

1 Monday, 19 June 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

5 --- Upon commencing at 9.00 a.m.

6 PRESIDING JUDGE SMITH: Madam Court Officer, you may call the
7 case.

8 THE COURT OFFICER: Good morning, Your Honours. KSC-BC-2020-06,
9 The Specialist Prosecutor versus Hashim Thaci, Kadri Veseli, Rexhep
10 Selimi, and Jakup Krasniqi.

11 PRESIDING JUDGE SMITH: Good morning, everyone.

12 Today we will begin the testimony of Witness 03540. I note that
13 the accused are present in court but for Mr. Krasniqi, who is
14 attending via videolink.

15 Before I invite the witness into the room, there are a few
16 housekeeping matters that I wish to address.

17 First, and, I guess, once again, the Panel is concerned about
18 the current pace of the in-court testimony given the target for the
19 end of the SPO case in April 2025. I did a little rough math the
20 other day. We've been in court 120 hours by the end of this week,
21 and that would be ten witnesses, or 12 hours per witness. You can do
22 the math as to projecting that out and extrapolating it, but we
23 aren't going to get there at this pace.

24 The Panel wishes to remind counsel that in the interest of
25 saving time it is not necessary to question witnesses extensively on

1 matters that are not in dispute. The Panel considers that the SPO
2 could considerably reduce the time needed for testimony in chief on
3 this basis.

4 The Panel also notes that the Defence has spent a not
5 insignificant amount of time cross-examining witnesses on
6 peripherally relevant issues or matters that do not appear to be in
7 dispute between the parties.

8 Rule 154 is specifically created in order to help reduce the
9 time taken for direct examination and yet we spend hours sometimes on
10 a 154 witness and we need to change that. The Court can change it or
11 the SPO can change it, but we don't need to hear that testimony
12 twice.

13 Believe it or not, we have read those statements, and we know
14 what they say. And to ask the question again of the witness once we
15 already have had it in the written statement really doesn't do much
16 good.

17 The ability to secure for the accused a trial without undue
18 delay depends on the efforts of all, and so far the Panel considers
19 that all parties could do better to achieve that end.

20 Moreover, during the current block of witnesses, the Panel notes
21 that the time estimates for cross-examination given by the Defence
22 were considerably inflated and this presented challenges to the SPO,
23 without making any excuses for the SPO, but it is a challenge, in
24 scheduling witnesses and ultimately contributing to the loss of
25 valuable courtroom time.

1 The Panel, therefore, orders the Defence to reassess the time
2 estimates already given for the remaining witnesses and to be
3 prepared to provide more accurate estimates in tomorrow's hearing.
4 The Panel also expects that any reduction in cross-examination
5 estimates should be brought to the attention of the Panel and the SPO
6 without delay when such an assessment is made. That's for
7 Witness 03540, 3811, 4337, 4290, and 4746.

8 This concludes the Panel's first oral order.

9 Second, the Panel has before it a joint application of the
10 Thaci, Veseli, and Krasniqi Defence for an extension of time to seek
11 leave to appeal two decisions. That application is F01612, and it
12 was filed last Friday afternoon and distributed after 5.00 p.m. I
13 note that one of the relevant deadlines falls today. In the interest
14 of expediency, I would invite those who are not party to the
15 application to indicate now whether you would oppose the requested
16 extension, starting with the SPO.

17 MR. MICHALCZUK: Your Honours, we defer in this regard to the
18 Panel whether the extension is necessary and appropriate, but we'd
19 like to echo what Your Honour has just said, that in relation
20 especially to the filing 1596 the deadline is today and the extension
21 was just sought last Friday, so very, very late. Thank you.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MR. LAWS: We've nothing to say. Thank you, Your Honour.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 MR. ROBERTS: We evidently don't oppose the application,

1 Your Honour, no.

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 MR. ROBERTS: We don't oppose the application, Your Honour.

4 PRESIDING JUDGE SMITH: We will quickly deliberate on the merits
5 of the application.

6 [Trial Panel confers]

7 PRESIDING JUDGE SMITH: The extension is granted to the 26th of
8 this month at 4.00 p.m.

9 The Panel rules that there is good cause given, given the length
10 and the complexity of the impugned decisions and the lack of
11 prejudice that would be caused by the SPO for a limited extension of
12 the deadline to seek leave to appeal. This concludes the Panel's
13 second oral order.

14 Third, and finally, there is a matter regarding protective
15 measures that I will explain in private session.

16 Madam Court Officer, please takes us into private session.

17 [Private session]

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Witness: W03540 (Private Session)

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Procedural Matters

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Witness: W03540 (Private Session)

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Witness: W03540 (Private Session)

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23 [Open session]

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

25 PRESIDING JUDGE SMITH: Witness, we are ready to begin your

1 testimony.

2 As you may know, the Prosecution will ask you questions first,
3 and then counsel for victims. Once they are done, the Defence has
4 the right to ask questions of you. Members of the Panel may also ask
5 questions of you.

6 The Prosecution estimates two hours for their questions.
7 Victims' Counsel estimates that he will take approximately 15 minutes
8 for questions. At the moment, the Defence estimates that it will
9 need eight hours. As regards each estimate, we hope the counsel will
10 be judicious in their use of time. The Panel may allow redirect
11 examination by the SPO if conditions for it are met.

12 Witness, please try to answer the questions clearly with short
13 sentences. If you don't understand a question, feel free to ask.
14 Counsel can repeat the question at your request. And if you need to,
15 tell them that you don't understand and they will clarify. Also,
16 please try to indicate the basis of your knowledge or facts and
17 circumstances that you will be asked about.

18 In the event that you are asked by SPO to attest to some
19 corrections made during your statements, you are reminded to confirm
20 on the record that the written statement, as corrected by the list of
21 corrections, accurately reflects your declaration.

22 Please also speak into the microphone and wait five seconds
23 before answering a question, and speak at a slow pace for the
24 interpreters to catch up.

25 While you are giving evidence in this Court, you are not allowed

1 to discuss with anyone the content of your testimony outside of the
2 courtroom. If any person asks you questions outside the court about
3 your testimony, please let us know.

4 If you feel you need to take breaks at any time, please make an
5 indication and the accommodation for that break will be made.

6 We begin with the questions from the SPO. They are over here on
7 this side. So you may give them your answers.

8 Mr. Prosecutor, you may begin.

9 MR. MICHALCZUK: Your Honours, could we briefly move into
10 private session to take, very briefly, personal details of this
11 witness.

12 PRESIDING JUDGE SMITH: Yes.

13 Into private session, please.

14 [Private session]

15 [Private session text removed]

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Witness: W03540 (Private Session)

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Examination by Mr. Michalczuk

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23 [Open session]

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

25 PRESIDING JUDGE SMITH: [Microphone not activated]

1 MR. MICHALCZUK:

2 Q. Witness, in the past you gave several statements to various
3 authorities. I will now call up on the screen all those prior
4 statements that the Specialist Prosecutor's Office intends to tender
5 into evidence. Please follow on the screen.

6 MR. MICHALCZUK: Your Honours, I will first call up the various
7 statements and then we will proceed with the formalities under
8 Rule 154.

9 Could we please call up SPOE00123186 to 00123218 RED. This is
10 an English version. And next to it, its Serbian version for the
11 witness, which is SPOE00123186 to 00123218RED-ST. It is the Serbian
12 version. No? So let's put the Albanian then. Thank you.

13 Q. Witness, the first statement that the SPO intends to tender into
14 evidence is the transcript of your testimony given before the
15 investigating judge of the District Court of Prishtine in the case of
16 Latif Gashi et alia, and it's dated 23rd and 26th March 2002,
17 Hep. No. 65/2002. ERNs SPOE00123186 to 00123218 RED. It's English.
18 Albanian will be SPOE00123222 to 00123251 RED. So this is Albanian.

19 You can also find those statements in Serbian language in the
20 binder you have before you under tab 1.

21 Witness, please look at the first page that you have before you
22 on the screen. Do you recognise this statement?

23 A. Just one question. I don't know, as I have two statements
24 here --

25 Q. Take a look at the one you have on the right-hand side. There

1 is a signature at the bottom of it.

2 MR. STRONG: I apologise to interrupt. I just wonder if it
3 might be more helpful to have the Serbian on the screen or to confirm
4 whether the witness speaks either Albanian -- we understand that he
5 doesn't speak English.

6 MR. MICHALCZUK: Yes, yes.

7 MR. STRONG: Thank you.

8 MR. MICHALCZUK: We believe we have added that to the
9 presentation queue, but it's being signalled to me that it's not in
10 the presentation queue. So the witness has got the Serbian statement
11 before him in the binder.

12 MR. STRONG: Sorry, that's fine. Maybe we can just direct him
13 to the binder rather than to the screen, because I understand that
14 the screen is not going to be helpful. Or confirm whether it is or
15 not.

