that, Mr. Sopi. Can you tell us when this
13 photo was taken, if you remember?

14 A. I -- it could be in October 1999, or something like that,
15 because we started to receive the -- those who came for condolences
16 four or five months later, after the event.

17 Q. I understand. Mr. Sopi, together with this photograph, as you
18 can see, as we can all see, you also published a certain -- I'm not
19 sure how to call it. But there is a -- some kind of message to the
20 people who would listen, who would read it. You started from saying:

21 "Dear co-fighters for freedom, veterans, war invalids, families
22 of the martyrs and compatriots."

23 I'm not going to read this whole statement of yours or this
24 whole message that you posted. I just want to make reference to the
25 third paragraph, in which you seem to call upon some brothers-in-arms

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1 of yours from the war. And I would like that start from this line,
2 the third paragraph, where you said, and I quote:

3 "Co-fighters of the 153rd Brigade in Gollak and the BIA
4 guerrilla unit, OZLL, let us remember, today and always, what
5 happened in April ... the battles which our KLA forces fought for the
6 liberation and defence of the land ... of our beloved homeland."

7 I would like to ask one clarifying question in relation to that.
8 What does this acronym OZLL stand for?

9 A. The Llap operational zone. It's in that context.

10 Q. I understand. You said here "co-fighters of the 153rd Brigade
11 in Gollak and the BIA guerrilla unit, OZLL." By calling these
12 persons co-fighters, I understand that you put yourself in one of
13 those units, and today you said it was BIA. Is that correct?

14 A. Your Honour, Distinguished Presiding Judge, I wrote this post on
15 18 April 2019. Of course, later on, I did have information enough to
16 compose this text regarding the time of the war. I am -- I have my
17 memories, and I wrote what I wrote in this post. I wrote it with
18 pride.

19 Q. I understand that. My question was slightly different. When
20 you mention these three military formations, so to speak, so
21 Brigade 153, Llap operational zone, and also BIA, I understand that
22 you place yourself in one of the units you call -- you call on these
23 people belonging to them co-fighters, so you were one of them. So
24 can I understand also from today's statement that you indeed also in
25 this posting called yourself co-fighter and a member of BIA?

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1 A. I already told you earlier that I had that information. In May,
2 I already knew everything and I knew that I was in BIA. The others
3 were a part of the brigade too, but I composed a text involving
4 everything.

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I would like to
6 ask a question.

7 MR. MICHALCZUK: Yes, Your Honour, of course.

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Sopi, for my understanding,
9 do you yourself now - and I'm basing myself on the message we have
10 here in front of you - do you regard yourself now as a member of BIA
11 then? If you look at yourself now and you look back, were you a
12 member of BIA?

13 THE WITNESS: [Interpretation] Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

15 MR. MICHALCZUK: Your Honours, I don't have any further
16 questions. Thank you.

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

18 We have now completed the questioning of Witness 600 by Defence
19 Counsel and by the SPO.

20 Victims' Counsel, do you have questions for the witness?

21 MS. VOSENBERG: Yes, Your Honours. Thank you. One or two. I
22 can be brief.

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

24 MS. VOSENBERG: Thank you, Your Honours.

25 Questioned by Victims' Counsel:

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1 Q. Mr. Sopi, good afternoon. I would like to go --

2 A. Good afternoon.

3 MS. VOSSENBERG: Is everything in order? Yeah?

4 Q. I would like --

5 PRESIDING JUDGE VELDT-FOGLIA: Just checking on the security
6 [Microphone not activated].

7 MS. VOSSENBERG: Okay. Good. Then I will continue.

8 Q. Earlier today in your testimony here in court, Mr. Sopi, you
9 were telling us about Bajram. And I would like to ask for you to
10 offer some additional clarification about something that you said
11 about that today. And for the record, I'm on page 27 of today's
12 provisional transcript and lines 24 and onwards.

13 When asked by the Defence Counsel, Mr. Sopi, about how many days
14 the small Bajram is, one of the things that you said, and I'm quoting
15 now:

16 "This is a matter of the Islamic community, but I will try. I
17 had the 28th fixed in my mind, but when I asked and when I analysed,"
18 and I end the quotation here, you go on to explain some more about
19 the small and the big Bajram.

