

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

1 Tuesday, 5 October 2021

2 [Open session]

3 [The accused appeared via videolink]

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

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

6 Court Officer, could you please call the case.

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

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

10 First of all, I will call appearances.

11 Who is present, Madam Prosecutor, for the Specialist
12 Prosecutor's Office?

13 MS. D'ASCOLI: Good morning, Your Honours. Good morning,
14 everyone. The SPO today is represented by Alex Whiting,
15 Deputy Prosecutor; Cezary Michalczuk, Prosecutor; Filippo De Minicis,
16 Associate Prosecutor; Julie Mann, our Case Manager; and myself,
17 Silvia D'Ascoli, Associate Prosecutor. Thank you.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Victims' Counsel, you have the floor.

20 MS. PUES: Good morning, Your Honours. Good morning, everybody.
21 The Victims' Counsel team is today represented by Marie-Pier Barbeau,
22 senior legal associate; Liesbeth Zegveld, co-counsel; and myself,
23 Anni Pues as Victims' Counsel.

24 Thank you.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

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1 Defence counsel, you have the floor.

2 MR. VON BONE: Good morning, Your Honour. Defence is
3 represented by Mr. Betim Shala, my co-counsel; interpreter and
4 investigator, Mr. Fatmir Pelaj; Mr. Mustafa is joining us by remote;
5 and myself are present, Julius von Bone, lead counsel.

6 Thank you very much.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 Mr. Mustafa, good morning. Does the connection work fine? Can
9 you hear us?

10 THE ACCUSED: [Via videolink] Yes, Your Honour.

11 PRESIDING JUDGE VELDT-FOGLIA: For the record, you are appearing
12 before Trial Panel I.

13 Before we start with the examination by the Victims' Counsel of
14 the witness, yesterday I anticipated that we would discuss the
15 scheduling of Witnesses W03593 and W04603. With regard to the
16 testimony of Witness 4603, notwithstanding the revised estimation for
17 direct examination by the SPO, the Panel considers it appropriate to
18 start with the examination of the witness on Monday, 1 November. And
19 the Panel clarifies in this respect, that while availability of the
20 courtroom is a primary factor to consider to -- for the scheduling,
21 the Panel must also take into account the preparation of the
22 examination by the Judges and also the assessment afterwards of the
23 testimonies, and we want to have sufficient time for that.

24 Then we have Witness 3594. We will commence on Tuesday,
25 12 October, 9.30, as originally was foreseen to do so, and I would

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

1 like to note that the Panel will try to adhere to the schedule as
2 shared with the parties and the Victims' Counsel and we will only use
3 the optional days if it is really necessary. I mean, you can all
4 count on the schedule but sometimes there are unforeseen
5 circumstances, of course, but normally we will adhere to that
6 schedule.

7 Okay. Then there is another point. The scheduling for the
8 witnesses of November and December. The SPO has indicated that it
9 will come with a revised estimation for the direct examination of the
10 upcoming witnesses. The Panel would be grateful if the revised
11 estimates and possibly the order of the testimony that the SPO
12 proposes until December 2021 will come as soon as possible this week.
13 You said by this week by as soon as -- for planning purposes. And in
14 this regard, we have another question. If the -- now, we would like
15 to know if the order of testimony of the witnesses, if it is only
16 based on their availability or if there are also other factors that
17 come in, and, if that is the case, if the SPO would be open to a
18 change of order of the testimonies upon receipt of the
19 above-mentioned re-estimation of the time.

20 And then, lastly, the Panel recalls that for the month of
21 November, we have already a set number of days in court, and we don't
22 have the possibility to have a fourth session. That's the case for
23 now. And for these two reasons, we -- if we don't finish a testimony
24 in one week, we most likely have to jump to the next week, and that's
25 the reason that the Panel also wants to be cautious that we can

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

1 finish the witness within the time foreseen. That's an extra reason
2 I want to bring to your attention when we discuss these scheduling
3 issues.

4 Good. Now that we have discussed scheduling matters, we can
5 continue with the testimony of W01679.

6 And I see Mr. von Bone standing.

7 You have the floor.

8 MR. VON BONE: Yes. I just want to make sure. So for next
9 week, we have on Monday -- did I -- did I understand well? On Monday
10 4603?

11 PRESIDING JUDGE VELDT-FOGLIA: I will repeat what we -- what I
12 said.

13 MR. VON BONE: Yes, please.

14 PRESIDING JUDGE VELDT-FOGLIA: The 1st of November we will have
15 4603.

16 MR. VON BONE: Oh, okay. Yes, I see. Yes. Yes.

17 PRESIDING JUDGE VELDT-FOGLIA: The 1st of November we will have
18 4603.

19 MR. VON BONE: Yes. And the 12th of October we will start
20 with --

21 PRESIDING JUDGE VELDT-FOGLIA: And Tuesday as foreseen --

22 MR. VON BONE: Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: -- the question we had to answer
24 is if we after 3594 would also hear the testimony of 4603, and for
25 the reason explained, we prefer to bring that to the 1st of November.

Witness: W01679 (Resumed) (Open Session)

Page 938

Questioned by Ms. Pues

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

1 MR. VON BONE: Excellent, because it will fit all the flight
2 schedules as well for the Friday. Thank you very much.

3 PRESIDING JUDGE VELDT-FOGLIA: Okay. No questions further, if I
4 went too quick on something? Good.

5 Now, we will now go to the testimony of W01679. Could we please
6 usher the witness into the courtroom.

7 [The witness takes the stand]

8 PRESIDING JUDGE VELDT-FOGLIA: Good morning, Mr. Witness, and
9 welcome to the Specialist Chambers.

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

11 PRESIDING JUDGE VELDT-FOGLIA: I see you can hear me. Did you
12 rest?

13 THE WITNESS: [Interpretation] I tried to.

14 PRESIDING JUDGE VELDT-FOGLIA: I can understand.

15 Today we will continue with the testimony, and it's now the turn
16 of the Victims' Counsel to ask you some questions.

17 Based on the time effectively used by the Specialist
18 Prosecutor's Office, and so that is 45 minutes, so you have the
19 floor, Victims' Counsel.

20 MS. PUES: Thank you, Your Honours.

21 WITNESS: W01679 [Resumed]

22 [Witness answered through interpreter]

23 Questioned by Ms. Pues:

24 Q. And good morning, Mr. Witness.

25 First of all, thank you for your time and efforts yesterday

Witness: W01679 (Resumed) (Open Session)

Page 939

Questioned by Ms. Pues

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

1 already to help us in better understanding what happened in Zllash
2 during the war.

3 In my questions today, I will focus helping us better understand
4 the impact that those crimes, that those experiences that you
5 described yesterday linked to Zllash had on your life.

6 And, Mr. Witness, let me start with some of those things that
7 you described yesterday in your statement about the physical
8 injuries, the injuries to your body, and also to some of the mental
9 impact. But before getting into all those details, let me start with
10 the physical aspects and with something you mentioned in your
11 testimony when you said, "I still have consequences today," which is
12 for reference purposes, yesterday's transcript, page 78 in line 5.

13 Can you please tell us in more detail about those physical
14 consequences? For example -- no. I'll ask very openly first.
15 Physical consequences that might have impacted you even until today.

16 A. Are you asking about the physical consequences I had?

17 Q. Excuse me, I need to -- okay. Sorry. I was getting the
18 Albanian rather than the English translation.

19 So would you able to -- can I ask you to repeat what you just
20 said, please.

21 A. I was just asking, do you want me to tell you about the physical
22 consequences I have even today?

23 Q. Yes, please.

24 A. The consequences I have today are, first of all,

25 [REDACTED]

Witness: W01679 (Resumed) (Open Session)

Page 940

Questioned by Ms. PUES

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

1 [REDACTED]

2 [REDACTED]

3 THE INTERPRETER: Microphone for counsel, please.

4 MS. PUES:

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. Thank you. That's really helpful.

23 MS. PUES: Just one minute, please.

24 Q. You also, just in passing --

25 MS. PUES: Now, this is a question I think we should go into

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 941

Questioned by Ms. Pues

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

1 private session with, so can I please ask that we do that.

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

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

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

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
7 Please proceed, Victims' Counsel.

8 MS. PUES: Yes, thank you. This question is one that relates to
9 the personal life and family life and, therefore, might have
10 potential to identify more.

11 Q. You've mentioned your family. How has your personal life and
12 your family life been affected by the events in Zllash? I realise
13 it's been a long, long time, and therefore I think it is important
14 that we try to focus on what happened or, if you can, try to identify
15 what is linked to what you have experienced in Zllash.

16 A. I experienced a lot of things and this has had bad -- a bad
17 effect on my family and myself, of course. [REDACTED]
18 because of that.

19 There are many things that have happened as a consequence of
20 what happened to me at that time. I don't know how to explain it.
21 There are many things that have happened later that were caused by
22 the things that happened at that time. For years, I was drinking
23 alcohol. I couldn't feel anything. [REDACTED] So many things.

24 Q. Mm-hm. Thank you. I really appreciate the efforts of trying to
25 describe all of this.

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 942

Questioned by Ms. Pues

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

1 You also told us about [REDACTED] - we're still in closed
2 session -- so -- private session - [REDACTED]
3 which is for reference page 62, lines 10 and following, specifically
4 line 15.

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A. Of course, the fear is there. It's still there today. And I
12 had the same fear as him. [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 But as for fear, yes, I have the fear today. I've been
17 blackmailed. [REDACTED] They
18 prejudge me. And these are very heavy things to go through. At
19 least for me. I feel that I am being prejudiced. People speak in

20 [REDACTED]

21 [REDACTED]

22 Q. Thank you. Thank you for giving more explanation on that.

23 With that, let me move back to some of those physical injuries
24 that you also have described. And you did, for example, mention
25 yesterday that your [REDACTED] has been impacted.

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 943

Questioned by Ms. Pues

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

1 And, for the record, that's yesterday's transcript again,
2 page 78 in line 7.

3 Now, how has your [REDACTED] been impacted?

4 A. As far as I could understand from the doctor, he tried to
5 explain to me, this became of the high temperature, the high fever I
6 had, and the doctor said that the cells had been burned. That's how
7 he explained it. So I can only [REDACTED]

8 Q. And have you got any understanding of, for example, the amount
9 [REDACTED] You've described a little of what [REDACTED]
10 but have the doctors, for example, given you any indication of how
11 [REDACTED]

12 [REDACTED] Can you explain that in more
13 detail, please.

14 A. Well, the doctor's words were that [REDACTED] is
15 [REDACTED]
16 [REDACTED]

17 I don't know if you have experts for this thing and they can
18 come and check me. But the doctor told me that [REDACTED]
19 [REDACTED]

20 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, Mr. Witness
21 said [REDACTED]

22 Could you say if it is your [REDACTED], Mr. Witness.

23 THE WITNESS: [Interpretation] [REDACTED]

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

25 MS. PUES: Thank you. We can go back into public session.

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 944

Questioned by Ms. Pues

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

1 Q. And I will then ask you one more question on a link to your

2 [REDACTED]

3 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
4 bring us back into open session, please.