16 PRESIDING JUDGE SMITH: Just proceed.

17 MR. MICHALCZUK: Yes.

18 Q. Witness, take a look at this statement --

19 A. This is my signature.

20 Q. You mean at the bottom of this page that you have in front of
21 you; is that correct?

22 A. I signed that. It's my statement.

23 MR. MICHALCZUK: Could we move to page 27 of the English version
24 of this statement, to page SPOE00123212.

25 Q. Do you recognise any signatures on this page, Witness?

1 A. Yes, I do.

2 Q. Did you give that statement?

3 A. Yes.

4 MR. MICHALCZUK: Thank you. We can take it from the screen.

5 Could we instead put on the screen the next statement which is

6 SPOE00119959 to 00119975 RED. This is English version. And on the

7 screen on the left-hand side please put the Serbian version, I hope

8 it's in the presentation queue, the same number but with the ending

9 ST RED. If not, let the witness refer to tab 1 in the binder in

10 front of him -- tab 2, sorry. This is tab 2.

11 Q. Witness, this is a transcript that you have in front of you and

12 also in the binder under tab 2 of the testimony that you gave before

13 the trial panel of the District Court of Prishtine. Witness, this is

14 the transcript of the testimony you gave before the District Court of

15 Prishtine in the case of Latif Gashi et alia, and it's dated 9 June

16 2003.

17 My question is did you give that statement?

18 A. Yes.

19 Q. Thank you.

20 MR. MICHALCZUK: We can remove it from the screens. Could I

21 please now have another statement under SPOE00087525 to 00087560 RED.

22 This is an English version.

23 Q. Witness, before you, under tab 3, you should have its Serbian

24 version. Please take a look at it.

25 MR. MICHALCZUK: The relevant pages in English transcript would

1 be SPOE00087535 to SPOE00087554. If you could please show it.

2 Q. Mr. Witness, please take a look at the screen at the name and
3 surname and also at the document that you have before you.

4 MR. MICHALCZUK: We also have the Albanian version of it. I'm
5 going to read it for the record. It's SPOE00087525 to
6 SPOE00087560-AT RED. And the relevant pages would be SPOE00087535 to
7 SPOE00087554-AT.

8 Q. Did you give this statement?

9 A. Yes. Yes.

10 Q. Thank you.

11 MR. MICHALCZUK: We could remove this statement from the screen.

12 Can I please now have 070629-TR Parts 1 and 2 Revised ET RED, in
13 English. Let's go to Part 1 first. And in Serbian, the same number
14 but without the -ET, also Part 1. The witness can go to tab 4.

15 Q. Witness, this is the statement that we intend to tender into
16 evidence, and this is the transcript of the SPO interview dated
17 4 December 2019.

18 MR. MICHALCZUK: For the record, 070629-TR Part 1 and 2 Revised
19 ET RED, this is English. For Serbian, the same number, also Parts 1
20 and 2 Revised, RED. And for the Albanian, 070629-TR also Part 1,
21 Part 2 Revised, ET-AT RED. This is Albanian version.

22 Q. If you take a look at the first page, did you give also that
23 statement, Witness?

24 A. Yes.

25 Q. Witness, during the recent witness preparation meeting that we

1 had last Thursday and Friday, were you given an opportunity to review
2 all those prior statements?

3 A. Yes.

4 Q. In that preparation session, you gave some clarifications to
5 those statements, right?

6 A. Yes.

7 Q. Were those clarifications reflected in the note that was read
8 back to you at the end of the preparation session that we had on
9 Friday?

10 A. Yes.

11 Q. Can you confirm that what was read back to you in the note
12 reflected your clarifications fully and accurately?

13 A. Yes.

14 Q. Subject to the clarifications provided in the preparation note,
15 do your written statements, as I listed them earlier, accurately
16 reflect your evidence and what you would say if you were asked again
17 the same questions in court?

18 A. Yes.

19 MR. MICHALCZUK: Your Honours, the SPO would tender at this
20 point the prior statements of the witness pursuant to Rule 154 as
21 identified on the record, together with their Albanian and Serbian
22 versions. They're all in the presentation queue, Your Honours.

23 With these statements, I'm also tendering associated exhibits
24 which are as follows. First, redacted version of the medical records
25 of Witness W03540 between 30 September 1998 and 4 November 1999. And

1 they are under the following ERN numbers. For English -- we don't
2 have to put them on the screen. For English, it would be
3 SPOE00209223 to 00209244 RED. For Serbian, SPOE0020209 -- sorry.
4 Again, SPOE00209245 to 00209265 RED. And for Albanian version of
5 these documents, SPOE00209199 to 00209222 RED.

6 Another associated exhibit would be redacted version of the KLA
7 Llap operational zone subzone decision to release Witness W03540
8 dated 26 September 1998. For English, it would be
9 U001-0504-U001-0504-ET RED. For Albanian, that would be the same
10 number without the -ET at the end.

11 Your Honours, I would like to also tender the preparation note
12 that we prepared on Friday. This note is dated 16 June 2023, and
13 this note contains clarifications that the witness gave to all his
14 prior statements and some other relevant documentation. And it's
15 under the ERN 113598-113603. It's not seen in Legal Workflow, but it
16 should be there within minutes, Your Honours.

17 Your Honours, that concludes the Rule 154 procedure.

18 PRESIDING JUDGE SMITH: [Microphone not activated]

19 MR. KEHOE: No objections, Your Honour.

20 MR. STRONG: No objections. But we would just say that we
21 wouldn't object either to adding the Serbian version to the
22 presentation queue at a convenient moment as I think it will serve
23 everyone's interest. It doesn't need to be done right now but at a
24 moment.

25 PRESIDING JUDGE SMITH: I would agree. I believe that it's

1 appropriate to have the Serbian translation into the queue as well so
2 that we have a complete record.

3 MR. MICHALCZUK: Your Honours --

4 PRESIDING JUDGE SMITH: Can you do that by tomorrow?

5 MR. MICHALCZUK: Your Honours, we'll do it today. All of them
6 are ready. All of them were properly disclosed to the Defence. It
7 was just a probably technical glitch that prevented us from uploading
8 them.

9 PRESIDING JUDGE SMITH: Just so that gets completed.

10 MR. MICHALCZUK: Of course, Your Honours.

11 PRESIDING JUDGE SMITH: Any other objection? Mr. Roberts?

12 MR. ROBERTS: No objection, Your Honour.

13 PRESIDING JUDGE SMITH: Mr. Ellis?

14 All right. The 154 statement and the associated exhibits and
15 the preparation note as noted and all their translations are
16 admitted.

17 MR. MICHALCZUK: Thank you, Your Honours.

18 Q. Witness, I'll have some additional questions for you --

19 PRESIDING JUDGE SMITH: Just a second, Mr. Michalczuk.

20 [Trial Panel and Court Officer confers]

21 PRESIDING JUDGE SMITH: She will recite the different numbers,
22 please, the exhibit numbers.

23 MR. MICHALCZUK: Thank you.

24 Q. Witness, I have some --

25 PRESIDING JUDGE SMITH: No, just a second. She's going to

1 recite the numbers.

2 MR. MICHALCZUK: Right now.

3 THE COURT OFFICER: Thank you, Your Honours.

4 So for the first statement under SPOE00123186, the exhibit
5 number will be P190.

6 The second statement under SPOE00119959 to 00119975 RED will be
7 Exhibit P191.

8 For the third statement, SPOE00087525 to 0087560 RED will be
9 Exhibit P192.

10 Fourth statement, 070629-TR Part 1 Revised RED will be
11 Exhibit 193.1, and Part 2 of the same will be Exhibit 193.2.

12 For the associated exhibits, SPOE00209223 to 00209244 RED and
13 all its translations will be Exhibit P194.

14 U0010504 to U0010504-ET RED and the Albanian, it will be
15 Exhibit P195.

16 And, lastly, the preparation note under ERN 113598 to 113603, it
17 will be assigned Exhibit P196 once it is in Legal Workflow.

18 Thank you, Your Honours.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 I'm sorry. Thank you, Madam Court Officer.

21 You may continue now, Mr. Michalczuk.

22 MR. MICHALCZUK: Thank you.

23 Q. Witness, I've got some questions for you. At the time of your
24 arrest of 2 August 1998 in the forest of Bradash, what was your
25 profession?

1 A. I was a forester, forest keeper.

2 Q. In your capacity as a forester, were you part of the Serbian
3 army or police?

4 A. No.

5 Q. Did you resist during the arrest?

6 A. No.

7 Q. Did you take out your pistol at any point during that arrest?

8 A. No, they took it.

9 Q. Could you please tell the Court how you reacted when you saw the
10 KLA members in that forest at the time of your arrest?

11 A. While I was doing the rounds through the forest, at the place
12 called Dobra Voda, I heard that there was some logging going on, so I
13 went to see, check out what was being done there, because that was a
14 state forest. Dobra Voda is a big stream, and it's on the way to
15 Kecekolle.

16 When I got there, there were -- all of a sudden four men just
17 came out of nowhere with automatic weapons. I raised my arms. They
18 approached me. They blindfolded me and tied my hands behind my back,
19 while two of them were still busy logging out there.

20 Q. What happened to your weapon?

21 A. They confiscated my pistol, those four. They just said, "Raise
22 your arms." One of them approached me, and he took my pistol.