20 Now, my question to you is: When did you ask and analyse this?

21 A. I don't understand you. In what context do you mean?

22 Q. I'm just quoting from the transcript of what you said earlier.
23 You were being asked about how many days the Bajram is and I quoted
24 you directly. You told the Defence Counsel:

25 "I had the 28th fixed in my mind, but when I asked and when I

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1 analysed," and then you go on to say, and I'll continue the quote
2 then, "the big Bajram was on 19 January at the time; whereas in the
3 religious books, the small Bajram follows two months and ten days
4 after. And if you calculate, it will be the end of March 1999."

5 So this what you said today in testimony. Am I correct?

6 A. I said that the big Bajram was in January, based on what I saw
7 and read was sometime on 19 January.

8 Q. Sorry, Mr. Sopi -- sorry.

9 A. And according to the religious books, the small Bajram is about
10 two months and ten days later.

11 Q. Yeah. This is what I quoted, indeed. But my question actually
12 concerns what you said:

13 "I had 28th fixed in my mind, but when I asked and when I
14 analysed," and then you came to the conclusion that you repeated just
15 now.

16 My question is: When did you ask and analyse this? And perhaps
17 a follow-up question as well. What made you ask and analyse this?

18 A. To tell you the truth, I've asked the family as well, and as I
19 said, a long time has passed and the dates have moved. I've asked
20 family members and approximately they told me this. And when I
21 calculated that myself, from the 19th of January, two months, ten
22 days added to that, so plus/minus, I came to that date.

23 Q. Yeah. I understand the way that you calculated it. But the
24 question is specifically when did you start thinking about this? At
25 what point in time did you think to yourself, I need to ask about

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1 this, I need to analysis this? When was that? And what made you
2 decide to think about this, to analyse this, to ask questions about
3 this?

4 So when was it and what made you decide to do that?

5 A. I don't recall exactly when, but that's how I thought. I don't
6 remember the time. It's not far, but I can't be precise.

7 Q. And you say "it's not far," and by that what am I -- what can I
8 understand "it's not far" in terms of -- from today it's not far?
9 For example, today we -- the Prosecutor also asked you questions
10 about what you said to the Prosecution and you also discussed the
11 date 28 March, that corresponds with what you say here, "I had the
12 28th fixed in my mind." And my question is: At what point in time
13 did you start to question this, did you start to think about this?
14 And as I understand it, you say "it wasn't far." Does that mean it
15 wasn't long ago?

16 A. Your Honours, I thought about it because, on 24 March, I was
17 wounded at 8.00 -- five past 8.00 I was wounded. And then I thought
18 it was that time. But then, finally, thinking it over, between 28th
19 and 31st, it's only three days' difference. So being in improper
20 conditions, I wasn't able to analyse it then.

21 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, may I?

22 MS. VOSSENBERG: Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: Mr. Sopi, if I put it my own
24 words, so those are not the words of the Victims' Counsel but my
25 words, when was it that you realised that what you had said in your

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1 statement to the Defence and later on to the SPO, that it might not
2 have been precise?

3 THE WITNESS: [Interpretation] Maybe two months ago or one and a
4 half month ago.

5 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, does that --

6 MS. VOSENBERG: Yes, it certainly does.

7 PRESIDING JUDGE VELDT-FOGLIA: -- help you in your --

8 MS. VOSENBERG: Thank you --

9 PRESIDING JUDGE VELDT-FOGLIA: -- examination?

10 MS. VOSENBERG: -- Your Honours.

11 Q. I have one more question about this, then. Who did you ask, and
12 how did you go about analysing this, thinking about this? Did you
13 ask anybody in particular?

14 A. My family. Because I have elderly people in my family. I have
15 my sister-in-law, Sokol's mother, and she said that the date moves.
16 Despite the challenges we face, you know, this thing they remembered.

17 MS. VOSENBERG: Okay. That's -- those are my questions about
18 this topic, Your Honours. I have one more topic and this is
19 something again about the transcripts earlier today that I didn't
20 quite understand. It's on page 58 of today's provisional transcript
21 and you were telling us about your familial relationship with
22 Mr. Salih Mustafa and I'm going to quote again.