5 [Open session]

6 THE COURT OFFICER: Your Honours, we're now in public session.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

8 Victims' Counsel, please proceed.

9 MS. PUES:

10 Q. Thank you, Mr. Witness.

11 You mentioned a fever that the doctor linked to the [REDACTED]
12 [REDACTED] Was that a fever that you suffered in Zllash during your
13 time of detention in Zllash?

14 A. Yes, that's where it all started. The temperature, the illness,
15 everything started from there.

16 Q. Thank you. This brings me immediately to another infection that
17 you mentioned yesterday, which is in the transcript page 78 again, in
18 lines 12 to 13 for reference. You also mentioned that you had to
19 have [REDACTED] Could you
20 provide us with more details on that, please?

21 A. Yes. I'll try to explain.

22 [REDACTED]

23 [REDACTED]

24 [REDACTED] today. It

25 was a very bad infection that I had. And the doctor said, "It's good

Witness: W01679 (Resumed) (Open Session)

Page 945

Questioned by Ms. Pues

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

1 that you came now because it could have gone to your brain."

2 And, in the meantime, I also fixed [REDACTED].

3 Q. Did those -- did this infection result in the loss of [REDACTED]?

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. Thank you. You also told us about visits to other doctors,
12 which is line 14 on page 78 of yesterday's transcript. What was done
13 in these procedures or what kind of treatments did those doctors do;
14 and was that linked to injuries you suffered in Zllash?

15 A. That was because of the injuries I suffered in Zllash. I tried
16 to go to private doctors, because when you go to the doctor, you
17 can't just tell them that, "I was tortured by the KLA." So I tried
18 to find private ways to be treated. And that's what I did. I went
19 to private physicians because I couldn't go to just any doctor and
20 tell them that the KLA tortured me. It's different where we live.
21 The mentality, it's different. You can't say these things. Part of
22 our society has this mentality. Because if these things happened to
23 you and then you go to the doctor, maybe you find those same people
24 who tortured you working at the doctor's. So it would be difficult
25 for me to go anywhere.

Questioned by Ms. Pues

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

1 Q. I understand. When you say "private doctors," did you have to
2 pay for those treatments; and, if so, were you easily able to afford
3 those treatments?

4 A. Yes, of course, you had to pay. But my family paid for the
5 treatment. My family supported me.

6 Q. Thank you. One more aspect of the physical injuries is a
7 question on the functioning of your limbs, your arms, your hands.

8 Has -- or have the injuries impacted those in the way you can
9 use them, in the way they feel? Do you suffer any pains that
10 continue to this day? Could you explain that, please.

11 A. I was in a lot of pain then, but even today I have pains. It
12 depends on the weather. Sometimes I have pains. I have a lot of
13 pains in [REDACTED] That's the main pain I have today. My legs
14 hurt, yes, but it's not as bad. I try to make do.

15 Q. Because you also mentioned, specifically mentioned, among other
16 things, your [REDACTED] in line 6 of the transcript, page 78, was
there

17 any specific [REDACTED] that you have felt?

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 There are things, unfortunately, that never heal. I have this
22 -- I have this as a memory from that time.

23 Q. I'm sorry that I have to follow up on this with one more
24 question, which is: [REDACTED]

25 [REDACTED]

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 947

Questioned by Ms. Pues

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 PRESIDING JUDGE VELDT-FOGLIA: I think that we are now at a
8 moment that we should go into private. This is identifying
9 information with regard to the witness.

10 MS. PUES: We are nearly finished with the questions that I
11 have, but I do think that we have one or two more questions for
12 private session, please.

13 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we go
14 into private, please.

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

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

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Officer.
18 Victims' Counsel, please proceed.

19 MS. PUES: Thank you.

20 Q. One more area of injuries that you've mentioned, and I'm sorry
21 that I've got to follow up on all this, and you do say we can see
22 this, but because we've got to speak about this to put this on the
23 record for the Court, this is why I'm trying -- I'm asking you to try
24 and describe things to us.

25 So you mentioned that you also [REDACTED]

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 948

Questioned by Ms. Pues

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

1 which is line 6 of yesterday's transcript, page 78.

2 Could you help us by explaining in more detail what specifically
3 those [REDACTED] were and if they have had any long-term effects
4 on you and your health.

5 A. Well, these are all long-term effects. I often have pain in the
6 places where I had [REDACTED]

7 [REDACTED]

8 [REDACTED] I have many consequences because, for example, the place
9 where you were hit, there you would get a cut. And often today you
10 feel the pain there, exactly in that place.

11 Q. Thank you for that.

12 Give me one minute, please, to just go through what else we
13 might need to cover, because you have already explained many, many
14 details to us. So bear with me for one minute, please.

15 A. Okay.

16 Q. Mr. Witness, these are all my questions I have for you because
17 you've very -- given us very detailed explanations, and I thank you
18 for that.

19 MS. PUES: And with that, I shall finish my examination of the
20 witness. Thank you.

21 THE WITNESS: [Interpretation] Thank you.

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

23 I now look at the Defence counsel. Are you ready to start with
24 the cross-examination?

25 Then, Mr. Witness, I will now give the floor to the Defence

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 949

Cross-examination by Mr. Von Bone

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

1 counsel to pose questions to you. Okay?

2 THE WITNESS: [Interpretation] That's all right, madam.

3 PRESIDING JUDGE VELDT-FOGLIA: And Defence counsel, you have --
4 let me see. I will first do something else.

5 Madam Court Officer, can we go into public.

6 [Trial Panel and Court Officer confer]

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, can we go
8 back into public, please.

9 [Open session]

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

11 PRESIDING JUDGE VELDT-FOGLIA: Okay.

12 Mr. Witness, I told you that the Defence counsel is now going to
13 pose questions to you, but before we -- I give him the floor, I would
14 like to know how are you doing?

15 THE WITNESS: [Interpretation] I'm fine. I feel fine. A bit
16 depressed, but I'm trying to get over that feeling.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay. We see that you're doing
18 your great effort to be here. Thank you for that.

19 Defence counsel, I note that you have, in principle, one hour
20 and 30 minutes. You have the floor.

21 Cross-examination by Mr. von Bone:

22 Q. Good morning, Mr. Witness.

23 MR. VON BONE: I think we have to start, maybe, in private
24 session, Your Honour.

25 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 950

Cross-examination by Mr. Von Bone

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

1 bring us into private session.

2 ~~[Private session]~~ [Open session]

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

4 MR. VON BONE: And would it be possible to put up on the screen
5 the UNMIK statement of the witness. And then the Albanian version,
6 which is tab 1 of the Prosecution's -- it has ERN 7000687 up to 91.

7 Q. Mr. Witness, can you see the document?

8 A. Yes, sir.

9 MR. VON BONE: I would like to go to the bottom of that
10 document.

11 Excuse me, this is the English version; right? Sorry. Yes.

12 Q. Can you see the document? It's --

13 MR. VON BONE: We would like to go to the bottom of that
14 document.

15 Q. Do you remember actually in which year you gave this particular
16 statement to the people of the UNMIK?

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

18 Q. And if we go to the bottom of that document, on the left bottom,
19 is that your signature?

20 A. It could be, although it looks a bit suspicious. But it could
21 be.

22 Q. What do you mean it looks suspicious?

23 A. Well, maybe at that time some letters were written in a bigger
24 form, some in a smaller. But it doesn't matter. It is my signature.
25 I accept it as mine. No problem.

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 951

Cross-examination by Mr. Von Bone

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

1 MR. VON BONE: And I'm not sure whether this is the last page or
2 the page before. I'm not sure. Can we go to the page before maybe.
3 Yes, can we go to the bottom of that page.

4 Q. On the right bottom, is that your signature, Mr. Witness?

5 A. Yes, it is.

6 THE INTERPRETER: Microphone.

7 MR. VON BONE: First page of the same document. Yes. I think
8 this document has three pages; right? Maybe 91 then. Yes. That's
9 the one. Yes. [Microphone not activated].

10 PRESIDING JUDGE VELDT-FOGLIA: Could you use the microphone,
11 please.

12 MR. VON BONE: Could we blow up the bottom part of it. Yes,
13 thank you very much.

14 Q. Mr. Witness, is that your signature on the bottom left?

15 A. Yes, they're all my signatures.

16 Q. Thank you very much. And did you tell the truth in that
17 statement?

18 A. I tried to tell the truth, as I'm telling it today. But this
19 statement was written by somebody else. It was not me writing this
20 statement. As far as I can remember, it was an interpreter who was
21 writing down the statement. What I was trying to explain there is
22 what I'm explaining here today.

23 Q. I see, Mr. Witness. The document says that it was read or read
24 in the native language to you, the stating person, and it was
25 confirmed by the stating person. Is that correct?

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 952

Cross-examination by Mr. Von Bone

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

1 A. That's what is written there, [REDACTED]

2 [REDACTED] But let me explain you this problem with this
3 statement, because I see you're dealing with it.

4 I did not give this statement in an UNMIK facility but in
5 another building. And this writing is not mine. It's of the
6 interpreter. [REDACTED] and I tried to explain this
7 through the Prosecutor, I was looking for justice for myself.
[REDACTED]

8 [REDACTED]

9 [REDACTED] But the signatures are mine. If you ask me now
10 to sign somewhere, I will sign it.

11 But to -- for security reasons, it was taken in the apartment of
12 [REDACTED] They written down the statement. As I already
13 mentioned, there are certain things that are not clear in this old
14 statement.

15 Q. I noticed also in the SPO interview that you went into that. My
16 question is just is the content of that document, is the content
17 correct, as what you intended to say? You made some adjustments to
18 it in the SPO interview, but the question is, is the content of that
19 correct, what you stated?

20 PRESIDING JUDGE VELDT-FOGLIA: Wait, Mr. Witness, before
21 answering.

22 We have not gone through this whole statement, Defence counsel.
23 I don't think that you can --

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

25 PRESIDING JUDGE VELDT-FOGLIA: I don't think that you can go --

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 953

Cross-examination by Mr. Von Bone

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

1 ask about the whole statement without discussing it, if it is true or
2 not. Because he has indicated that some parts were not correct
3 written down and some did.

4 So I think that this question is -- yes, should be -- should
5 do -- ask the question in a different way in order for the witness to
6 give an accurate answer, I think.

7 MR. VON BONE:

8 Q. You say that somebody else wrote it down. It's not your
9 handwriting. Do you remember who wrote it down?

10 A. As far as I remember, there was an interpreter with some
11 Americans, foreigners. [REDACTED]

12 [REDACTED] I don't remember her first name. But this last name is
13 stuck in my mind.

14 Just like you are asking me questions, they were asking
15 questions too and taking down notes. And when I had the interview
16 with the Prosecutor, I noticed that there are certain uncertainties
17 and unclear issues regarding that statement, [REDACTED]
18 [REDACTED]

19 with me. So I was trying to find justice for myself.

20 Q. And with which [REDACTED] -- or where -- at which

21 [REDACTED] Could you
22 explain where the location was when this statement was taken?