23 Q. Understood. Thank you.

24 MR. MICHALCZUK: Madam Court Officer, could we now call up a
25 document which is U0010504-U0010504. And, unfortunately, I didn't

1 register the court evidence number.

2 THE COURT OFFICER: P195.

3 MR. MICHALCZUK: Yes. And also its Albanian version under the
4 same ERN.

5 Your Honour, when we see this document in Albanian on our
6 screens, we have in our possession a better version, but it's just
7 for demonstrative purposes. Could we swap this one with the better
8 version? I believe it's in the presentation queue. Just for the
9 witness and Your Honours to be able to see it properly.

10 PRESIDING JUDGE SMITH: Yes, you may.

11 MR. MICHALCZUK: Yes. The better version should be under
12 SPOE00123219 to 00123221. And let's show the first page. Shall I
13 say it again? No? It should be SPOE00123219. It starts with this
14 number. If not, we can stick with this version. No problem at all.

15 THE COURT OFFICER: It's not in the presentation queue.

16 MR. MICHALCZUK:

17 Q. Witness, please take a look at the document on the left-hand
18 side of your screen. What is this document?

19 A. This is a document that I got when they released me. They gave
20 me this document, where it says when I was arrested and when I was
21 released. However, this document was not accepted at court. They
22 said that this was a forgery, that I had forged this document.

23 What it says in the document is that my official gun was taken
24 away from me and -- the pistol that I had with me, and that I had
25 tried to shoot at members of the KLA, although I couldn't have done

1 this. But I had to sign this document in order to be let go,
2 released.

3 Now, there was another document. Latif Gashi read out the
4 document, another document to me, and asked me to sign it, but I was
5 supposed to sign that I would never set foot on Kosovo again. The
6 second thing that I was stating was that I hadn't been mistreated.
7 And the third thing was that -- that I was supposed to sign was that
8 I had been given back all the documents except my pistol.

9 Q. Let's focus on this document only for a moment, if I may. Who
10 gave you that document?

11 A. I was given this document by Latif Gashi.

12 Q. Do you recognise any signature on this document?

13 A. No. When I got this document, it had already been signed.

14 Q. I'm not talking about anybody who signed the document. I'm
15 talking about whether you recognise any - any - signature in this
16 document. Take a look. There are two signatures. One is on the
17 right-hand side on the bottom and the other one is on the left-hand
18 side. Do you recognise any of these two signatures?

19 A. There is a signature there, *[REDACTED] Pursuant to Post-Session*
Redaction Order F1698. and I have no idea who
20 signed that.

21 Q. So did you put that signature yourself? I'm talking about your
22 signature.

23 A. Yes.

24 Q. I would like to clarify just one thing in this document. In the
25 second paragraph, and you also have it in the binder in front of you,

1 in the second paragraph, this document says that when the KLA
2 soldiers told you to stop at the time of the arrest, you didn't do
3 that, and that you drew your pistol and pointed it at them. Did that
4 happen?

5 A. No, it wasn't even possible. When -- because they just appeared
6 out of nowhere in front of me. They were about three metres away.

7 Q. I understand. If that's not what happened, why did you decide
8 to sign this document? Could you tell the Court.

9 A. I had to if I wanted to be released. That's a document dated
10 26 September. That's the day when I was released.

11 Q. Are you saying that you were afraid at that time that if you ...

12 MR. MICHALCZUK: Let me finish the question first.

13 Q. Could you tell the Court more precisely how did you feel when
14 you were signing this document?

15 A. Well, I wasn't even aware enough. And when I said that if I
16 signed, that I would never set foot in Kosovo again, that I hadn't
17 been beaten or mistreated or mock executed, that they would let me
18 go, so then I signed it. Of course, it was my life. Why wouldn't I
19 sign it if it meant being released?

20 Q. Did you believe that you had a choice not to sign this document?

21 A. No, there was no choice.

22 Q. Witness, now I would like to change the topic slightly. In your
23 testimonies in Latif Gashi et alia case that are already admitted
24 into evidence, you testified about a co-detainee of yours in Bare and
25 Bajgore named Sabit Berisha. Did you learn from him the reason or

1 reasons why he was detained, interrogated, and mistreated by the KLA?

2 A. Sabit Berisha told me that three days after they were
3 arrested -- because he had been just as badly beaten as I was. When
4 he came to, when he regained consciousness, he said that he was
5 purportedly -- had purportedly worked with the Serbs, cooperated with
6 the Serbs, and that some documents had been found in his possession
7 from -- Belgrade documents. And that's why he was taken prisoner.

8 Q. Did he tell you more precisely what documents were there?

9 A. No. It was just said that it had to do with some generals, from
10 the General Staff or something. That he had worked together with
11 these generals.

12 Q. Let me move to another person that was your co-detainee in
13 Bajgore and his name was Osman Sinani. And in your testimonies, you
14 indicated that he may be killed at some point. Did you learn from
15 Fadil Suljevic who was another co-detainee of yours how Osman Sinani
16 had been killed?

17 A. I heard that from Fadil Suljevic that he had been beaten to
18 death with rods or sticks, because Fadil Suljevic shared the room
19 with him. They were in the same room, the two of them. When Sinani
20 and I were taken out to the woods for execution, Sinani was tied to
21 one tree and I was tied to another tree. Our arms were tied. And I
22 heard when they asked, "Are you going to admit that you had
23 cooperated with the Serbs?" And he said no, he had never cooperated
24 with them. He did socialise with Serbs. I knew the man from cafés,
25 because he would patron both Albanian and Serbian cafés. And then I

1 heard a shot.

2 Now, I can't be sure. There are two versions. One of the
3 soldiers then came up to me. He said, "Open your mouth." I opened
4 my mouth. And then he said, "Will you admit that you had worked with
5 and been an agent for the police and the army?" I had never done
6 that. I was a forester, I just kept -- looked after the forest. And
7 then he shot at me, but the gun was empty. There was no bullet. He
8 said, "We will kill you once you become as thin as a reed," which
9 meant that after they had tortured me.

10 Q. I would like to come back to Fadil Suljevic and what he told you
11 about how Osman Sinani was killed. So you said that he was beaten
12 with the use of poles. Did Fadil Suljevic tell you by whom he was
13 beaten with the poles to death?

14 A. Suljevic only told me that he was ordered to do that. That he
15 was always received orders from Latif Gashi, because we were under
16 his control, under the control of Latif Gashi. There were a number
17 of men there, together, like in any army.

18 Q. We'll come to Latif Gashi in a moment, but let's focus on what
19 Fadil Suljevic told you about the death of Osman Sinani. Let's focus
20 only on this matter. So did Fadil Suljevic, just to be clear, tell
21 you who beat Osman Sinani to death with the poles? Did Fadil
22 Suljevic tell you who did that?

23 A. The army. As to who ordered, I can't tell you. The army killed
24 him.

25 Q. Which army are you talking about?

1 A. The KLA.

2 Q. When did Fadil Suljevic tell you about that?

3 A. He told me after we had been taken out, perhaps a couple of days
4 or six to seven days after we had been taken out to be shot. I don't
5 know if Fadil Suljevic was a detainee or whether he was actually some
6 sort of undercover agent because nobody beat him, nobody touched him,
7 and he could talk with everyone while we could not.

8 I did not dare talk to anyone. If Latif Gashi came to question
9 me, that's the only time I could talk. Or when I was put, again,
10 later together with Suljevic, and he told me when we went out to the
11 toilet, it was outdoors, and he was outside too, and he told me --
12 and he said that there was -- that Osmani was no longer there, that
13 he was alone.

14 Q. In which place was it? In which site was it? You mentioned in
15 your statements Bare, Bajgore, later Ljupce. Which [Overlapping
16 speakers] ...

17 A. Bajgore. In Bajgore.

18 Q. Witness, I would like to change the topic slightly. In your
19 testimony that you gave to the UNMIK investigating judge in 2002 -and
20 I'll give reference numbers in a moment - you mentioned something
21 about the court martial of the Kosovo Liberation Army.

22 MR. MICHALCZUK: And I would like to give the citations.
23 English is going to be SPOE00123186 to 00123218 RED, on pages 20 and
24 21, SPOE00123205 to SPOE00123206. Albanian versions on the
25 corresponding pages 23 and 24 in SPOE00123244 to SPOE00123245. We

1 don't need to show it on the screen. It's not necessary.

2 Q. Witness, in that testimony to the UNMIK investigating judge, you
3 said the following about this court martial:

4 "Q. Did you have a proper hearing in a Court Marshall?"

5 And your answer was:

6 "There was a court Marshall there they said that they would
7 bring me there, we got as far as the school in Bajgore I do not know
8 what happened then they brought me back."

9 And you had indicated something similar in your preparation note
10 that we disclosed on Friday to the Defence and sent also to Your
11 Honours. It's paragraph 28.

12 Did you indeed participate in any sort of a trial, court martial
13 while in KLA detention? Did you or did you not?

14 A. No.

15 Q. In the preparation note, and in the session that we had on
16 Friday, you indicated that there was a moment when you were brought
17 to this school close to the HDZ factory. Do you remember that?