23 The Prosecutor was asking you if you had been seeing
24 Salih Mustafa before his arrest by the Specialist Chambers and what
25 you answered, and I'm going to quote this directly:

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1 "We have family relations, but not recently. Because I go very
2 often. The mother of the hero is there in the same yard, she lives,
3 so I go very often."

4 Now, the transcript is not completely clear here, but just for
5 my understanding, whose mother were you referring to here?

6 A. The mother of the hero is my sister-in-law, the wife of my
7 brother.

8 Q. Your brother, Mustafe Sopi, the late Mustafe Sopi?

9 A. Yes, Mustafe Sopi's wife.

10 Q. And you said, then, that she, Mustafe Sopi's wife lives in the
11 same yard. And my question is: The same yard as whose yard? Whose
12 yard?

13 A. Yes. In -- with Salih Mustafa and his spouse.

14 Q. So the late Mustafe Sopi, your brother's mother, lives in the
15 same yard as Salih Mustafa and his wife. Am I correct?

16 A. Not Mustafe's mother but wife.

17 Q. Yes --

18 A. They live very close. We share the same yard. There is a very
19 small concrete partition. But in different houses, separate houses.

20 Q. And you say, just for my understanding, "We share the same
21 yard." Does that also include you?

22 A. Not me. I -- the family of my brother, Sokol's mother and
23 Salih's family. I live further away. I explained earlier.

24 Q. Yeah. I was just wanting to be sure.

25 Thank you, Mr. Sopi. Those were my questions.

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1 MS. VOSSENBERG: Thank you, Your Honours.

2 THE WITNESS: [Interpretation] Thank you.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. Defence Counsel, do you
4 wish to proceed with the re-direct examination of the witness?

5 MR. SHALA: Yes, Your Honour.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. You may proceed with the
7 Albanian translation -- the English translation and requesting --
8 posing the questions in Albanian.

9 Mr. Sopi, Defence Counsel is now going to do the redirect
10 examination. I ask you to wait with your answer, to leave some time
11 between the question of the Defence Counsel and your answer. So
12 maybe you should force yourself not to answer right away, because I
13 have to be able also to assess the question. And if you answer right
14 away, I don't have the time. And if not, I will interrupt you.
15 Because this morning it was -- at the beginning, it was quite
16 challenging. So please take your time in answering.

17 You have the floor.

18 MR. SHALA: Thank you, Your Honour.

19 Re-examination by Mr. Shala:

20 Q. [Interpretation] Mr. Witness, during your testimony today, on
21 page 25, line 14 of the transcript of today, you stated that your
22 family, on 18 April 1999, returned to Prishtine. From that date
23 until the beginning of April - namely, end of March - did you meet
24 Salih Mustafa in Butovc?

25 A. Yes, I did meet him.

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1 Q. Likewise today, on page 29, line 21 of the transcript, you
2 stated that Salih Mustafa was visiting Mustafe Sopi's house on the
3 occasion of Bajram.

4 A. True.

5 Q. When you say for Bajram, you have in mind those five days that
6 Bajram lasts?

7 A. Yes, those days, but he stayed longer. The first two weeks of
8 April.

9 Q. Yes, yes. But this part that you say he was visiting, you mean
10 during those five days of Bajram celebration?

11 A. No, no, later. If we take 31st, 28th and 31st --

12 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

13 MR. SHALA: Yes.

14 PRESIDING JUDGE VELDT-FOGLIA: Please try to pose an open
15 question and then narrow it down. But now for twice you have been
16 already giving a kind of answer to the witness. So, please, don't
17 ask it like that.

18 MR. SHALA: Okay.

19 Q. [Interpretation] Mr. Witness, during your statement today you
20 said that the feast of the small Bajram, or Eid al-Adha, lasts five
21 days. And on page 29, line 21 of today's transcript, you said that
22 Salih Mustafa was visiting Mustafe Sopi on the occasion of Bajram.