23 A. There is a location called [REDACTED]

24 Q. And in which house was that taken? By who? In which house? In
25 which location were you?

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 954

Cross-examination by Mr. Von Bone

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

1 A. I'm telling you it was [REDACTED] It's a
2 building, apartment block, and it was the apartment of this [REDACTED]
3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 Q. We are in private session so nobody can hear you. So I would
8 like to know what is the name of [REDACTED]

9 A. I knew him with the last name [REDACTED] He was a
10 [REDACTED]

11 Q. Thank you. [REDACTED]
12 in Zllash; is that correct?

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q. I just wanted to make sure that [REDACTED] that you just
23 mentioned is [REDACTED]

24 [REDACTED]

25 A. I mentioned him in the previous statement because this is what

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 955

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Q. And the family members of that victim, they were present when

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. I'm not sure, but this statement was taken after the war?

19 A. Yes, after the war.

20 Q. And do you recall how long that was after the war? Was that
21 months or years or ...

22 A. I can't remember precisely. Maybe years. But I cannot say. I
23 don't remember. But what I know is that I gave this statement.

24 Q. Thank you very much, Mr. Witness. [REDACTED]

25 [REDACTED]

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 956

Cross-examination by Mr. Von Bone

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

1 [REDACTED] Do you recall that?

2 A. What I recall is that [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. Thank you very much.

16 MR. VON BONE: [REDACTED]

17 [REDACTED]

18 that.

19 THE COURT OFFICER: What's the ERN number?

20 MR. VON BONE: Oh. Sorry. That is the --

21 PRESIDING JUDGE VELDT-FOGLIA: [REDACTED]

22 MR. VON BONE: [REDACTED] Yes. Could we maybe go

23 [REDACTED] Could you go a little bit ...

24 THE INTERPRETER: The counsel is kindly asked by the

25 interpreters to speak into the microphone and to speak louder. Thank

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 957

Cross-examination by Mr. Von Bone

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

1 you very much.

2 MR. VON BONE: Yes, I will -- could we blow it up for my -- for
3 me, for the purposes of -- sorry? It's okay. It's okay. Yeah,
4 that's an easy one. Yes.

5 Q. Now, [REDACTED] it is the --

6 MR. VON BONE: If we would go below, a little bit down, please,

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 958

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 Do you recall whether that was in June 1999 or whether that was
5 not in June 1999?

6 A. I don't remember. You see here it says I stayed around two
7 months [REDACTED]

8 [REDACTED]

9 So this is what I meant. I said something else and then
10 something else was written down there. And when I was asked those

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. Mr. Witness, you say, "I went there for something else," for
19 what did you actually go there? What do you mean by that?

20 A. Very simple. I wanted to find justice for myself. Because my
21 life was ruined. These people ruined my life, the accused ruined my
22 life, and that is why I went there, to seek justice for myself. And

23 [REDACTED]

24 [REDACTED]

25 MR. VON BONE: Could we go to the second page [Microphone not

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 959

Cross-examination by Mr. Von Bone

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

1 activated].

2 PRESIDING JUDGE VELDT-FOGLIA: Would you use your microphone.

3 MR. VON BONE: Sorry. Could we go back to the first? Yes, this

4 is exactly where we want to be.

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I prefer that

14 you cite what is written there --

15 MR. VON BONE: Yeah, okay.

16 PRESIDING JUDGE VELDT-FOGLIA: -- instead of implying something

17 what might not be -- has been intended.

18 MR. VON BONE: Okay. Let me just cite that then.

19 Q. [REDACTED]

20 I will cite for you, Mr. Witness, what the top of this part

21 says. I will not it in the entire, but I will cite a couple of lines

22 from it.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 960

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 A. Even today I don't feel comfortable, let alone at the time. I
9 suffer from depression today. I suffer from many things today.

10 Q. Yes, I remind you we are in a private session and no one can
11 hear what you are saying.

12 MR. VON BONE: Then I would like to go to the second page.
13 Would you please go down.

14 Q. Yes, at the bottom of this page, it reads the following. It is
15 about a person, [REDACTED]
16 you:

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 A. I said that approximately. I told the Prosecutor as well, I
24 learned it about six or seven months later. I can't remember
25 exactly. It's been a long time. So the only thing I can do is

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 961

Cross-examination by Mr. Von Bone

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

1 mention something approximately. I learned after some time that he
2 died. And I told the Prosecutor this, and I think that was the
3 misunderstanding that arose. Because I said something else in the
4 previous statement and they had written something else.

5 Q. Yes, indeed. And in that UNMIK statement in which we spoke
6 earlier about, it was mentioned that you heard about that, the death
7 of that person, the following day. That's why we would like to have
8 clarification on that.

9 A. No. I will clarify it very simply. It says there that it
10 happened on the next day, I learned on the next day, but that's not
11 true. They might write anything they want there. They might write
12 my date of birth wrong, but that doesn't mean that it is true. I
13 have nothing to do with that. I did not learn about [REDACTED]
14 the next day because I was at home, inside my home, for at least
15 three months recovering from the injuries. It's not true that I
16 said -- I ever said that I learned about his death the next day.

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

18 I would like to know --

19 MR. VON BONE: We can remove this document. We don't further
20 need it.

21 Q. When did the war end?

22 A. The war ended 1999 or 2000.

23 Q. And do you recall in which season the war ended?

24 A. No, I don't recall that.

25 Q. Was the weather, for example, warm or was it winter time? Do

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 962

Cross-examination by Mr. Von Bone

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

1 you recall anything of that?

2 A. No, it wasn't winter. It was good weather.

3 Q. And what did you do, actually, after the war, when the war had
4 ended? When did you start your life up, so to speak? When did ...

5 A. After the war -- as I said, for about three months I was
6 house-bound. [REDACTED] I had

7 treatment. [REDACTED] And that's how it went
8 on, like a shadow of a man.

9 Q. Thank you very much. And is there any particular period of time
10 that you picked up work again or tried to work?

11 A. Not initially, no, because my family supported me. [REDACTED]
12 [REDACTED] I just wanted to calm
13 down and find some peace after what happened to me.

14 Q. I understand. One last question in private session.

15 I want to go back now to the very beginning when you at some
16 point decided to join the KLA. You said in your statement, Part 1,
17 Revised, page 17: [REDACTED] Do you recall which
18 [REDACTED]

19 A. Yes, I remember.

20 Q. Could you tell [REDACTED]

21 A. Would you like me to tell you the names?

22 Q. [Microphone not activated] Yes.

23 A. [REDACTED]

24 THE INTERPRETER: The interpreter did not catch the names of the
25 other two.

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 963

Cross-examination by Mr. Von Bone

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

1 THE WITNESS: [Interpretation] [REDACTED] We got

2 [REDACTED]

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, could you repeat the

4 name [REDACTED] because the translator -- the interpreter did

5 not hear all the names right.

6 THE WITNESS: [Interpretation] Yes. [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

10 MR. VON BONE:

11 Q. I understand that you all went together to Mramor, and you just

12 said that you stayed there one night. And these people joined you

13 all the way to Zllash?

14 A. Yes, we were together up to Zllash, when we reported at the

15 school in Zllash.

16 Q. First let's go back to Mramor where you initially arrived. To

17 whom did you report there?

18 A. Well, there were so many people there, refugees, displaced

19 people from the town, so it was not proper reporting, official

20 reporting. You just spoke to people.

21 Q. But in order to join the KLA in Mramor, did you find somebody

22 there from the KLA to whom you reported and said for yourself, "Here

23 I am"? Could you explain how that went?

24 A. No, there were two or three people from the KLA there. We asked

25 them, "Where is the KLA? Because we want to join." They told us,

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 964

Cross-examination by Mr. Von Bone

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

1 "You have to go to Zllash for that."

2 And the next day, we continued on our way. We asked people
3 where to go, because it was the first time we had left town to go to
4 the villages. So we just followed their instructions and went to the
5 school in Zllash.

6 Q. Did your family stay behind in your home or [indiscernible]?

7 A. At that time people were expelled from their homes. Some left
8 for Macedonia, some went to the villages. My family went to
9 Macedonia.

10 Q. And in which period of time was that; do you recall that? That
11 your family left to Macedonia.

12 A. It was during that time. When they were expelled.

13 Q. And during which time was that; do you recall that? That is my
14 question.

15 A. It was during the war in 1999.

16 Q. And during which part, which time of the war was that; do you
17 recall that?

18 A. I can't remember. I don't know how to explain it to you. It
19 was at the time when people were being expelled from their homes and
20 forced to leave by the Serb army. That time. I don't know how to
21 explain it better.

22 Q. Do you maybe recall the season in which that was? Was it
23 summer? Winter? What was it --

24 A. No, I don't remember. I don't think it was winter because there
25 was not much snow on the ground. Maybe not at all. No, no snow on

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 965

Cross-examination by Mr. Von Bone

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

1 the ground. I can't remember. Had I been able to remember things,
2 perhaps I would be able to tell you now.

3 Q. You went together with the people [REDACTED]
4 [REDACTED] to Zllash. To whom did you report there?

5 A. We went to Zllash and we went up to Fatmir Sopi. There was also
6 Adem Shehu and Triumph. So we reported to Fatmir Sopi. They took our
7 details. He said that we could stay there and he said that we had to
8 be trained first. So we remained there.

9 Q. What kind of details did Fatmir Sopi take down from you?

10 A. Name, surname, date of birth, place of residence. Main personal
11 details.

12 Q. Was there anything else he asked you?

13 A. No. No other questions. He asked whether we had gone there to
14 join, to contribute to the war effort. We said yes. I said okay.
15 He told us where we would sleep, where we would eat. Basic things.
16 It was not a long conversation. We then had more to do with
17 Adem Shehu and the training than anything else.

18 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, just two
19 remarks. Are we approaching the questions that could be asked in --

20 MR. VON BONE: In public session, I think so, yes.

21 PRESIDING JUDGE VELDT-FOGLIA: -- in public? And the other
22 thing is that --

23 MR. VON BONE: [Overlapping speakers] ...

24 PRESIDING JUDGE VELDT-FOGLIA: -- for your information we are
25 approaching the break time.

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 966

Cross-examination by Mr. Von Bone

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

1 MR. VON BONE: Yeah. I wonder, because this is a lengthy
2 part --

3 PRESIDING JUDGE VELDT-FOGLIA: To do in public.

4 MR. VON BONE: [Overlapping speakers] ... and we can do that in
5 public, but I would sure -- you know, if we cut now, maybe it's
6 naturally better a moment than to do it -- to continue.

7 PRESIDING JUDGE VELDT-FOGLIA: Okay, thank you. And then I will
8 ask Madam Court Officer to bring us back into public session.

9 [Open session]

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

11 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

12 Mr. Witness, it's now time for the first break. We will have a
13 30-minute break, and I will ask Madam Court Usher to assist you
14 exiting the courtroom, and we will see you back at 11.30.

15 THE WITNESS: Okay.

16 [The witness stands down]

17 PRESIDING JUDGE VELDT-FOGLIA: We will resume in 30 minutes.

18 The hearing is adjourned.

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

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

21 PRESIDING JUDGE VELDT-FOGLIA: Let us see if we are all in the
22 same composition. Yes, the SPO, Victims' Counsel, and, yes, the
23 Defence is also in the same composition.