18 A. Yes.

19 Q. Could you tell the Court --

20 A. I remember that.

21 Q. Yes, thank you. Could you tell the Court what happened?

22 A. Two soldiers took me there to the school, and the HDZ factory is
23 somewhere close by. They said that this was a court martial. We
24 entered the room. There was an elderly man who was sitting there,
25 about 70 years of age. He said that he was a judge. They asked me

1 why I was there. I said I didn't know. And when I told them that I
2 didn't know, then someone hit me here, at the back of my head on my
3 neck, and I fell down and I was no longer conscious.

4 Q. In which location was it? When you were in Bare, Bajgore, any
5 other location?

6 A. That was in Bare. In Bare.

7 Q. Do you remember more or less when it took place?

8 A. I cannot remember the exact date. It's been 24, 25 years since
9 then, so I cannot remember the exact date. Just that it may have
10 been -- but I can't remember. I can't remember precisely.

11 Q. That is fine. If you don't remember something, just say you
12 don't remember. Thank you.

13 You said that you were brought before a person who was
14 introduced to you as some sort of a judge. Did you recognise that
15 person?

16 A. No.

17 Q. Did he say his name or nickname, perhaps?

18 A. No, no, no. Nothing. Nothing.

19 Q. Could you -- if you remember, of course, what were you precisely
20 accused of by this person?

21 A. I remember well being accused of having worked as an agent,
22 working for the police, the army, and so on, rather than as a
23 forester. However, the only thing I did was work as a forester. I
24 was guarding and keeping this forest so it wouldn't be destroyed, so
25 it wouldn't be overlogged, and suchlike. But they considered me to

1 be some sort of agent of the state rather than just a forest ranger.

2 Q. So what was your reply to those allegations? What did you say
3 to that judge?

4 A. I told them that I wasn't that. I was not interested in the
5 army or the police. I was only interested in my job. And I was paid
6 to guard and preserve the forest.

7 Q. How long approximately did that so-called trial last?

8 A. Well, there was a misunderstanding. I think you may have asked
9 me about the court there.

10 Q. I'm asking --

11 A. And that in court we didn't --

12 Q. Excuse me, just -- I was not particularly clear, so my
13 apologies. We have just discussed the situation before the so-called
14 judge when you were in Bare, as you said. My question is about the
15 time. How much time did that process last? Minutes?

16 A. Perhaps one minute. Perhaps a minute and no longer. He just
17 asked me if I had been working for the police or for the army, and I
18 said, "No, no, I'm a forester." And then somebody hit me here with
19 an automatic rifle butt, and I fell down and I was unconscious and
20 that was the end.

21 Q. Let me now move on to another topic. I believe earlier on today
22 you mentioned a person named Latif Gashi; correct? You also
23 mentioned him in several of your testimony that --

24 PRESIDING JUDGE SMITH: I don't think he answered.

25 MR. MICHALCZUK:

1 Q. What was your answer to that question? Again, the question was
2 I believe that today earlier on you mentioned a person named
3 Latif Gashi; correct? That was my question. What is your answer to
4 that?

5 A. Yes, correct.

6 Q. Mr. Witness, when I ask you a question, even if your answer is
7 affirmative but you only nod, it's not enough. So please say
8 something, "yes," "no," or elaborate. Okay? Instead of nodding.
9 Thank you.

10 Witness, could you tell the Court when was the first time when
11 you met Latif Gashi in detention?

12 A. Do you mean when I was a prisoner?

13 Q. Yes, yes. I mean exactly that.

14 A. I first learned about Latif Gashi later in Bare, three days
15 later when Sejdi -- Fadil -- I mean Berisha, when Berisha came to, he
16 told me that he had also been as badly beaten up by Latif Gashi as I
17 was. He was in charge of the two of us.

18 Q. Let me clarify this. Are you talking about Sabit Berisha, a
19 co-detainee of yours?

20 A. Sabit Berisha. Yes, I'm talking about him.

21 Q. Yes. So you have just said that Sabit Berisha told you about it
22 when he came to or regained his consciousness. Regained his
23 consciousness from what?

24 A. After he had been beaten up, they brought him there unconscious
25 and threw him in next to me. And they told him, "Here is a Serbian

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1 brother of yours."

2 Q. In which location was it?

3 A. In Bare, on 21 August.

4 Q. Just to make it clear, the first time you heard the name of
5 Latif Gashi was when, in Bare, after the beating of Sabit Berisha, he
6 regained consciousness and told you about that name; is that correct?
7 Is that what you're saying?

8 A. Yes, yes.

9 Q. Did anybody else during your detention time, apart from Sabit
10 Berisha, tell you that that person's name was Latif Gashi?

11 A. I learned that later, when from Bare they transported us to
12 Bajgore, and Fadil Suljevic told me that. Because Fadil Suljevic
13 knew everyone. He used to work in the DB in Prishtine.

14 Q. What did Fadil Suljevic tell you about Latif Gashi and his
15 position?

16 A. He told me that he was an officer in the army. Why he had beat
17 me up so badly when I had done nothing wrong? I was only a forester.

18 Q. Witness, before your time in detention in Bare, Bajgore, Ljupce,
19 had you met at any moment Latif Gashi?

20 A. I don't know. Each time when they took me out, I was
21 blindfolded.

22 Q. Just to be clear, my question is not about the time in
23 detention. I'm talking about any time prior to detention. So prior
24 to detention time, had you ever met Latif Gashi?

25 A. No, I couldn't know because I was blindfolded every time. But

1 later on, I could judge by the voice that it was always Latif Gashi
2 who was questioning me.

3 Q. Who is Hamdi Gashi?

4 A. Hamdi Gashi is the uncle, the uncle of Latif Gashi. He was a
5 forester.

6 Q. How do you know Hamdi Gashi, or how did you know Hamdi?

7 A. We used to work together. He was a forester, Hamdi Gashi.

8 Q. Did you ever visit Hamdi Gashi's place, of course, before your
9 detention?

10 A. I did not understand the question.

11 Q. In the weeks, months, and years -- or years, preceding your
12 detention, were there occasions where you were visiting Hamdi Gashi
13 at his place?

14 A. Yes, I even spent the night at his place on several occasions
15 with -- in Hamdi Gashi's house.

16 Q. Where did he live, Hamdi Gashi?

17 A. In a place called Dobri Do.

18 Q. You said that he was an uncle of Latif Gashi; right?

19 A. Yes.

20 Q. When you were at that time visiting Hamdi Gashi's place, did you
21 ever see Latif Gashi there?

22 A. Perhaps on two occasions, but in the yard. I did not know him
23 personally.

24 Q. You testified in the trial of Latif Gashi et alia in 2002, 2003,
25 2009, and later on before the SPO in 2019, that Latif Gashi was a KLA

1 commander; right?

2 A. Correct.

3 Q. Could you tell the Court what you saw or experienced that let
4 you believe that Latif Gashi was, indeed, a KLA commander?

5 A. All the orders that were executed were given by Latif Gashi. I
6 know, for example, six persons who were detained with me later on,
7 and he ordered the troops to take them away to go and dig the ground
8 in order to build bunkers. I learned that from Fadil Suljevic,
9 because Fadil Suljevic knew everyone. He used to work at the DB in
10 Prishtine, and he knew everyone, and he knew what everyone was doing.

11 Now, whether Fadil was also taken prisoner or was just put among
12 us so that he would question us, that's something I could not really
13 confirm.

14 Q. Let me clarify two things. Did at any point Fadil Suljevic tell
15 you about the fact that Latif Gashi was a commander?

16 A. Yes.

17 Q. When did Fadil Suljevic tell you about it?

18 A. In Bajgore.

19 Q. You also mentioned an incident in which you said six Albanian --
20 six persons were taken on the order of Latif Gashi. Could you tell
21 the Court more about that occasion, that situation?

22 A. I didn't know where they had taken them. But later on, Suljevic
23 told me that they were taken to dig the ground for bunkers in the
24 woods.

25 Q. Let's come back to that situation for a brief moment. So did

1 you see Latif Gashi giving any orders in relation to that situation?

2 A. He ordered a couple of soldiers who were there to take these men
3 to the woods so they would do the digging there for the bunkers.
4 Latif Gashi ordered that to those troops, and they escorted them
5 there, they took them there, and in the evening they brought them
6 back to the room.

7 Q. Did you see yourself Latif Gashi giving that order to those KLA
8 soldiers to escort those civilians to dig the bunkers? Did you see
9 that yourself?

10 A. They were there in the same room, in the room where we lay.
11 That was where he gave them the orders. I didn't know what he had
12 ordered, but Suljevic interpreted that for me, that they would be
13 going to do the digging for bunkers. And as I had been badly beaten,
14 I couldn't do it. Berisha and myself couldn't go to dig ground for
15 the bunkers. We had been so badly beaten that we couldn't go. And
16 Berisha Sinani also interpreted that for me; namely, that they had
17 gone to dig the ground for bunkers.

18 Q. But it was in your presence when Latif Gashi gave that order; is
19 that what you are saying?

20 MR. KERVESHI: Objection, Your Honour. Leading.

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MR. MICHALCZUK: Thank you.