23 A. The small Bajram.

24 Q. Can you tell us, please, on which day of the small Bajram he was
25 visiting?

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1 A. I can't remember. Maybe the third, the fourth, or the fifth.

2 Q. Today when the Prosecutor was asking you, on page 54 of the
3 transcript, about the lapses of your memory, you said that it is true
4 that you have some memory lapse when you gave the statement to the
5 Prosecutor. Despite this memory lapse, are you sure that during the
6 period end of March 1999 until early April of 1999 you were in
7 Butovc?

8 A. Yes.

9 Q. During this period, do you still say that you met -- saw and met
10 Salih Mustafa in Butovc?

11 A. It is true that I saw him and that he stayed in Butovc.

12 Q. Although you have admitted your memory lapse, your injury, can
13 you deny that you were injured on 24 March 1999?

14 A. Can you repeat the question, please? You are talking about my
15 wounding?

16 Q. Yes.

17 A. I said -- I thought I was clear when I explained that, now and
18 again, I may have some memory issues, but when I sit down and think
19 about it and analyse it, then I remember better. Because I was
20 subjected to direct violence and mistreatment.

21 Q. On page 56, lines 10 and 12 of today's transcript, you mentioned
22 that in Butovc you were together with other co-fighters and you
23 mentioned their names: Jakupi, Hazir and others. Did you consider
24 at that time also Salih Mustafa as a co-fighter?

25 A. I didn't have much information then.

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1 PRESIDING JUDGE VELDT-FOGLIA: Is that an answer?

2 MR. SHALA: Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: For me, it's not clear.
4 Could you clarify some more what you mean with that?

5 THE WITNESS: [Interpretation] I was asked whether I considered
6 Salih Mustafa as a co-fighter. We are talking about the early
7 period, early April period. At that time I didn't have information,
8 enough information.

9 PRESIDING JUDGE VELDT-FOGLIA: To? To assess that he was a
10 co-fighter; is that what you mean? Was he a co-fighter in that
11 period or not?

12 THE WITNESS: [Interpretation] I don't recall him to be a
13 co-fighter. Because I knew him earlier, in other circumstances, when
14 he was engaged in political activity. Later on, yes.

15 PRESIDING JUDGE VELDT-FOGLIA: And when was "later on"?

16 THE WITNESS: [Interpretation] In May. When Professor
17 Mustafe Sopi, my brother, explained it to me.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you for clarifying. That
19 is it more than "I don't have much information."

20 MR. SHALA: [Interpretation]

21 Q. Mr. Witness, you mentioned your brother, Mustafe Sopi, who told
22 you or informed you in May about the BIA unit where you, too, were a
23 member of.

24 A. That's true, yes.

25 Q. Were these other co-fighters that we referred to today, Hazir

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1 and others, also members of BIA?

2 A. Yes, yes.

3 Q. Mr. Witness, your family relations with Salih Mustafa, are
4 they -- do they present any change from what you have already stated
5 regarding the event of the end of March 1999 and April 1999?

6 PRESIDING JUDGE VELDT-FOGLIA: Sorry, I don't understand the
7 question well.

8 MR. SHALA: Yeah, okay.

9 Q. [Interpretation] Your family relations with Salih Mustafa, did
10 they change as a result of the fact, or the facts, which you have
11 testified to today regarding events in Butovc?

12 So those events do not affect at all your family relations with
13 Salih Mustafa --

14 THE INTERPRETER: I couldn't hear the witness, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Yes, Defence Counsel -- yes, I
16 see the Prosecutor standing.

17 But why are you putting your answer in your question? You are
18 putting leading questions. It's enough that you asked him and then
19 he can answer. Please don't put your answer in your question.

20 MR. SHALA: Okay.

21 PRESIDING JUDGE VELDT-FOGLIA: No, not okay.

22 MR. SHALA: I will not --

23 PRESIDING JUDGE VELDT-FOGLIA: No, you are bringing me to a
24 point that I really have to warn you. I don't want leading
25 questions. We don't want to influence the witness.

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1 MR. SHALA: Sorry, Your Honour.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, you have the
3 floor.