24 Mr. Mustafa is there.

25 Yes. Before we bring in the witness, W01679, I have a request

Witness: W01679 (Resumed) (Open Session)

Page 967

Cross-examination by Mr. Von Bone

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

1 for the SPO. It would be appreciated, if possible, if you could
2 already send the list with the documents you would like to use in
3 direct examination for Witness W04603 during next week. Only if it
4 is possible. But it is a request from our side.

5 MS. D'ASCOLI: Yes, Your Honour. Of course it's possible. We
6 will do that.

7 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you. Good.

8 Madam Court Usher, can you please bring the witness back to the
9 courtroom.

10 [The witness takes the stand]

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

12 THE WITNESS: [Interpretation] Thank you.

13 PRESIDING JUDGE VELDT-FOGLIA: We will continue now with the
14 questioning by the Defence counsel for Mr. Mustafa.

15 Please take the floor.

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

17 Q. Mr. Witness, you arrived at some point in Zllash and you
18 reported to Mr. Sopi and he took down the details of you, and that is
19 where we basically ended. I pick it up from there.

20 Did you, without mentioning your name, list yourself under your
21 own name?

22 A. Yes, under my own name and details.

23 Q. And could you tell us what happened next. When you had reported
24 to enlist yourself for the KLA, what was the next step for you
25 personally?

Witness: W01679 (Resumed) (Open Session)

Page 968

Cross-examination by Mr. Von Bone

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

1 A. We didn't take any particular steps. We were told where we
2 would sleep, where we would stay, and we continued to stay in that
3 school building.

4 Q. [Microphone not activated].

5 THE INTERPRETER: Microphone, please.

6 MR. VON BONE:

7 Q. And could you tell, was there any explanation what you would
8 actually learn there?

9 A. We learned some military exercises, training, advice. These
10 sorts of things.

11 Q. And did you have a specific trainer assigned to you?

12 A. No. All of us went to do military training. Adem Shehu and a
13 person called Triumfi was there. So we went out for training. There
14 were more of us, not only me, but the others who were in that
15 building as well.

16 Q. Did you join in, in some kind of new generation of KLA soldiers?
17 Were they already busy or did you start all together or as you
18 arrived, just like that? Could you explain whether -- that you
19 entered into a particular group of people?

20 A. With everybody who was there. There were many others there. We
21 did all these activities, military activities, together. We did the
22 military training together.

23 Q. Could you tell us which -- how would the first day look like for
24 you when you had arrived? Next morning, what happened? What was the
25 actual training that happened the next day?

1 A. The following day, there was a sort of a meadow and there was
2 certain items used for training. They made us run, crawl, climb on
3 ropes. So these types of military exercise.

4 Q. With how many people were you in a group?

5 A. When we went out for training -- in the school itself there were
6 many of us, but when we would go out for training, we would do so in
7 groups of 17, 18 persons. Whereas, as I said, in the school building
8 itself, there were many of us.

9 Q. And could you take us through a regular day of training. Could
10 you please tell us, you know, you wake up in the morning, then what
11 would happen? Could you take us through a regular day of training.

12 A. I don't know how to describe it to you. You would wake up in
13 the morning, stay with friends, comrades. Then when the time for
14 training came, together with Adem Shehu and Triumph, we would go to
15 the training ground. There we would do these military exercises for
16 some two hours, sometimes two and a half hours, until we were really
17 tired. Then we would go back to the school. There we would stay,
18 eat our meals. So this was how the days went by while I was there at
19 the school.

20 Q. Could you be a little bit more specific about this military
21 training that you say regular exercises. What kind of exercise did
22 you do, actually, or your group?

23 A. Maybe I can explain it to you in more details. There were, for
24 example, trees or logs. There were ropes that we had to climb up.
25 There were then wire that you had to crawl under. There were logs

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 970

Cross-examination by Mr. Von Bone

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

1 that you had to jump through and run through. So these sorts of
2 exercises.

3 Q. And do you recall any of your fellow group members? And if you
4 do, could you please give us some of their names.

5 A. Which group are you referring to? Sorry.

6 Q. You said you would go with a group of about 17, 18, do training
7 exercises --

8 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I would like to
9 make sure if he is going to mention names that we do that in private,
10 just to be sure that -- I don't know what will come out of that.
11 So --

12 MR. VON BONE: Sure.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes. We do that for this
14 question and then we go back into public. Because you indicated that
15 it could be done in public.

16 Madam Court Officer, could you bring us in private session,
17 please.

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

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

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

21 Defence counsel, please proceed. You might repeat your
22 question.

23 MR. VON BONE:

24 Q. Mr. Witness, when you would go out for your exercises, you said
25 had you a group of 17, maybe 18 people. Can you name any of the

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 971

Cross-examination by Mr. Von Bone

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

1 group members of your group with whom you went to do these kinds of
2 exercises?

3 A. Usually with the boys that I mentioned, [REDACTED] but
4 there were others. There was a certain [REDACTED] There were all
5 sorts of names. It was a group of young people. There were also
6 nicknames. For example, one was the nickname [REDACTED] So a young
7 man
8 was called [REDACTED] So there were different names. I cannot
9 remember
10 all of them at this moment, but there were many of them.

11 Q. And would you sleep alone in a room or would you sleep together
12 with other -- other group members?

13 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, sorry to
14 interrupt you again.

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

16 PRESIDING JUDGE VELDT-FOGLIA: No, I just wanted to go into
17 public if it is possible.

18 MR. VON BONE: I think it would not be wise as maybe the same
19 type of -- or other names would come up.

20 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good.

21 MR. VON BONE:

22 Q. So with whom did you sleep? Or did you sleep alone in a room or
23 did you sleep with other people; and, if so, could you please mention
24 some of their names.

25 A. I mentioned those four persons [REDACTED] these were
persons that I slept in the same room with. There were occasions
where we slept -- 13 of us would sleep in the same room. So it

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 972

Cross-examination by Mr. Von Bone

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

1 wasn't the same all the time. We had bunk beds. But most of the
2 time I stayed with these persons that I went there with, and those
3 that I socialised with at the time, with this [REDACTED]

4 Q. And these three are nicknames or real names?

5 A. [REDACTED] is a nickname. Whereas [REDACTED] these are names.

6 MR. VON BONE: We can go into public session, Your Honour.

7 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
8 bring us into a public session, please.

9 [Open session]

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

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

12 Defence counsel, please proceed.

13 MR. VON BONE:

14 Q. Did you meet these people after the war, these people that you
15 mentioned?

16 A. It could have happened that I saw them, but I did not have
17 contact with them. Apart from those persons that I mentioned with
18 whom I went to join.

19 Q. Now, you stayed for five days in training altogether, four
20 nights or five days. My question is: Did you constantly have the
21 same trainer assigned to your group?

22 A. Yes, the same person.

23 Q. And who was that? Or who were they?

24 A. Adem Shehu and Triumph.

25 Q. And were there any other trainers that you know by name?

1 A. No. I don't know any other trainer by name, apart from these
2 two that I mentioned. At least for those days that I was there.

3 Q. And Adem Shehu and Triumph, were they staying, meaning sleeping,
4 also in the same building?

5 A. They were staying somewhere there but not in the same room with
6 us, because it was a school and there were more rooms in there. It
7 was a school building and they were also staying there.

8 Q. I meant in the same school building but not in your room. That
9 is correct?

10 A. Yes, yes.

11 Q. And the training location where you went, was that nearby or was
12 it far away or -- could you give us an indication about that?

13 A. Let's say the school was like on a hill, and this training
14 ground was like between two hills. It was about 15 minutes far from
15 the school. And I'm saying this in approximate terms. I do not know
16 exactly how far it was. But this is what I remember, how long it
17 took us on foot to get there.

18 Q. One of the people that you not just mentioned but earlier on
19 mentioned was a female.

20 A. Yes.

21 Q. That female person, did that female person also stay in the same
22 building, sleep in the same building?

23 A. She stayed in the same building in a different room. She was
24 not staying in the same room with us.

25 Q. And do you recall approximately how many female people were in

1 that school as a recruit or otherwise?

2 A. I don't remember. I don't remember how many females were there.
3 As for men, there were many. And we didn't have any contact there
4 with females.

5 Q. And before you could enter the KLA, was there any assessment or
6 that they would say, "Well, you can join or you cannot join"? Was
7 there any such conversation or -- with you or the other people that
8 you went with?

9 A. No, there was no such conversation. We simply went there, told
10 them, "Here we are. We came to join, to give our contribution."
11 They said, "Yes, you can join," took our personal details. So this
12 was it. There was nothing more than that with that commander. And
13 once you were admitted, you knew you were admitted because they would
14 take your details and they would tell you that you can continue with
15 the exercises. So you immediately knew that you were admitted and
16 that you should, from that moment onwards, give your contribution.

17 Q. And was there any question about what kind of specific talents
18 or capacities that you might have so that they could assign to you a
19 particular unit or area?

20 A. No, they didn't ask me such questions at the time. We went
21 through exercises and, as I said, I did not stay there for long.

22 Q. In one of your statements, I recall -- that is the statement
23 that the SPO, Part 2, RED, Revised, page 2. I read that you did one
24 day of guarding; is that correct?

25 PRESIDING JUDGE VELDT-FOGLIA: For the record -- excuse me. For

Witness: W01679 (Resumed) (Open Session)

Page 975

Cross-examination by Mr. Von Bone

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

1 the record, it's 060698-TR-ET.

2 MR. VON BONE:

3 Q. Do you recall that?

4 A. Yes.

5 Q. And did you do that alone or did you do that with somebody else?

6 A. No. Together with another person. It wasn't quite guard duty.

7 Every soldier had to go out a bit further from the school near a tree

8 for an hour to monitor if there was movement. So when I was on that

9 duty, I was together with this person [REDACTED] So every

10 soldier had his turn to go to that position to observe potential

11 enemy movement.

12 Q. Do you recall what actually the neighbours with whom you went to

13 Zllash, the people you mentioned earlier, do you know what happened

14 to them, which eventual tasks they were assigned?

15 A. I don't know what tasks they were given. After I was released,

16 I went to see them in their houses. They told me that after I had

17 been taken away, they had also left several days later. They had

18 returned to their homes.

19 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I just want to

20 remind the witness of a point.

21 Mr. Witness, don't mention any names, also not any nicknames,

22 because we are in open session.

23 THE WITNESS: [Interpretation] I really apologise, Your Honour.

24 PRESIDING JUDGE VELDT-FOGLIA: No, you don't have to apologise.

25 It's just for your benefit.

Witness: W01679 (Resumed) (Open Session)

Page 976

Cross-examination by Mr. Von Bone

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

1 MR. VON BONE:

2 Q. Mr. Witness, at some point some people came for you to that
3 school in Zllash; do you recall that?

4 A. Yes.

5 Q. And if I'm correct, these were four people; is that correct?

6 A. Yes, that's how it was.

7 Q. And if I'm correct, one of them went to Fatmir Sopi and three of
8 those stayed with you; is that correct?

9 A. This is how it was.

10 Q. And why would that person need to go to Fatmir Sopi?

11 A. That I don't know. They had their own things. I was outside
12 with the other three. I don't know why he went inside, what he
13 discussed, with whom. I don't know.