23 PRESIDING JUDGE SMITH: Overruled.

24 MR. MICHALCZUK:

25 Q. Could you answer this question? So you were present when

1 Latif Gashi gave that order; is that correct?

2 A. Correct. In the same room where we lay. That was where he gave
3 the orders.

4 Q. In your testimonies that you gave before the courts in 2002,
5 2003, and 2009, you testified that you were yourself beaten by
6 Latif Gashi; is that correct?

7 A. It is correct that he gave orders to that effect. And as I was
8 blindfolded, he may have beaten me. I can never -- these are two
9 versions. I know that he did give orders because he was in charge,
10 and perhaps he may have beat me up on some occasion. But I think
11 that on the 21st, he was also involved in the beating in August when
12 I was quite badly beaten up, and I -- Berisha. In the evening, we
13 had been so badly beaten up, that I think he had been beaten up on
14 the same occasion too.

15 Q. Did you hear Latif Gashi giving orders to beat you? Did you
16 hear that?

17 A. No, nothing. They just entered the room suddenly. And as we
18 were standing, I couldn't really stand, but I was on my knees, and
19 they began to beat me here with a baton, and then with rifles, and I
20 fell down. How much and for how long we were beaten, I couldn't
21 tell. But I did hear Latif Gashi's voice there, and I did not
22 understand what he said because I did not know Albanian.

23 And I know that a person came by then who said, "Leave him
24 alone. I'm going to kill him. Fuck his Serbian mother." And they
25 left. He stayed there and he just slapped my face four times, and

1 then they all left. So this is what I know.

2 Q. Did you hear Latif Gashi giving orders to beat anybody else,
3 apart from you?

4 A. Well, most probably he certainly did, because the two of us were
5 there with Sabit Berisha.

6 MR. MICHALCZUK: Your Honours, could I quickly consult with a
7 colleague of mine, because it seems that my system is not functioning
8 so I cannot communicate via the system.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 [Specialist Prosecutors confer]

11 MR. MICHALCZUK: Your Honours, thank you very much for your
12 patience, and my apologies for this.

13 PRESIDING JUDGE SMITH: Go ahead.

14 MR. MICHALCZUK:

15 Q. Witness, let me move to another topic.

16 MR. MICHALCZUK: Madam Court Officer, could we have on the
17 screen the statement and the ERN number would be U0023926-U0023928,
18 and the English version would be on the same number with -ET.

19 Q. Witness, if you have your binder in front of you, it should be
20 under tab 7. Witness, please take a look at this document, the one
21 on the left-hand side. Do you recognise this statement?

22 MR. MICHALCZUK: Could we also please show the date to the
23 witness, it's relevant, and the header of this document.

24 Q. Witness, do you recognise this document?

25 A. I did not sign this document, no.

1 Q. This document is dated 26 September 1998, and that was the date
2 of your release from detention; is that correct?

3 A. It is correct that I was released, but I did not -- this
4 document -- it's not mine. I don't know who gave this.

5 Q. This document says, as you can see in the top left corner, that
6 it was issued in Podujeve. And my question is: Did you meet with
7 the Serbian police in Podujeve that day -- on that day?

8 A. Yes, I did, but it may have been for half a minute only. I
9 couldn't not have given any statement because I was so ill that I
10 didn't give any sort of statement. On the following day, it was in
11 the papers that I had escaped from the hands of the KLA. That was in
12 the papers, but it had nothing to do with the truth.

13 And as for this document, I did not give any kind of statement.

14 Q. I understand. Witness, just very, very, briefly, could you tell
15 the Court how did you feel on that day physically and mentally?

16 A. Well, let me tell you that I almost didn't know who I was. I
17 was in such a bad shape both physically and -- and I could not have
18 provided such a document to anyone nor did I do it. I claim this
19 with 1000 per cent certainty. I don't know who wrote this.

20 MR. MICHALCZUK: We can remove this document from the screen,
21 Madam Court Officer.

22 Q. I would like to put to you, Witness, another statement.

23 MR. MICHALCZUK: And could we have on the screen document 112054
24 to 112058. This is a Serbian version, original. And the English
25 translation is the same with an -ET at the end. Could we put both of

1 them on the screen.

2 Q. Witness, you have on the screen on the left-hand side the
3 Serbian version of the document which is the Official Note of an
4 interview that took place on 1 October 1998. We discussed this
5 document during our session where we met -- proofing session when we
6 met last Friday. Do you remember that, that we discussed this
7 document? Just tell me whether you remember that we discussed this
8 particular document.

9 A. Yes.

10 Q. Witness, this document is dated, as I said, 1 October 1998, and
11 it was six days after your release from the KLA detention. Could you
12 tell the Court how you felt on that day, 1 October 1998? Did you
13 feel the same as you described just a few minutes ago?

14 A. I felt very bad. And I may have left certain things out because
15 I was in such a bad condition at the time and also very agitated. So
16 perhaps I couldn't have said everything. I could not remember also.
17 For another month or so, I could not even discuss this with my own
18 family, my children and my wife.

19 Q. It's perfectly understandable. Do you perhaps remember whether
20 around that time you were taken to any medical facility?

21 A. Yes, they did take me to medical institutions.

22 Q. What medical institution was it?

23 A. It was the hospital in Prokuplje. They took me for an
24 examination of my nervous system.

25 Q. This statement is dated 1 October 1998. Do you remember - I'm

1 talking about around that time - do you remember how many days after
2 or when you were taken to that medical institution? Was it still in
3 October?

4 A. I can't quite remember, but I do know that it wasn't much later
5 after they released me.

6 MR. MICHALCZUK: Madam Court Officer, could we, using this
7 document, scroll down to the last page of this document in both
8 versions, 112058. I believe this is the page number.

9 Q. Witness, this is the last page of the note. And under Roman V,
10 this note says the following. You can read it for yourself, but I'll
11 also read it for you. I quote:

12 "It is clear that the source is still suffering from a nervous
13 breakdown and has serious rib and kidney injuries. He still cannot
14 believe that he has been released."

15 Does that part reflect the way you felt on that day?

16 A. I didn't understand you. Could you please repeat your question?

17 Q. Of course. I just --

18 MR. MICHALCZUK: Maybe, Your Honours, I'll read it again because
19 maybe the witness was distracted.

20 Q. So don't look at the screen before you but listen to the
21 interpretation in your headphones, please. In that note, from
22 1 October 1998, there is a certain passage about you under Roman V
23 which says about you:

24 "It is clear that [he] is still suffering from a nervous
25 breakdown and has serious rib and kidney injuries. He still cannot

1 believe that he has been released."

2 Does that part reflect the way you felt on that day?

3 A. Yes, that is a pretty good description.

4 MR. MICHALCZUK: Your Honour, a very quick moment of a
5 consultation with my colleague. Very brief.

6 [Specialist Prosecutors confer]

7 MR. MICHALCZUK: Thank you for your patience. I don't have too
8 many questions.

9 Q. Witness, my last question with regard to this document. In that
10 statement given, as I said, on 1 October 1998, you did not mention
11 the name of Latif Gashi. You didn't mention also the name of other
12 commander whose name is Nuredin Ibishi. Why didn't you mention that?
13 Could you tell the Court?

14 A. Well, when I provided this statement, I had already forgotten a
15 lot, and I was still not fully aware. I had undergone a lot of
16 medical treatment. And then later when I recovered a little, then I
17 knew of the commander.

18 Q. You said that you forgot. Could you clarify to the Court what
19 was precisely the reason you did not mention those names? You
20 mentioned physical ailments, psychological ailments. Was it because
21 of that or for some other reasons that you did not mention the names
22 of Latif Gashi and Nuredin Ibishi in your statement?

23 A. That was the major reason, my illness. Because of my illness, I
24 could not mention either Latif Gashi or Nuredin Ibishi.

25 MR. MICHALCZUK: Madam Court Officer, you can take the document

1 from the screen. And I would like to put on the screen a document,
2 ERN 113511 to 113522. This is the Serbian version. And on the
3 right-hand side, the same document, with -ET, English translation of
4 it. This is fine. We don't have to show it if there is -- if we
5 didn't have it.

6 Q. Witness, last Thursday, 15 June, you gave the SPO the medical
7 documentation that you brought with you from Serbia. Do you remember
8 that?

9 A. I remember.

10 Q. What was this documentation that you gave us on Thursday?
11 Briefly.

12 A. I provided a forensic report from the forensic institute at Nis
13 that was requested by the --

14 THE INTERPRETER: Could the witness please be asked to repeat
15 the last part of his --

16 THE WITNESS: [Interpretation] This was requested by the
17 Prokuplje court, the forensic report, whether I was capable or not
18 and what I -- what my condition was.

19 MR. MICHALCZUK:

20 Q. In general terms, was that documentation about your physical
21 condition?

22 A. Yes, my physical condition. That's what -- and my health
23 condition.

24 Q. Was that report also about your mental or psychological
25 condition?

1 A. Yes.

2 Q. Does that documentation relate to the detention and mistreatment
3 of yours by the KLA in 1998?

4 A. Yes.

5 Q. That documentation says, in three occasions, in three places,
6 when you read it, that you were hospitalised three times for
7 psychological problems in the Department of Neuropsychiatry of the
8 Prokuplje medical centre; is that correct?