4 MR. MICHALCZUK: My remark, my observation is rather that the
5 the question was simply unclear. It was probably another point, but
6 in my view, what I read on the screen could only confuse the witness.
7 Because I don't understand which events might have changed something,
8 in which period? What are we talking about here? That is my call to
9 maybe instruct the counsel to be clearer in the question.

10 PRESIDING JUDGE VELDT-FOGLIA: Please proceed. I see the point
11 of Mr. Prosecutor.

12 MR. SHALA: [Interpretation]

13 Q. Mr. Witness, your family relation established after the war with
14 Salih Mustafa, does it have any influence, such a family relation, on
15 you changing your testimony regarding events that happened after
16 24 March 1999 until 18 April 1999 in Prishtine and in Butovc?

17 A. No. No influence at all.

18 Q. In your statement, in your knowledge of events that occurred
19 from 24 March 1999 to 18 April 1999, were you ever influenced by
20 anyone regarding the change of these events?

21 A. Nobody can influence me. I have my own convictions.

22 Q. Did anyone influence you or did anyone tell you before you gave
23 your testimony to the Defence of Salih Mustafa, which you gave on
24 31 March 2021, to say, to declare something to the Defence in that
25 statement which wouldn't be true?

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1 A. No.

2 MR. SHALA: [Interpretation] Your Honour, I have no more
3 questions.

4 Q. Thank you, Mr. Witness.

5 A. Thank you.

6 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] Thank
7 you, Defence Counsel.

8 THE INTERPRETER: Microphone.

9 PRESIDING JUDGE VELDT-FOGLIA: I now turn to the SPO. Do you
10 wish to proceed with rejoinder examination of the witness?

11 MR. MICHALCZUK: Your Honour, just two or three questions and I
12 would be finished.

13 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

14 Further Cross-examination by Mr. Michalczuk:

15 Q. Mr. Sopi, were you following this trial, I don't know, on
16 television, on the radio, on the internet, in the press?

17 A. When I had time, yes. But I am working, so I couldn't follow
18 some of them.

19 Q. Did you follow the course of the testimonies of Hazir Borovci?

20 A. The majority of it, yes.

21 Q. How about Mr. Ismaili?

22 A. To some extent.

23 Q. They both testified just last week. Mr. Sopi, after their
24 testimonies of last week, did you have any contact with either
25 Mr. Hazir Borovci or Mr. Ismaili before you came here to give this

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1 testimony here today?

2 A. No, no.

3 MR. MICHALCZUK: Your Honours, I don't have any further
4 questions. Thank you.

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

7 THE INTERPRETER: Microphone, please.

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

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

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

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

12 Mr. Sopi, you have been asked several questions by the parties
13 and the participants present. It's now the turn for the Panel. We
14 would like to receive some further clarification on what you already
15 testified on or, in my case, I would like to add, to ask two
16 questions which remain for me on the table. I think this will help
17 us in finding -- in getting more clarification in what we're looking
18 for, in trying to understand.

19 Questioned by the Trial Panel:

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Sopi, do you know a person
21 called Brahim Mehmetaj?

22 A. Yes, I do.

23 PRESIDING JUDGE VELDT-FOGLIA: And did you know him during the
24 war? So in 1999.

25 A. I don't remember. But I know of his political activity.

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1 PRESIDING JUDGE VELDT-FOGLIA: Have you ever seen him in Butovc?

2 A. I don't remember.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. And do you know if there
4 was a base of the BIA in Butovc?

5 A. It was us -- all of us who were there, were there.

6 PRESIDING JUDGE VELDT-FOGLIA: That doesn't answer my question.
7 Was there a base of the BIA in Butovc?

8 A. It might call it that, but it was us soldiers from the beginning
9 to the end.

10 PRESIDING JUDGE VELDT-FOGLIA: And was there a base of the BIA,
11 as far as you know, in Prishtine?

12 A. I have no information about that.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. And do you know if there
14 was a base of the BIA in Zllash?

15 A. I have no information about that. I don't know.

16 PRESIDING JUDGE VELDT-FOGLIA: And do you have any information
17 if the BIA had anywhere a base or a headquarters in Kosovo?