14 Q. So just to be sure, are you actually sure he went to Fatmir Sopi
15 or do you not know whether he went to Fatmir Sopi and just went into
16 the school for some reason?

17 A. The school was there. Fatmir Sopi was in one office. He
18 entered the building, so he went towards the part where Adem Shehu,
19 Fatmir Sopi were staying. And I really did not pay attention. It
20 was of no interest to me what was going on there.

21 Now, as to what he did there inside, that I don't know. They
22 know it.

23 Q. Do you recall the name of the person who went to see somebody in
24 the school?

25 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait. I don't want that in

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 977

Cross-examination by Mr. Von Bone

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

1 public, please.

2 MR. VON BONE: [Overlapping speakers] ... [Microphone not
3 activated].

4 PRESIDING JUDGE VELDT-FOGLIA: We are going into private.
5 Please, Madam Court Officer, could you bring us there.

6 ~~[Private session]~~ [Open session]

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

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

10 MR. VON BONE:

11 Q. So who was the person? Do you know the name of the person who
12 went into the school to talk to whoever he would talk to?

13 A. At that particular moment I did not know their names; but in the
14 meantime, I learned them during my stay at that location. So I
15 learned about Bimi and the others. I learned who Bimi was, that this
16 person was [REDACTED] and this was the other persons. But at that
17 particular moment, I had no idea what was going on.

18 Q. I understand. I also understood that you knew two of the people
19 who were coming for you; is that correct?

20 A. I did not know those who came to take me; but in the meantime, I
21 had learned who they were, all of them.

22 When someone comes to you, does not introduce himself, doesn't
23 do anything, just stays there, I don't know how one can know who that
24 person is. But in the meantime, I got to learn their names. They
25 are in my head and I will never forget those persons.

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 978

Cross-examination by Mr. Von Bone

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

1 Q. So even though you knew not the names of that person who went
2 inside the school at that time, did you learn the name of that person
3 afterwards; and, if so, what was his name?

4 A. I mentioned [REDACTED] here and [REDACTED] I don't know whether
it was

5 [REDACTED] or [REDACTED] who went in to talk. Whereas the other three
remained

6 outside with me.

7 Q. Could you describe [REDACTED] please. How does he look like?

8 A. [REDACTED] was tall, muscular. He was the tallest of them all.

9 Q. Any other description that you can give about him?

10 A. I don't know how to describe him further.

11 Q. The other people who were staying with you, how were they
12 dressed at that moment?

13 A. They had black uniforms on and caps on.

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

15 PRESIDING JUDGE VELDT-FOGLIA: Madam Court Officer, could you
16 bring us into private session -- in public. Excuse me, into public
17 session.

18 [Open session]

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

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

21 Defence counsel, please proceed.

22 MR. VON BONE:

23 Q. Were there any specific insignia on them?

24 A. Yes. They had an emblem with an eagle and the inscription BIA.

25 Yes, they did have emblems.

Cross-examination by Mr. Von Bone

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

1 Q. You were pointing. Could you point on yourself where that was,
2 where you saw that?

3 A. Here, or here. They had a round emblem on the arm here. But in
4 various positions. I didn't pay attention much to where these
5 insignia were placed. I never thought that such a thing would happen
6 to me.

7 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, let me just
8 clarify it a little bit more.

9 On the left or on the right side of the clothing was the
10 insignia?

11 THE WITNESS: [Interpretation] Right here, on the left.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. That's because we write it
13 down and we don't see what you're signing, so in the record it will
14 appear what you said. Thank you.

15 Please proceed, Defence counsel.

16 MR. VON BONE:

17 Q. Is that on the left on the chest, do I understand? Because I
18 see you pointing.

19 A. Yes. Both on the chest and on the arm. Sometimes they had
20 things written on their arms. But I didn't pay much attention,
21 whether it was an emblem, insignia, or something else.

22 MR. VON BONE: Are we in public session?

23 PRESIDING JUDGE VELDT-FOGLIA: We are in public session.

24 MR. VON BONE: Okay.

25 Q. Mr. Witness, then from the school on, where did you go?

1 A. From the school, we continued on to that part, through meadows.
2 There was another building there. They put something on my -- over
3 my head and they told me to lower my head and took me inside that
4 building.

5 Q. And was that building far away?

6 A. No, it wasn't very far away from the school. I think perhaps
7 20 minutes' walk away. I'm not very sure now, but approximately
8 20 minutes' walk.

9 Q. And do you recall when whatever was on your head was taken off
10 your head? Do you recall when that was?

11 A. When I was inside. Because even when I was down there, when
12 they were taking me inside, they told me that, "The commander needs
13 to ask you something." And when I got inside, they took that thing
14 off my head.

15 Q. Did you know at that moment when you arrived there the name of
16 that commander?

17 A. When he started to ask me questions, I only knew that it was a
18 commander. Because that's what I was told earlier that, "The
19 commander needs to ask you something." So all I knew at that moment
20 was that this person was the commander.

21 Q. And this commander, could you describe him?

22 A. I don't know how to describe him to you.

23 Q. Why can you not describe him?

24 A. How? That's the accused that you are defending. Perhaps he was
25 slimmer then.

1 Q. I'm just -- want to ask you to give a description of the person
2 that you met when you met this commander.

3 A. The commander was sitting there. We got inside and the other
4 soldiers told him, "Here you are, here's the person." He was wearing
5 a camouflage jacket and started asking me, "Why are you here?" and
6 things like that. I answered that I had come to join and to make my
7 contribution. He started shouting and saying things like, "You are
8 lying, tell me the truth," and got up and hit me. And the other
9 persons also hit me.

10 The other soldiers asked him, "What shall we do with him?" He
11 said, "Just finish him. Finish him off."

12 These are the things I remember from that time, and I'm trying
13 to explain them to you.

14 Q. And what was the colour of his -- whatever he was wearing?

15 A. Well, it was the colour of the army uniform. He was not wearing
16 a black uniform. It was a different uniform. I don't know about the
17 rest.

18 Q. If I recall your story well, that was the first time that you
19 got beaten; is that correct?

20 A. Yes, that was the first time, the initial beating.

21 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I want to put a
22 question to the witness.

23 Mr. Witness, how are you doing?

24 THE WITNESS: [Interpretation] I'm okay. Thank you. I am trying
25 to keep calm and collected.

1 PRESIDING JUDGE VELDT-FOGLIA: Okay, good. If you need a break,
2 you can always tell that.

3 THE WITNESS: [Interpretation] Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, please proceed.

5 MR. VON BONE:

6 Q. You -- after this beating, you were taken to the barn or the
7 cowshed, whatever we want to call it. You were taken to the other
8 place; correct?

9 A. Yes.

10 Q. Could you describe that place for us, that cowshed or barn,
11 whatever we want to call it, in dimensions.

12 A. It was not a big space. I don't really know how big exactly it
13 was. It was normal ground. There was hay on the floor. It was
14 damp, stone walls and beams. I don't really know how big it was.
15 Perhaps as big as a normal room.

16 Q. And could you touch the ceiling, for example, or was it higher
17 than ...

18 A. I don't remember. I don't know. At the time I was smaller and
19 I think perhaps I wouldn't be able to touch the ceiling then.

20 Q. And how many steps would it take from one side to the other
21 side, if you give an estimate?

22 A. I don't know, sir. I wouldn't be able to tell you.

23 Q. And do you recall if there was a window?

24 A. I don't remember. As far as I remember, there was no window.
25 There was just a door, a wooden door, and there were some spaces

1 where you could see light between the wooden slats. But I didn't pay
2 much attention to these things.

3 Q. You spent there 18 days in total; is that correct?

4 A. I was released on the 18th day.

5 Q. And so that's 17 nights, I would -- I assume. Of those 18 days,
6 how many days have you been beaten?

7 A. Almost every day. I don't know whether there was the odd day
8 where you were beaten less severely than on the other days. I can't
9 say that we were not beaten every day. We were beaten every day, but
10 sometimes the beatings were lighter.

11 Perhaps downstairs in the barn we had those lighter beatings.
12 Upstairs it was heavier and more severe.

13 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, this was a
14 question which was put also yesterday and it was extensively talked
15 about. So I don't want to interrupt your line of questioning, but I
16 would not like to repeat that.

17 MR. VON BONE:

18 Q. You told us that you have been beaten multiple times and when
19 there was a severe beating you would be taken upstairs, I take it?

20 A. Yes.

21 Q. And was there questioning when you would be beaten or would it
22 be just that you would go up and you would be beaten, just like that?
23 Or was there any questioning in all the moments that you have been
24 beaten?

25 A. Sometimes they would ask you questions, "Tell us why are you

Cross-examination by Mr. Von Bone

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

1 here?" And at other times they would call me a thief and call me all
2 sorts of names. They did whatever they wanted with me.

3 Q. Was the commander present at each of the beatings?

4 A. No, he wasn't. There were occasions that he wasn't present.

5 Q. And of the many times that you were beaten, how many times was
6 he not present; do you recall that?

7 A. I don't remember. But there were occasions when he was not
8 there.

9 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel.

10 MR. VON BONE: Yes.

11 PRESIDING JUDGE VELDT-FOGLIA: You have now used less or more
12 the time that was allocated to you, but if you need more time, you
13 will be granted that.

14 MR. VON BONE: I would like to certainly have some more time
15 then.

16 PRESIDING JUDGE VELDT-FOGLIA: I understand that. How much more
17 time do you need, according to your estimation?

18 MR. VON BONE: I think 20-some minutes, maybe --

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

20 Microphone, please.

21 MR. VON BONE:

22 Q. Is it correct that two women participated in the questioning or
23 the beatings?

24 A. I know that there were two females there, and I have a scar
25 because of one of them. On that occasion, she was there and I have a

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 985

Cross-examination by Mr. Von Bone

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

1 scar because of her hitting me.

2 PRESIDING JUDGE VELDT-FOGLIA: Is this a moment, Defence
3 counsel, to go into private if you are going to ask further questions
4 on this specific point?

5 MR. VON BONE: Yes, I think it is better then.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay.

7 Madam Court Officer, could you bring us into private, please.

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

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

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Please proceed, Defence counsel.

12 MR. VON BONE:

13 Q. Mr. Witness, how did you get that scar - was it a scar that you
14 said? I think you said a scar - by one of these female persons?

15 A. Yes, I have a scar because of one of the females.

16 Q. What happened?

17 A. They were torturing me and they were making fun of me, and she
18 had a hot iron and burnt me with it. And that's how I got the scar
19 which I have to this day.

20 Q. A hot iron. Do you mean an iron where we iron clothes with,
21 such an iron?

22 A. Yes, an ironing iron. She was doing something in the room. I
23 didn't see her. She was behind me.

24 Q. You're sure it was not accidental?

25 A. Perhaps everything that happened to me was accidental. I don't

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 986

Cross-examination by Mr. Von Bone

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

1 know.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I see the
3 Victims' Counsel standing.