9 A. That's correct.

10 Q. When you review this documentation in general terms, it speaks
11 about also physical problems, including broken rib, pain and
12 stiffness in the lower back, problems with kidney, urinary problems.
13 Were these ailments mentioned in that documentation related to your
14 time in KLA detention?

15 A. Yes.

16 MR. MICHALCZUK: Your Honours, I would like to seek admission of
17 this documentation into evidence. We believe it's relevant, it has
18 been authenticated by the witness, it has probative value and also is
19 of a collaborative and cumulative nature in relation to other
20 evidence.

21 PRESIDING JUDGE SMITH: [Microphone not activated] It can be
22 marked for identification, but until we have a translation, we'll
23 withhold.

24 MR. MICHALCZUK: Of course. The translation is ready, Your
25 Honours, and I believe it was disclosed already to the Defence. It's

1 just an issue that we don't have it in the presentation queue.

2 Another technical glitch for which I can only apologise. But it's of
3 course --

4 PRESIDING JUDGE SMITH: As soon as we've seen it, we'll make a
5 ruling on it.

6 MR. MICHALCZUK: Of course, Your Honours. Thank you very much.

7 Let me now move on to the last topic of today's
8 examination-in-chief. Could we put on the screen a document
9 SITF00243117-SITF00243117-ET. So this is an English version of this
10 document. The Albanian version would be a bit bigger. The range is
11 SITF00243091 to 00243150. And it's going to be on page 27. We have
12 in front of us Serbian version and version in English, but on the
13 left-hand side if I could have the Albanian version, which is
14 SITF00243091 to 00243150. It's a bigger document. Yes. And
15 page 27. Exactly. This is the document that I need. Thank you so
16 much.

17 Q. Witness, in front of you, you have a document in Albanian on the
18 left-hand side and in English on the right-hand side. In your
19 binder, you have it also under tab number 11. I don't want to talk
20 about this document extensively. However, could you tell me whether
21 your particulars indicated there are correct? And I'm going to ask
22 you questions about it.

23 Is your name, second name and surname correct there?

24 MR. MICHALCZUK: Excuse me. Perhaps could we have the
25 assistance to the witness. Maybe he could open the binder. He will

1 have Serbian version in front of him. It's tab number 11.

2 Q. Witness, just look at the binder and answer my questions. Don't
3 look at the screen. The screen is for the benefit of the Court and
4 the Defence.

5 Is your name, second name and surname correct in that document?
6 Take a look at the binder.

7 A. It's correct.

8 Q. How about your father's name?

9 A. It's Aleksandar.

10 Q. Please take a look at the binder --

11 A. It's correct.

12 Q. Is your date and place of birth correctly stated in that
13 document?

14 A. It's correct. But I did not write this document.

15 Q. Right. We will come to that in a second. Is your nationality
16 also correctly indicated in that document?

17 A. It's correct. I am a Serb.

18 Q. Address, address at that time?

19 A. This is an address that I had in Podujeve. That's correct.
20 That was while I worked there.

21 Q. How about your employer, Javor company in Podujeve, correctly
22 stated or not?

23 A. Correct.

24 Q. Did you indeed work in Slovenia for a certain period of time as
25 stated in that document?

1 A. That's correct. I worked for 22 years at the post office there.

2 Q. At the bottom of the page, there is information about Hamdi
3 Gashi who worked with you. Is that information correct?

4 A. It's correct that he worked with me. He was also a forester.

5 Q. I understand that yourself did not draft this document, but did
6 you provide all this information to the KLA while you were in their
7 detention?

8 A. No, I don't recall that I provided this. They had my ID.

9 Q. Did you give to the KLA while in detention any of your personal
10 data?

11 A. No, they had my ID.

12 Q. But did they ever ask you to confirm whether this is your name,
13 whether this is your employment, date of birth, place of birth?

14 A. No, no, none of that. They didn't ask any of that.

15 MR. MICHALCZUK: One moment and probably I'll be done.

16 [Specialist Prosecutors confer]

17 MR. MICHALCZUK: Your Honour, this is the end of my
18 examination-in-chief.

19 Q. Mr. Witness, thank you very much.

20 PRESIDING JUDGE SMITH: Thank you.

21 The Court Officer had a question to make in connection with the
22 record from your submissions, Mr. Prosecutor.

23 Are you ready to do that now, Madam Court Officer?

24 THE COURT OFFICER: [via videolink] Yes, Your Honours. Thank
25 you. I earlier assigned Exhibit P195 to associated exhibit tendered

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1 under ERN U0010504-U0010504. However, that document had already
2 previously been assigned Exhibit P167 pursuant to the bar table
3 decision of the Trial Panel. Therefore, the number P195 will be
4 assigned to the preparatory note, which was under ERN 113598 to
5 113603. And number P196 will be freed up to be used for the next
6 document to be tendered by the Prosecution. Thank you.

7 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.
8 Mr. Laws.

9 MR. LAWS: Thank you, Your Honour.

10 Questioned by Victims' Counsel:

11 Q. And good morning, Witness.

12 A. Good morning.

13 Q. Mr. Witness, as you know, because we have already met, I am the
14 Victims' Counsel in this case, and I'm going to ask you just a very
15 few questions this morning. All right?

16 A. All right.

17 Q. Now, I hope that you understand the procedure here, which is
18 that the Judges already have your statements and everybody has read
19 about the things that happened to you in detention, the beatings, the
20 mock executions, the conditions. It's all been read and understood.
21 So I hope you understand that we're not going to need to go through
22 that again in detail.

23 A. No.

24 Q. But I want to ask you just a few questions about the time that
25 you spent in detention. And the first of them is this: What did it

1 feel like to live through those 55 days detained by the KLA?

2 A. Well, first I need to correct you, 56 days. It was very
3 difficult. The first days I was without food, and I was kept in the
4 woods somewhere. There was, like, some sort of bunker which was
5 about 2 metres by 1 metre. I was the only one there. I lay there.
6 I don't know where they took us for questioning. It was in some
7 room, and I don't know because I was blindfolded.

8 The room where I was questioned, interrogated, they all had
9 masks on their face. So even if I was -- if the blindfold was
10 removed, I couldn't recognise anyone because they were wearing masks
11 covering their faces, like stocking masks over their face.

12 Q. I'm sorry, may I just interrupt you. Sorry, and I don't mean to
13 be rude in any way, but you heard me say that we have read about
14 these things, and my question is not intended to make you repeat
15 them.

16 My question, and I'll ask it in a different way, is this: If
17 you had to describe in just a few words how it felt to go through
18 these things, not what happened but how it felt to be you with these
19 things happening to you through those 56 days.

20 A. I felt very bad. At times when I was being beaten, I wasn't
21 even conscious. These were difficult things, and it's hard to
22 explain them all.

23 Q. Psychologically, you were asked by the Prosecutor a few moments
24 ago how did you feel, and you said, "I almost didn't know who I was."
25 And that's page 39, line 22 of the provisional transcript. You said,

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1 "I almost didn't know who I was." Can you tell us a little more
2 about what you meant by that?

3 A. Well, all I can remember, and I remember most that the -- well,
4 the paper that I was given in order to be released, to sign that I
5 would never again set foot in Kosovo, and that I hadn't been beaten
6 or mistreated. This was repeated three times by Latif Gashi to me.
7 And if I didn't sign that, that I may be executed. And I signed
8 that, and perhaps it was a big mistake to sign that, but I was in a
9 difficult position, and I wanted to live. Had I not signed it, I
10 might have been killed, as Latif Gashi mentioned.

11 Q. Thank you. You've told us about being treated in hospital for
12 your condition, and we can see from the records that you were
13 diagnosed with depression and with anxiety, and you were given
14 medication to help with those conditions; is that right?

15 A. That's correct, yes.

16 Q. What's the position today, Mr. Witness? Do you still take
17 medication or not?

18 A. No, I have to take the medication, and I have proof. I wouldn't
19 be alive if I wasn't taking medication. So for as long as I live, I
20 have to take medication because I suffer from these traumas.

21 Q. We've also seen in the records - and it's SPOE00209223, we don't
22 need to bring it up, at page 19 - that you were certified by a doctor
23 as being unfit to work as a result of what had happened to you. Is
24 that also right?

25 A. That's right.

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1 Q. That decision was taken in January 2001, so many years ago now.
2 Is the position that you have not been able to work since then?

3 A. No, I was never employed after I had been released because I was
4 not fit to work anymore. I provided a document showing that in 1999
5 already I was declared unfit to work, and I retired as a handicap or
6 unfit-to-work person, and I believe you do have that statement or
7 certificate.

8 Q. Yes, thank you. Those are all the questions that I have.

9 MR. LAWS: Thank you, Your Honour.

10 PRESIDING JUDGE SMITH: All right. Rather than start up with
11 Mr. Kehoe, we'll take a break now. Be back at 11.30. We are in
12 public session.