18 A. I don't remember. I don't know.

19 PRESIDING JUDGE VELDT-FOGLIA: Okay. I don't have further
20 questions, but my colleagues might.

21 [Trial Panel confers]

22 PRESIDING JUDGE VELDT-FOGLIA: I will give the floor to my
23 colleague on my left-hand side.

24 JUDGE BITTI: Yes, Mr. Sopi, in your statement to the SPO on
25 12 January 2022 - it's ERN is 104551-TR-ET, Part 1, and it's page 7 -

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1 you said the following:

2 "To be open and sincere about it, it was Salih's brother who
3 told us, a bunch of us, that we were going to be contacted or being
4 spoken to by the counsel, by Salih's counsel, because he already knew
5 that we had been people that had been with Salih. So this is the way
6 it went, through the brother."

7 Do you remember? Is that correct?

8 A. Yes, it is true.

9 JUDGE BITTI: And what is the name of Salih's brother?

10 A. Arben.

11 JUDGE BITTI: Okay. And you said on line 17 on that page that
12 by "a bunch of us" you referred to "war comrades." So, actually,
13 Arben Mustafa contacted a group of war comrades. Is that correct?

14 A. Yes.

15 JUDGE BITTI: Thank you. I have a second question. Very, very
16 recently, on page 95 of the transcript, you said, and I think you
17 were referring to Salih Mustafa:

18 "I don't recall him to be a co-fighter."

19 But then can I ask you why were you observing Serbian forces
20 together, if he was not a co-fighter?

21 A. He came to visit us and contacted my brother, Professor
22 Mustafe Sopi. Then most of the time we were together with Mustafe
23 and Salih Mustafa.

24 JUDGE BITTI: But you told us that you were observing together
25 Serbian forces. That's correct, no?

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1 A. Yes, correct.

2 JUDGE BITTI: But he was not a co-fighter.

3 A. I didn't ask him at that time. We didn't discuss this issue.

4 JUDGE BITTI: But you would have gone with somebody not being a
5 co-fighter observing Serbian forces? So you would have gone with
6 anyone doing this kind of task?

7 A. There were also civilians, citizens, who sometimes helped us in
8 our care shown to the -- for the population, but also in doing guard
9 duty.

10 JUDGE BITTI: Okay. Thank you very much, Mr. Sopi.

11 I have no further questions, Madam Presiding Judge.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 [Trial Panel confers]

14 PRESIDING JUDGE VELDT-FOGLIA: Mr. Sopi, we reached the end of
15 your testimony, and I would like to thank you for your efforts put
16 into giving your testimony today, and I believe it will help us in
17 our effort to find the truth and to gain more clarity with regard to
18 what you have already stated in your testimony.

19 So thank you very much. We wish you a safe journey home. And I
20 remind you that you should not discuss your testimony before the
21 Kosovo Specialist Chambers with anyone. Thank you.

22 Madam Court Usher will usher you out now.

23 THE WITNESS: [Interpretation] Would you allow me --

24 PRESIDING JUDGE VELDT-FOGLIA: No.

25 THE WITNESS: [Interpretation] -- one or two minutes to say

1 something?

2 PRESIDING JUDGE VELDT-FOGLIA: No, no, no, you will not be
3 allowed. So thank you. You will be ushered out.

4 THE WITNESS: [Interpretation] Thank you.

5 [The witness stands down]

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

7 Yes. Mr. Prosecutor, is there something you would like to raise
8 with the Panel?

9 MR. MICHALCZUK: Your Honours, nothing. Thank you very much.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well.

11 Victims' Counsel.

12 MS. VOSENBERG: No, Your Honours, thank you. Nothing.

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel.

14 MR. VON BONE: Only regarding the permission. We would like to
15 know where we stand so that we know how to go about tomorrow.

16 PRESIDING JUDGE VELDT-FOGLIA: You have the permission of the
17 Panel.

18 MR. VON BONE: Thank you very much.

19 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will resume
20 tomorrow, 5 April, 9.30 as usual, with the testimony of Witness 700.

21 The hearing is adjourned.

22 --- Whereupon the hearing adjourned at 3.33 p.m.

23

24

25