4 MS. PUES: Yes. I object to that question because it isn't,
5 indeed, an attempt to try to ascertain the truth but basically an
6 assumption which is more of a rhetorical question rather than
7 anything else.

8 So I would want to express that more focus on ascertainment of
9 the truth in an effective way is needed here.

10 Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: I will allow this question so --
12 and the witness has answered it.

13 MR. VON BONE:

14 Q. Mr. Witness, what kind of scar did that inflict on you?

15 A. I have the scar that I was burnt. It was bigger initially, but
16 now it's still there, although it's smaller.

17 Q. Mr. Witness, you have been stating that you have been maltreated
18 with electricity. My question is: That electricity, how was that
19 put on you? Could you explain that.

20 A. I'll try to explain. They would get wires from a box and attach
21 those wires to your feet, and when they touched the button in that
22 box you would get a shock. This is how it was.

23 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, this question
24 has been asked yesterday. So I would insist -- you have been given
25 more time, but I would insist on not repeating the questions that

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 987

Cross-examination by Mr. Von Bone

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

1 have been asked already.

2 MR. VON BONE: It's usually a step-up question to another
3 question. It was not --

4 Q. Would you have bare feet or would you have shoes on or clothes
5 on when that would be done?

6 A. When they started beating you, you lost your shoes. They were
7 not on your feet. But if -- when they beat you and they wanted to
8 electrocute you, they put your trousers up, they folded them up, and
9 they put the wires, attached them to the flesh.

10 Q. And with how many people would that be done?

11 A. Usually that was done by two persons. If you want, or if you
12 allow me, I can give you the names.

13 Q. Sure.

14 A. This was done by [REDACTED]. He was the expert of that
15 kind of thing. Usually it was the two of them that used that box.

16 Q. Has this ever been done in the presence of the commander?

17 A. I don't know. Perhaps. But I don't remember. I don't remember
18 because sometimes people would come in and I was not paying attention
19 who was coming in, who was going out. I was just thinking on how
20 could I escape from this thing and not die.

21 Q. Were there ever any people who maltreated you who had a mask on?

22 A. No. The people who ill-treated me didn't.

23 Q. You spoke about a person called Bahria [phoen] in one of the
24 statements to the SPO. Could you explain who is Bahria?

25 MS. D'ASCOLI: Your Honours.

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 988

Cross-examination by Mr. Von Bone

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

1 PRESIDING JUDGE VELDT-FOGLIA: Yes.

2 MS. D'ASCOLI: I mean, just -- we are aware of the references,
3 but just for good practice it would be helpful if we were provided
4 that because, in this way, it's easier to check.

5 PRESIDING JUDGE VELDT-FOGLIA: Yes. I was going to make the
6 same point. So --

7 MR. VON BONE: No problem. It's Part 2, and then it's Revised,
8 RED3, and it's on page 21. And the Part 2 of it is -- let me get
9 very specific.

10 THE INTERPRETER: Interpreters kindly ask the counsel to switch
11 off the microphone when he is shuffling through papers.

12 MR. VON BONE: The reference is 060698-TR-ET, Part 2, Revised,
13 RED3, [REDACTED], and it's line 12 on page 21.

14 Q. Mr. Witness, could you tell us who is Bahria or Bahria?

15 A. Bahri, from what from I understood, was Cali's deputy. And I
16 knew him. He did not take part in the torturing. That's all I know
17 about him.

18 Q. And how did you know him?

19 A. Are we in private session?

20 PRESIDING JUDGE VELDT-FOGLIA: Yes, we are.

21 THE WITNESS: [Interpretation] I know him because [REDACTED]
22 [REDACTED]

23 MR. VON BONE:

24 Q. And how do you know that he was the deputy of the commander?

25 A. That is what I understood from [REDACTED] and the other people
that

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 989

Cross-examination by Mr. Von Bone

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

1 were there. That he was his deputy. So I learned from other people
2 that he was some sort of deputy.

3 I didn't pay attention much to these things. He was a person
4 who didn't ill-treat me. He didn't do anything bad to me, so I
5 didn't pay much attention.

6 Q. And is that his real name or is that a nickname?

7 A. That's his real name, Bahri.

8 The other person here, [REDACTED], is another person altogether.
9 So

9 Bahri and [REDACTED] are not the same person. They are different
10 people.

10 Q. And what is the family name or surname of Bahri?

11 A. I don't know his surname. I never asked. I know that there is
12 a Bahri [REDACTED]

13 Q. Mr. Witness, I want to speak to you about [REDACTED]

14 A. Yes.

15 MR. VON BONE: I am, for reference, in the same document on
16 page 32, I think, if I'm right. Excuse me, page 30, 31.

17 PRESIDING JUDGE VELDT-FOGLIA: Which part, Defence counsel?

18 MR. VON BONE: Yeah. I'm trying to --

19 PRESIDING JUDGE VELDT-FOGLIA: Okay.

20 MR. VON BONE: -- establish that for you.

21 Yes, it's page 30, and it's line 8 until line 13.

22 PRESIDING JUDGE VELDT-FOGLIA: Of which part?

23 MR. VON BONE: Of Part 2, Revised, page 30. It starts with the
24 [REDACTED] on page 29, line 18, and it runs
25 through up to page 30, up to the line -- you see line 18. And that

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 990

Cross-examination by Mr. Von Bone

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

1 continues.

2 Q. Mr. Witness, I want to speak with you about [REDACTED] And
3 in your testimony to the SPO, you spoke about something with him, and
4 I would like to cite that for you.

5 The question is, that was being asked:

6 "Q. And do you know why he was maltreated? Did he say or did
7 you understand why he was there in the first place?"

8 And your answer was:

9 "A. No, I don't know. As far as I know, when I asked him, 'Why
10 did they bring you here,' he said, 'I don't know myself why I was
11 brought here. [REDACTED]'"

12 Is that correct, what you said to the Prosecutor?

13 A. In the meantime, I learned that he was brought there in relation
14 to theft. Maybe the Prosecutor did not ask me a clear, specific
15 question. But as I said, during my stay there, I learned and heard
16 things from all the others. And even if they didn't tell you
17 anything, you could hear when they were brought upstairs. You could
18 hear the perpetrators calling them names, "You're a thief, you're
19 this, and you're that," so you could hear all these things.

20 Q. But this is something that specifically [REDACTED] said to
21 you, according to the transcript of your testimony.

22 PRESIDING JUDGE VELDT-FOGLIA: Defence counsel, I'm under the
23 impression that -- because you -- can you take off your headphones a
24 moment, Mr. Witness?

25 I am under the impression that he did not get your question. If

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 991

Cross-examination by Mr. Von Bone

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

1 I understood you well, you were referring to the word [REDACTED]

2

3 MR. VON BONE: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: But I don't think he picked that
5 up. So you might rephrase and then ask the question again.

6 You can put it on.

7 MR. VON BONE:

8 Q. Mr. Witness, thank you very much. I'll clarify again what I'm
9 trying to ask you.

10 The reason for being there is being asked, the reason for
11 [REDACTED] being there. And then the question to you was asked:

12 "Do you know why he," [REDACTED] "why he was
13 maltreated?"

14 And he asks:

15 "Did he say or did you understand why he was there in the first
16 place?"

17 And your answer to that question was:

18 "No, I don't know. As far as I know, and when I asked him, 'Why
19 did they bring you here,' he said, 'I don't know myself why I was
20 brought here. [REDACTED]'"

21 Now my question to you is: Did [REDACTED], indeed, tell you
22 that [REDACTED]

23 A. Yes, this is how it was. As far as I remember, this is how it
24 was. This is how described him. I don't know why they took him.

25 But I'm trying to explain here those things that are still in my

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 992

Cross-examination by Mr. Von Bone

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

1 head.

2 So from his own words, from the discussions that we had inside
3 that room with all the others. So these are things that are left in
4 my head.

5 Q. Okay. Thank you very much.

6 PRESIDING JUDGE VELDT-FOGLIA: Microphone, please.

7 MR. VON BONE:

8 Q. Then there was also [REDACTED] in the place where you
9 stayed.

10 A. Yes.

11 Q. Apparently --

12 MR. VON BONE: Which is on the same page. Maybe we can bring it
13 up a little bit, the same screen.

14 Q. And you said:

15 [REDACTED] they were
16 maltreated treating him and they" --

17 MR. VON BONE: And then the next page, please.

18 Q. -- "and they used to say to him that, 'You [REDACTED]
19 [REDACTED]

20 Do you know, actually, who told you that? Was this
21 [REDACTED] himself that told you that?

22 A. From the conversations we had while we were inside, he spoke
23 about these things, but also while he was being tortured, you could
24 hear them accusing him of [REDACTED]

25 [REDACTED] As I said, [REDACTED] So I

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 993

Cross-examination by Mr. Von Bone

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

1 learned this information mainly from the discussions, conversations
2 we had while we were inside.

3 And the accused is, in a way, [REDACTED]. As far as
4 I can say, [REDACTED].

5 Q. I see.

6 MR. VON BONE: A couple of questions, Your Honour, and then we
7 will finish it.

8 Q. You went eventually from -- the day you were released, you left
9 Zllash?

10 A. Yes.

11 Q. And at the time, you have seen somebody there.

12 MR. VON BONE: Are we in private session?

13 PRESIDING JUDGE VELDT-FOGLIA: We are in private session.

14 MR. VON BONE:

15 Q. You have seen somebody there who was brought there. Do you
16 recall who that was?

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 994

Cross-examination by Mr. Von Bone

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

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 Q. I understand that. And we're still in private session. What
12 was the name of that [REDACTED]?

13 A. His name [REDACTED].

14 Q. Is that a first name or a last name?

15 A. It's a first name. Maybe it's not that important to mention.
16 His name [REDACTED]. Maybe it's not that important to mention his
17 surname.

18 Q. And why is that not important? Can you not just tell us? We're
19 in private session. Nobody can hear you.

20 A. Well, we are in private session, but through you, your client
21 can do something. [REDACTED] But, if necessary,
22 I can tell it to Judges his name and surname.

23 Q. Okay.

24 A. Privately.

25 Q. Lastly, [REDACTED]--

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 995

Cross-examination by Mr. Von Bone

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

1 sorry, [REDACTED]

2 A. Yes.

3 Q. And you went [REDACTED]?

4 A. And [REDACTED]

5 Q. Right. Now, [REDACTED], was anybody

6 else [REDACTED]

7 A. As far as I remember, [REDACTED].

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 MR. VON BONE: I'm trying to think about the question that pops

22 through my head but doesn't come. Just a minute.

23 Q. [REDACTED]

24 [REDACTED]

25 A. I don't remember anything specific. He mostly spoke [REDACTED]

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) Reclassified pursuant to F493 Page 996

Cross-examination by Mr. Von Bone

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

1 I don't remember the exact conversation, but he was speaking about
2 [REDACTED] in sad terms, why they took him, why are they doing this to
3 him.