13 Madam Usher, will you please escort the witness out.

14 [The witness stands down]

15 MR. STRONG: Sorry, Your Honour. Just to, again, notify the
16 parties that as things stand, we will be considerably less than the
17 one and a half hours that we had estimated for this witness.

18 PRESIDING JUDGE SMITH: Could you take a guess?

19 MR. STRONG: I should think we will be less than 15 minutes,
20 Your Honour. Thank you.

21 PRESIDING JUDGE SMITH: All right.

22 Mr. Kehoe.

23 MR. KEHOE: Judge, I will be an hour give or take, maybe a
24 little bit more, just to -- probably bleed over the hour.

25 PRESIDING JUDGE SMITH: [Microphone not activated]

1 MR. KEHOE: Thank you, Judge.

2 PRESIDING JUDGE SMITH: Mr. Roberts.

3 MR. ROBERTS: Similar to counsel for Mr. Veseli, I think a
4 maximum of 15 minutes at this stage, Your Honour. Thank you.

5 PRESIDING JUDGE SMITH: All right.

6 MR. ELLIS: It's also coming down, Your Honour. I would have
7 thought half an hour as things stand at the moment.

8 PRESIDING JUDGE SMITH: Thank you very much, everybody. I
9 appreciate the update.

10 --- Recess taken at 10.57 a.m.

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

12 PRESIDING JUDGE SMITH: We are in public session.

13 Madam Court Usher, you can bring the witness in.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: Can you hear me, Witness?

16 THE WITNESS: [Interpretation] Yes, I can hear you well.

17 PRESIDING JUDGE SMITH: Mr. Kehoe will have some questions for
18 you now.

19 Go ahead, Mr. Kehoe.

20 MR. KEHOE: Thank you, Your Honour.

21 Cross-examination by Mr. Kehoe:

22 Q. I will just call you "Witness." No disrespect intended. It's
23 just for safety purposes. As Judge Smith noted at the outset,
24 Witness, if you don't understand a question that I ask, please ask me
25 to repeat it. And if I ask another question and you haven't finished

1 your answer, I apologise ahead of time, but please tell me that you
2 haven't finished your answer and that you want to answer.

3 Okay? Do we understand each other?

4 A. Yes.

5 Q. So I want to ask you a little bit about your arrest, Witness, on
6 2 August 1998. And you had told us that you were in the forest as a
7 forester working in the area of Velika Reka; is that right, sir?

8 A. Right.

9 Q. And at the time you, in fact, had -- you were armed at the time;
10 is that right?

11 A. No, I -- every forester had a weapon, so I had a pistol too.

12 Q. And, by the way, how many foresters are there in that area?

13 A. Eleven.

14 Q. And, basically, you walk through the forest and, among other
15 things, try to ensure that the forest itself is not illegally logged;
16 is that right?

17 A. Yes.

18 Q. And you were wearing a green uniform, weren't you?

19 A. Yes.

20 Q. And the Serb army uniforms are olive green, aren't they?

21 A. I have not understood the question.

22 Q. So you said that your uniform was green as a forester.

23 A. Green, yes, a forester's uniform.

24 Q. And the Serb army uniform is an olive green, isn't it?

25 A. Well, it's more grey or olive drab, the Serbian army uniform.

1 Q. Well, you've previously described it as -- let me read this to
2 you.

3 MR. KEHOE: Let me just go to SPOE00123186 to SPOE00123218, and
4 I'm interested in page 205 in the English, and I believe it's the
5 same in Serbian.

6 Q. So the question by the SPO to you:

7 "As a forester did you used to wear a uniform?"

8 Your answer was:

9 "Yes."

10 "Q. Was different uniform from the police uniform?"

11 "A. Of course ours is green colour.

12 "Q. Is the uniform the same as an army uniform?"

13 "A. It is different, our forester uniforms are green, and the
14 army's uniform is a olive green colour."

15 Were you asked those questions and did you give those answers?

16 A. Yes.

17 Q. So when you go through - when you were walking around in your
18 green uniform, you could come in possession of information that was
19 important to the Serb authorities concerning, for instance, actions
20 of the KLA or the position of the civilian population; isn't that
21 right?

22 A. No, I did not provide any information to anyone.

23 Q. Well, let me read you a comment by --

24 A. Because I was responsible for keeping the forest so there would
25 be no illegal logging going on. Because there was quite a lot of

1 logging up there in the woods.

2 Q. Let me mention a comment or two of an SPO witness, of an
3 individual you mentioned this morning, Nuredin Ibishi.

4 MR. KEHOE: And I would like to go to SPOE00088341-00088352 at
5 page 88349.

6 Q. And there is no Serbian version to this, sir, so I will read it
7 to you. Mr. Ibishi was asked *[REDACTED] Pursuant to In-Court
Redaction Order F1616RED.* He said:

8 "Concerning *[REDACTED] Pursuant to In-Court Redaction Order
F1616RED.*, we had a report that he had interfered
9 using a small weapon with one of our positions in Potok and so he was
10 detained. I should add that the hunters and foresters knew the area
11 very well and they sometimes informed the Serb paramilitary, which
12 resulted in some of the massacres in that region. We had received
13 information that many of them gave very important information to the
14 Serbs about the position of the civilian population and also about
15 our military actions."

16 So did you ever -- well, let me withdraw that. How often did
17 you report to the Serb authorities about military actions by the KLA?

18 A. I never reported anything.

19 Q. So your testimony is that in all of the time that you were
20 working as a forester, you have never reported any information about
21 movements of the Kosovo Albanian civilian population or military
22 actions of the KLA? You never reported any of that to the Serb
23 authorities. Is that your testimony?

24 A. Yes, that is my testimony. I did not.

25 Q. You do recognise, Witness, that when --

1 A. Just one question, please. I reported to the Serbian
2 authorities that sand was being taken away in civilian trucks in
3 Bajgore and that they were preparing some sort of bunkers. Until
4 they accepted that. And I never went there again to report anything.

5 Q. So you reported to the Serb authorities that the civilians, and
6 I'll read back what you said:

7 "I reported to the Serbian authorities that sand was being taken
8 away in civilian trucks in Bajgore and that they were preparing some
9 sort of bunkers."

10 So when did you report this information concerning the building
11 of bunkers?

12 A. Well, that was in early 1998.

13 Q. So before you were arrested on 2 August, you had already told
14 the Serb authorities that sand was being taken out in civilian trucks
15 so that the Kosovo Albanians could build, what, trenches; is that
16 right? Or bunkers, I should say. Is that right?

17 A. Yes, that's correct.

18 Q. Now, when you were arrested during this period of time, and you
19 do know that the KLA or the civilians were building bunkers, you do
20 know that a war was taking place in the area between the KLA and the
21 Serb authorities, didn't you?

22 A. Yes, I had heard it from my colleagues, other foresters who were
23 Albanians by ethnicity.

24 Q. So we are in a time of war on 2 August. You had already
25 provided information concerning the building of bunkers by the KLA.

1 And you are walking through the forest with a green uniform and you
2 have a weapon. Is that about right?

3 A. Yes, but each forester had the weapon from the first day. Both
4 Serbs and Albanians who were foresters were in possession of weapons.

5 Q. Now, you mentioned -- and we will get into it in a little bit.
6 You mention in response to some questions by my colleague at the SPO
7 that he showed you a statement from 26 September 1998 that was put
8 together by a police officer named Zlatomir Simic. Do you remember
9 that?

10 A. I did not write that statement. I never gave a statement.
11 Because on the following day -- that was on the 26th. On the 27th,
12 it was in the papers that I had escaped from the KLA and, I don't
13 know, all sorts of things. Whereas, at the time, I was not even
14 conscious of my own conditions, let alone that I could give a
15 statement. I didn't give any kind of statement at all.

16 Q. Well, Witness, you did, in fact, go to the police station on
17 26 September 1998, did you not?

18 A. Yes, but I didn't -- they drove me there because I couldn't even
19 walk. A bus took me to the police station.

20 Q. And you did tell Zlatomir Simic that you -- you told Zlatomir
21 Simic that the KLA was building bunkers, didn't you, on 26
22 September --

23 A. No, on the 26th I didn't tell him that. We argued. I had told
24 him that before, perhaps two or three months earlier, that bunkers
25 were being built.

1 Q. Let me turn your attention to the statement you gave to the SPO.

2 MR. KEHOE: And this is ERN 070629 Part 2, English translation,
3 page 16, 13 to 14. The Serbian is the same ERN number, Part 2,
4 page 5, 12 to 18. And Albanian is the same ERN number, Part 2, page
5 6, 3 to 14.

6 Your Honour, we might not want to put this in the public screen
7 because it does mention the individual's name. But if it's okay to
8 mention the witness's name ...

9 PRESIDING JUDGE SMITH: It is not.

10 MR. KEHOE: Then if I can just read it and just eliminate that
11 part of it which has his name.

12 THE COURT OFFICER: Your Honours, for the record, that was
13 assigned Exhibit P193.2.

14 MR. KEHOE: Thank you.

15 Q. And let me read this to you, Witness. And this is a question
16 that was asked of you by the SPO:

17 "Do you recall," speaking to you, sir, "speaking to a Serbian
18 police officer in Podujevo police station on or about 26 September
19 1998? And in particular, to the commander of the Podujevo police, a
20 Zlatomir Simic?