4 Q. And did [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. Well, they did what they could. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 Q. I understand. And I also understood that you left at some
13 point. Was that in the afternoon or was that in the evening?

14 A. More towards the evening, at the late afternoon. It was sort of
15 early evening. I don't know. Here, maybe the evening-time differs
16 here, but I think we left just before dusk, at around 5.00 p.m.

17 Q. And how long did your trip [REDACTED] from the
18 moment that you were released; do you remember that?

19 A. [REDACTED] I don't quite understand your question.

20 Q. I'm sorry. You were released from the place where you had been
21 detained. [REDACTED]

22 [REDACTED]?

23 A. I don't know, but approximately three, four hours from the time
24 we were released. I really don't know, because we would stop on our
25 way to rest. I can really not be more precise than this about these

Witness: W01679 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F493* Page 997

Cross-examination by Mr. Von Bone

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

1 issues.

2 Q. Well, thank you very much, Witness.

3 MR. VON BONE: This concludes our questions.

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

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

7 [Open session]

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

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

10 Yes, we have concluded the questioning by the Defence. I'm
11 looking to the SPO whether they need time to re-direct and how much
12 time you would be needing. And that would be for after the break
13 because I see it's five minutes to 1.00.

14 MS. D'ASCOLI: Yes, Your Honours. Thank you. I do have a few
15 questions for re-direct. I don't think it will take me longer than
16 10 to 15 minutes.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay. Very well. Thank you.

18 Then, for now, we will adjourn.

19 Mr. Witness, we will now take a break, a lunch break till 2.30.

20 THE WITNESS: Okay.

21 PRESIDING JUDGE VELDT-FOGLIA: And I will now ask

22 Madam Court Usher to assist you in exiting the courtroom.

23 THE WITNESS: [Interpretation] Thank you.

24 [The witness stands down]

25 PRESIDING JUDGE VELDT-FOGLIA: Good. We see each other at 2.30.

Witness: W01679 (Resumed) (Open Session)

Page 998

Procedural Matters

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

1 The hearing is adjourned.

2 --- Luncheon recess taken at 12.54 p.m.

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

4 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. Let me see. For
5 the SPO, I see the same team present. The same goes for the
6 Victims' Counsel team.

7 And here on my left side, I see a change.

8 MR. VON BONE: Yes, Mr. Pelaj will not be joining. Maybe later
9 on, but I think he will not be joining this afternoon.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. And I see also Mr. Mustafa
11 present. Good.

12 We continue with the testimony of W01679.

13 Madam Court Usher, can you please bring the witness back. Thank
14 you.

15 [The witness takes the stand]

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, welcome back.

17 THE WITNESS: [Interpretation] Thank you.

18 PRESIDING JUDGE VELDT-FOGLIA: We will continue now with some of
19 the questioning, and I will now give the floor to Madam Prosecutor.

20 Before the lunch, Madam Prosecutor, you indicated that you would
21 like to re-direct for about 10, 15 minutes, yes.

22 MS. D'ASCOLI: Yes, Your Honours, and it will probably be less
23 than that.

24 PRESIDING JUDGE VELDT-FOGLIA: Okay. You have the floor.

25 MS. D'ASCOLI: Thank you, Your Honours.

Witness:W01679 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 999

Re-examination by Ms. D'Ascoli

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

1 Re-examination by Ms. D'Ascoli:

2 Q. Mr. Witness, earlier in cross-examination, the Defence counsel
3 asked you questions about a prior statement. This was from pages 17
4 onwards of today's transcript. Defence counsel also made references
5 to some corrections that were made to that statement during the SPO
6 interview, and this is from page 19 of today's transcript.

7 Do you remember that, Mr. Witness?

8 A. Yes.

9 MS. D'ASCOLI: Your Honours, since the questions I have involve
10 protected information, I will ask that we please move into private
11 session.

12 PRESIDING JUDGE VELDT-FOGLIA: Yes.

13 Madam Court Officer, could you bring us into private session,
14 please.

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

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

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

18 Madam Prosecutor, you have the floor.

19 MS. D'ASCOLI: Thank you, Your Honours.

20 Q. Sir, in fact, you made handwritten corrections to the Albanian
21 copy of that statement during the SPO interview of [REDACTED]; do
22 you remember that?

23 A. Yes. I don't remember the date, but I made some corrections,
24 and that was in relation to the things that the Prosecutor and I were
25 not understanding each other.

Witness:W01679 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1000

Re-examination by Ms. D'Ascoli

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

1 Q. Of course.

2 MS. D'ASCOLI: Can I please ask Madam Court Officer to bring up
3 on our screens document number 6 in the list of exhibits for this
4 witness, which is marked with the ERN 060690 to 060698, RED1, and
5 page 6 of this document, please, which is ERN 060695.

6 Your Honour, for the record, the specific -- while we do this
7 and actually in the meantime, can we also have the first page of the
8 corresponding English translation, which is page 7 of ERN 060690 to
9 060698-ET RED. So if in the meantime we can bring up these two
10 documents, please. Thank you.

11 And Your Honours, for the record, the specific transcript
12 references to the corrections to the UNMIK statement discussed in the
13 SPO interview of [REDACTED] can be found at ERN 060698-TR-ET,
14 Part 3, Revised. It is at page 20 to 22, and then 24 to 28 of the
15 English; and pages 20, 21, and then 23, 27 of the corresponding
16 Albanian transcript.

17 Q. Mr. Witness, now that we have the documents on the screen, do
18 you see the first page of the handwritten statement on your left-hand
19 side of the screen?

20 MS. D'ASCOLI: And if we can please scroll down so that the end
21 of the statement is visible.

22 THE WITNESS: [Interpretation] Yes, I can see it.

23 MS. D'ASCOLI:

24 Q. Can you see the date and signature at the bottom of the page?
25 If you can tell us whose signature is that.

Witness:W01679 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1001

Re-examination by Ms. D'Ascoli

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

1 A. It is my signature.

2 Q. The date is the [REDACTED] so, you know, done during the
3 SPO interview.

4 A. Yes, that's what I see here. [REDACTED]

5 Q. Okay.

6 MS. D'ASCOLI: Can we now please move to the next page, page 7
7 of the original statement, while we can stay on the same page of the
8 English. And, again, if we can please scroll down towards the end of
9 the page. Thank you.

10 Q. Mr. Witness, do you see the two handwritten lines? It appears
11 in kind of blueish at the bottom of the page, those marks with
12 numbers 1 and 2. Can you see that?

13 A. Yes.

14 Q. Whose handwriting is that, please?

15 A. My handwriting.

16 Q. Okay. Can you please read these two lines for us, these two
17 lines marked with numbers 1 and 2, please.

18 A. [REDACTED]

19 [REDACTED]

20 Q. Thank you.

21 MS. D'ASCOLI: If we actually scroll down also in the English
22 version, then the translation is visible. Thank you.

23 Okay. Can we please move to the next page of the -- actually,
24 both versions. The Albanian and the English, please. The bottom of
25 the page, please.

Witness:W01679 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1002

Re-examination by Ms. D'Ascoli

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

1 Q. Mr. Witness, do you see the handwritten part at the bottom of
2 the statement on your left-hand side? And if you can also tell us
3 whose handwriting is that.

4 A. My handwriting. Again, I was trying to correct some of the
5 things together with your Prosecutor. He asked me questions and I
6 tried to correct the things that were wrong in the older statement.
7 There were several things in the previous statement that were not
8 clear, both for me and for your Prosecutor. And I tried to explain
9 them and correct them.

10 Q. Thank you for that explanation. Can I ask you to read that
11 handwritten line marked with number 3, please.

12 A. [REDACTED]

13 [REDACTED]

14 Q. Okay. Thank you. So, Mr. Witness, were these the corrections
15 that you made, that you wanted to make to the UNMIK statements?

16 A. Yes, some of them. However, I did not have the chance to see
17 everything that was in that previous statement, but in relation to
18 the questions your Prosecutor asked me, I tried to correct the things
19 that he asked of me.

20 Q. Okay. And these were areas that were touched upon during the
21 evidence, so it's good to have your corrections and clarifications on
22 the record.

23 MS. D'ASCOLI: And Your Honours for --

24 THE WITNESS: [Interpretation] Yes, these were the ones.

25 MS. D'ASCOLI: For the record, this became Exhibit 4 attached to

Witness:W01679 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1003

Re-examination by Ms. D'Ascoli

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

1 the SPO interview and the ERN number is the one recited before.

2 Okay, yes. Those were my questions. I don't have further
3 questions in re-direct. Thank you.

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

5 Madam Court Officer -- oh, Madam Prosecutor, you wanted to say
6 something?

7 MS. D'ASCOLI: Yes, that we can go back to open session now.

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

10 [Open session]

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

12 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated] thank
13 you, Madam Court Officer.

14 Victims' Counsel, do you hear me?

15 THE INTERPRETER: Microphone, please.

16 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel, do you hear us?
17 I was under the impression that maybe something was not okay. Okay.
18 Good.

19 Do you want to ask some additional questions?

20 MS. PUES: Your Honours, if we could have one minute to consult
21 in follow-up to the Prosecution's questions and then I will answer
22 that.

23 PRESIDING JUDGE VELDT-FOGLIA: You may.

24 [Victims' Counsel confer]

25 MS. PUES: Your Honours, we don't have any further questions.

Witness: W01679 (Resumed) (Open Session)

Page 1004

Questioned by the Court

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

1 Thanks.

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

3 Defence counsel, do you want --

4 MR. VON BONE: We have no more questions.

5 PRESIDING JUDGE VELDT-FOGLIA: You have no more questions.

6 Okay. Good.

7 Mr. Witness, you have been asked questions by the
8 Specialist Prosecutor and by the Victims' Counsel and by the Defence
9 counsel, and I ask you a little bit more because also the Judges of
10 the Panel would like that ask you some questions. It will help us to
11 clarify some more what you have explained to us in your testimony and
12 will be of help in understanding better the events you have described
13 to us.

14 THE WITNESS: [Interpretation] Okay.

15 PRESIDING JUDGE VELDT-FOGLIA: Good. Let us see. Yes, we will
16 now remain in public session for some questions and then we will go
17 into private session.

18 Questioned by the Court:

19 PRESIDING JUDGE VELDT-FOGLIA: You talked this morning -- no, it
20 was yesterday, and the reference is the realtime transcript of
21 4 October, page 19, lines 6 till 21, that you were beaten by
22 [REDACTED] You went into detail with -- also into other
23 beatings. And my question to you: Was [REDACTED] present at
24 some of those beatings?

25 A. Yes, he was present and he was the one that initially beat me.

Witness: W01679 (Resumed) (Open Session)

Page 1005

Questioned by the Court

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

1 PRESIDING JUDGE VELDT-FOGLIA: And at the other beatings where
2 you say he was present, did he beat you then too?

3 A. No, he didn't beat me. He perhaps was there but he didn't beat
4 me. The other ones beat me. But he was present there, was looking
5 on, and was making fun of me. He beat me the initial time, the first
6 time, but the other times I was beaten by his comrades.

7 PRESIDING JUDGE VELDT-FOGLIA: Good. Then we will go to a next
8 question.

9 Court Officer, Madam Court Officer, I would kindly ask you to
10 put up a list of pictures - not at the same time - I would like to
11 start with a picture SPOE00222559.

12 Mr. Witness, please have a look at these pictures. Do you
13 recognise anyone in this picture?

14 A. From what I can see, the one sitting down, here, on the left,
15 resembles to Cali.

16 PRESIDING JUDGE VELDT-FOGLIA: I will ask the Madam Court Usher
17 to come up to you and make you mark with a pen the person you are
18 referring to.

19 A. This one.

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

21 I will now ask the Court Officer to put on another picture.
22 Could you please put on SPOE00222547.

23 Do you recognise anyone in this picture?

24 A. Yes. He resembles him.

25 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. That will do for

Questioned by the Court

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

1 now.

2 Madam Court Usher, it's fine.

3 My next question is: When you were staying in the barn in

4 Zllash, you told in your SPO witness interview - and the reference
5 number is 060698-TR-ET, RED3, Part 1, page 11, lines 14 to 16 - you
6 told that people were brought in who later, after two or three days,
7 would be taken away; do you remember that?

8 A. Yes, I remember that. I meant one person who came there and did
9 not stay long.

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. Because my next question
11 would have been: How many people approximately would have been coming
12 into the barn, staying there some days and be leaving again?

13 A. There were six of us there and a seventh person came. He did
14 not stay long there.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay. So --

16 A. The other six of us were there most of the time.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you for clarifying
18 that. And do you know, if other than in your barn, people were being
19 detained in maybe other barns there?

20 A. I'm assuming there were because we could hear screams from other
21 people. We could hear the voices of other people being ill-treated,
22 so I think there were other people being detained there.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. And the other screams you
24 heard, in which language were they talking?

25 A. In our language, in Albanian.

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1007
Questioned by the Court

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

1 PRESIDING JUDGE VELDT-FOGLIA: The day that you were released
2 from the barn, did you see other people being released than the
3 persons who were with you in the barn?

4 A. No, I didn't see anyone else being released. There were
5 soldiers. I don't know -- they were guards, I think. And I saw the
6 soldiers bringing that other person in, but I didn't see anyone else
7 being released.

8 PRESIDING JUDGE VELDT-FOGLIA: That's the person we already
9 discussed today. I won't say the name, but that was the person we
10 already discussed today? Yes.

11 A. Yes, yes, Your Honour.

12 PRESIDING JUDGE VELDT-FOGLIA: Good.

13 Madam Court Officer, could we go into private session, please.

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

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

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

17 I have some questions for you, Mr. Witness, with regard to the
18 length of your stay at the barn. Earlier today - and then I refer to
19 the realtime transcript of today, page 49, lines 6 till 9, that was
20 during the questioning by the Defence - you stated that you stayed 18
21 days in the barn at Zllash. And how do you know that it was 18 days?

22 A. I said that I was released on the 18th day. I knew how many
23 days I was in there because of the light I could see between the
24 slats of the door to the barn. I could tell when it was day, and
25 that's how I counted the days.

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1008
Questioned by the Court

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

1 PRESIDING JUDGE VELDT-FOGLIA: And when you arrived at the barn,
2 was [REDACTED] already there?

3 A. Yes, I found him there.

4 PRESIDING JUDGE VELDT-FOGLIA: Yes, you stated that you were
5 released with some other people -- with two other people but that
6 [REDACTED] stayed, remained inside.

7 A. Yes, that's correct.

8 PRESIDING JUDGE VELDT-FOGLIA: Did you wait for [REDACTED] to
9 leave
10 the compound?

11 A. I don't know if you understood me. I told you that I was
12 released, another two persons were released, and three remained. We
13 waited outside for them to be released but, unfortunately, they were
14 not, so we went on our way because we were told that we -- they would
15 be released later.

16 PRESIDING JUDGE VELDT-FOGLIA: And with -- did I note rightly,
17 and I see here that reference to the realtime transcript, you --
18 that's 5th of October, page 60, lines 20 to 24, you said you went
19 with [REDACTED]
20 That's -- that you said already this morning.

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1009

Questioned by the Court

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

1 PRESIDING JUDGE VELDT-FOGLIA: Okay.

2 [Technical difficulty]

3 PRESIDING JUDGE VELDT-FOGLIA: Madam Stenographer, shall I call
4 in the IT --

5 THE COURT REPORTER: [Microphone not activated].

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. Madam Court Officer, could
7 we call IT, please -- oh, you're already on the phone. I shouldn't
8 even ask that.

9 Mr. Witness, we have a technical problem with the transcript, so
10 excuse us for that. We hope we can fix it ...

11 THE WITNESS: [Interpretation] It's not a problem.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

13 Madam Court Officer, can you bring us back in public.

14 [Open session]

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

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

17 Mr. Witness, due to the technical problem, we need to take a
18 short break. So you will be ushered out of the courtroom and when we
19 can start again, or restart, then we will ask you to come back.

20 THE WITNESS: Okay.

21 PRESIDING JUDGE VELDT-FOGLIA: I think it's not that much
22 anymore.

23 [The witness stands down]

24 PRESIDING JUDGE VELDT-FOGLIA: Due to the technical problems,
25 I've been requested to have a short break and we hope to continue

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1010

Questioned by the Court

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

1 soon. We will adjourn and as soon as possible we will come back.

2 --- Recess taken at 3.04 p.m.

3 --- On resuming at 3.17 p.m.

4 PRESIDING JUDGE VELDT-FOGLIA: I heard that the technical hiccup
5 has been repaired.

6 Madam Court Usher, could you please usher the witness in.

7 [The witness takes the stand]

8 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, welcome back. I
9 will repeat the question --

10 THE WITNESS: [Interpretation] Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: -- I already posed to you
12 because, in that way, we can put into the written record of what is
13 happening in the courtroom.

14 Madam Court Officer, could you bring us back into private.

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

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

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

19 Let me see. You said today, and I already gave the reference,
20 that you went [REDACTED]

21 [REDACTED] That's correct?

22 A. Yes, correct.

23 PRESIDING JUDGE VELDT-FOGLIA: Did somebody else go with the
24 [REDACTED]

25 A. No.

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1011
Questioned by the Court

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

1 PRESIDING JUDGE VELDT-FOGLIA: And during the time that you were

2 [REDACTED]

3 [REDACTED]

4 A. No. Apart from the three of us, no.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. Good. Thank you.

6 Another question about [REDACTED] You have stated in your
7 interview with the SPO, and that is -- the reference number is
8 060698-TR-ET, RED3, Part 3, Revised, page 22, lines 1 and 2, that you
9 heard from others that [REDACTED]

10 And my question to you is: Who told you that that happened to
11 him; do you remember that?

12 A. I don't remember, but from many people. Many people said so,
13 that he was no longer living.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay. And these details about
15 how it happened, the word you used, was anything more discussed when
16 you talked to people about it?

17 A. Well, some individuals, [REDACTED] that I spoke to.

18 PRESIDING JUDGE VELDT-FOGLIA: And did they say anything about
19 how he came to die?

20 A. No, they did not tell me how he died, but it was more or less in
21 a form of a narration that we were detained. We did not discuss
22 these issues any further.

23 PRESIDING JUDGE VELDT-FOGLIA: My question was borne from the
24 fact that you used in your witness interview with the SPO the word
25 [REDACTED]

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F493* Page 1012
Questioned by the Court

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

1 A. In my opinion, [REDACTED]

2 [REDACTED] Madam Judge.

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, there is one more
4 question I would like to ask you in private session, and then one in
5 public session, and then my questions are done.

6 Mr. Witness, in your statement before the break you told -- and
7 I will give the reference -- I will give the reference now. You
8 talked about the moment you were taken to Zllash. And you also told
9 the Defence counsel for the accused, you told him that several people
10 brought you to Zllash, to the barn.

11 Could you go through with us again what are the names from the
12 people who brought you there?

13 A. I learned these names in the meantime while I was there. It was
14 [REDACTED] amongst those names of persons, of those who
15 perpetrated these things on me.

16 There were different people there. Maybe some of them did not
17 torture me at all, but what I remember are these names, these
18 nicknames or pseudonyms, and these are of the persons who tortured me
19 personally.

20 PRESIDING JUDGE VELDT-FOGLIA: I apologise, Mr. Witness, my
21 intention was to ask you who were the persons who brought you from
22 the school to the barn.

23 A. [REDACTED] These ones.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you for that. That
25 clarifies.

Witness: W01679 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F493 Page 1013
Questioned by the Court

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

1 Madam Court Officer, could we please go back into public.

2 [Open session]

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

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

5 Mr. Witness, earlier I asked you a question with regard to
6 [REDACTED] that was present during some of the beatings after the
7 first beating. And my question to you -- my follow-up question to
8 you is: Did he give orders to -- with regard to the way you were
9 maltreated?

10 A. Probably, because I was being beaten in his presence. And for
11 those people, he was the [REDACTED].

12 PRESIDING JUDGE VELDT-FOGLIA: But did you hear him giving
13 orders?

14 A. I don't remember. I don't remember that he gave a direct order
15 except for the first occasion that I described.

16 PRESIDING JUDGE VELDT-FOGLIA: Okay. Or encouraging in some
17 kind?

18 A. I don't remember. There was -- you could not dare encourage
19 something or do something there.

20 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you, Mr. Witness.

21 We reached the end of your testimony, yes, and I can imagine
22 that it must have been very tiring and very demanding, and I would
23 like to thank you for your efforts you put into giving your
24 testimony. I believe that your testimony will be helpful to find the
25 truth in this case.

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

1 So thank you very much. We wish you a safe journey home, and I
2 remind you that you should not discuss with anyone the statement you
3 have given here before the Kosovo Specialist Chambers. And thank
4 you. You will be now ushered out by Madam Court Usher.

5 THE WITNESS: [Interpretation] Thank you, all of you.

6 [The witness withdrew]

7 PRESIDING JUDGE VELDT-FOGLIA: At this point in time, I have a
8 look around the courtroom.

9 Madam Prosecutor, is there anything you would like to raise with
10 the Panel?

11 MS. D'ASCOLI: Nothing further, Your Honours.

12 PRESIDING JUDGE VELDT-FOGLIA: Okay. And Madam
13 Victims' Counsel, is there something you would like to raise?

14 MS. PUES: No, thank you. Nothing.

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

16 MR. VON BONE: Yes, Your Honour.

17 I would just like to bring to the attention of the Panel that
18 the photographs that we are showing have been published in online
19 newspapers, television, and so on. I just wanted to bring that to
20 your attention.

21 PRESIDING JUDGE VELDT-FOGLIA: Okay. We note that and we will
22 come back to that, Defence counsel.

23 Now, I thank the parties and the Victims' Counsel and the
24 Registry -- not the Registry because not there, for their attendance.
25 And I wish to thank the interpreters, the stenographer, the people

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

1 from the audio-visual booth, and the security.

2 We will adjourn the hearing until next Tuesday, at 9.30.

3 The hearing is adjourned.

4 --- Whereupon the hearing adjourned at 3.32 p.m.

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