21 "A. On the 26th?

22 "Q. 26 September 1998.

23 "A. I came to the police station, and I told him that he was
24 not a human being; he was a dog.

25 "Q. Who were you referring to?

1 "A. About the commander. Because I told him what was going on
2 over there, that they were building bunkers and everything. And he
3 threw me out of the office."

4 Did you tell -- did say that -- excuse me, withdrawn. Were you
5 asked those questions by the SPO and did you give those answers?

6 A. Just what you read out, that he was not a human being and that
7 he threw me out. This I told him. And I did not provide anything
8 further. Nothing further than that.

9 Q. Well, you told the SPO, in questions by the SPO, that:

10 "Because I told him what was going on over there, that they were
11 building bunkers and everything."

12 Did you tell Simic on 26 September that the KLA was building
13 bunkers?

14 A. No. Not then, no.

15 Q. So --

16 A. I just told him that he was not a human being and that it was a
17 pity that he was a commander in the police.

18 Q. So when this testimony of yours was taken and you were advised
19 to tell the truth, are you telling this Court that when you told the
20 SPO, in conversations with the SPO, that:

21 "... I told him what was going on over there, that they were
22 building bunkers and everything."

23 When you told the SPO that, you were not telling the truth? Is
24 that what you're telling this Court?

25 A. But I said that before I was detained, about three months

1 earlier, that it had to do with bunkers, and not on the 26th. To
2 this commander.

3 Q. That's -- unfortunately, Witness, that's not what you told the
4 SPO in this interview. This interview says that when you were
5 released on the 26th and you went to the police station the same day,
6 you told the police that the KLA were building bunkers; correct?

7 A. No, that's not correct. I claim that it's not correct.

8 Q. Well, you also claim that this entire interview with the police
9 officer Simic, that you did not speak to him at all that day?

10 A. I couldn't have talked to him.

11 Q. So -- well, let's just go to the statement.

12 MR. KEHOE: SPOE00123186 to 123289. I'm sorry, I think that's
13 the wrong number. It is U002-3926, 3928. And it's the same ERN
14 number and page in Serbian.

15 Q. So if we can just scroll through this if we may, and this is
16 a -- I believe a three-page statement, concerning the details about
17 your arrest, et cetera.

18 MR. KEHOE: If we can go to page 2. And the next page.

19 Q. So this almost, what, two and a half pages, almost
20 two-and-a-half-page statement that Officer Simic says that he
21 obtained from you, where did he get this information if he didn't get
22 it from you?

23 A. No, the commander did not receive this from me. Because on the
24 following day, I repeated that, the following day it was in the
25 papers that I had escaped from the KLA. And I did not. I received a

1 document stating the period of time that I spent in detention, and I
2 never gave that to this commander, Mr. Simic. No.

3 Q. So where did he get all this information? Do you have any idea?

4 A. That I don't know. I don't know where he got that information.
5 I couldn't know that.

6 Q. Did he make it up?

7 A. And how come that in the same paper it was stated that I had
8 escaped? How could I have escaped when I was unable to walk? I was
9 released with a document stating that. But I don't know where and
10 how and what this commander received.

11 Q. So you say that you didn't tell him about the bunkers. Well,
12 let us turn our attention on this document to page --

13 A. I did tell him that earlier, about three or four months
14 previously, before I was detained.

15 Q. Well, if we can turn to one of the previous pages.

16 MR. KEHOE: And I believe we're on 28, 3927 to 3928. One goes
17 into the next. I think it's the bottom of the page.

18 Q. Officer Simic writes, in conversation with you, and talking
19 about the KLA:

20 "When asked about how many of them there were according to his
21 estimation and which weapons they had, he," meaning you, "answered
22 that there were about 30 policemen in dark blue uniforms with black
23 circles, who treated him ... fairly, and more than a thousand members
24 in green camouflage uniforms. As for the weapons, he can confirm
25 that one in ten had a light machine-gun with ammunition belts, most

1 probably a 7.9 mm PM," that's a light machine-gun, "20-30 mortars,
2 heavy machine-guns, meaning 12.7 mm, about seven of them, and over
3 100 hand-held rocket launchers which he wasn't able to describe, and
4 he also mentioned that he had seen a recoilless gun."

5 Did you tell Mr. Simic about all that weaponry?

6 A. That's not correct. I did not tell that to Simic at all.

7 Q. So, again, all of this that's in the report that Simic has, you
8 didn't tell him; right? Is that what you're saying?

9 A. That's not correct at all, what's written there, what Simic
10 stated, the commander.

11 Q. Well, were there in fact 30 policemen?

12 A. I don't know. There may have been even more than that. I
13 couldn't have counted them.

14 Q. Well, were there a thousand members in green camouflage
15 uniforms?

16 A. Well, there were many soldiers there. I don't know that. As
17 for the number, I was unable to count them all, how many of them were
18 there and what else was there.

19 Q. Well, when you were interviewed by the state security on
20 29 September, didn't you give them the same exact numbers of 30
21 policemen and approximately a thousand soldiers?

22 A. In September.

23 Q. In September 29th.

24 PRESIDING JUDGE SMITH: Excuse me.

25 MR. MICHALCZUK: Your Honours, I believe we are referring to the

1 statement of 1 October.

2 MR. KEHOE: No, 29th.

3 PRESIDING JUDGE SMITH: Go ahead.

4 MR. KEHOE:

5 Q. Is that right, sir? Did you give them the same numbers of a
6 thousand KLA members and 30 policemen?

7 A. I don't remember that.

8 MR. KEHOE: Well, let's go to 112054 to 112058 --

9 THE WITNESS: [Interpretation] I don't remember that.

10 MR. KEHOE: -- in the English. I'm looking at -- if we can go
11 to the first page first and then we'll move to the operative page. I
12 do not believe that there is a Serbian translation on this.

13 If I can just correct one thing. The conversation was on the
14 29th and the report is on the 1st. But the conversation -- I stand
15 corrected and in that respect, you're correct.

16 PRESIDING JUDGE SMITH: Thank you.

17 MR. KEHOE: My thanks.

18 Q. So, sir, this is a report that's 1 October for a conversation
19 that you had on the 29th.

20 MR. KEHOE: And if I can go to page 112057.

21 Q. Now, you did, in fact, give this information to the Serb
22 authorities; right? Witness?

23 A. What did I say to the Serbian authorities?

24 Q. You did, in fact, give this statement to the Serb authorities,
25 did you not?

1 A. But what did I provide in the statement?

2 Q. It's right before you, sir. The statement that's before you.

3 MR. KEHOE: If you go to the first again, please.

4 Q. This is the statement where you didn't mention Latif Gashi or
5 Nuredin Ibishi. Do you recall being asked those questions by the
6 SPO?

7 A. Excuse me, what about the SPO? Could you please repeat that.

8 Q. This is the document that was put on -- was talked to you this
9 morning by the SPO, and did you not acknowledge that you had given
10 this statement to the Serb authorities on the 29th? This is dated
11 the 1st, but on the 29th. Is that right?

12 A. Yes.

13 MR. KEHOE: And turn to -- if we can go to 112057.

14 Q. And you noted, you said:

15 "From what I could see, there were approximately 1,000 KLA
16 members and over 30 policemen. The policemen wear different uniforms
17 and black shirts, and they are currently staying in Popovo village,
18 in a school near the Potok hamlet."

19 Did you tell the authorities that, the Serb authorities that on
20 the 29th?

21 A. Yes, I did state that, but I had come to, to a degree. I was
22 feeling somewhat relieved, somewhat better, and I could focus better.

23 Q. So you gave the Serb authorities the same number of policemen,
24 30, and the same number of KLA members that Simic has listed in his
25 interview of you on 26 September; is that right?

1 A. I did not tell Simic that. Now, where did Simic obtain that
2 information, I don't know. And this I did say. And as for Simic, I
3 don't know where he got it.

4 Q. Well, isn't fair to say that as soon as you could, Witness, you
5 gave the Serb authorities troop strength, weaponry strength, and
6 where their positions were as soon as you possibly could? Isn't that
7 right?

8 A. What do you mean that I mentioned this, that I stated this? At
9 what time? I didn't quite get your question.

10 Q. Isn't it accurate, Witness -- and I'll repeat it again. Any
11 time you don't understand, just let me know and I'll do my best to
12 repeat it so you do. Isn't it accurate that right after you were
13 released, you were informing the Serb authorities of troop strength,
14 weapon strength, and positions, in addition to defensive positions
15 and, here, where the KLA troops were garrisoned? You say here in
16 Popovo village, in a school near Potok hamlet. You were telling them
17 all that information right after you were released, weren't you?

18 A. No, not at that time. That was later. I said that later, not
19 at this time, because I was unable to say these things then or to
20 know them.

21 Q. But you do agree with us that the statement that's on the screen
22 now that you gave on the 29th, you did, in fact, give it to the Serb
23 authorities on 29 September, didn't you?

24 A. Yes, I did. Yes. I did.

25 Q. Now, when you were in custody, there were some questions about

1 whether or not you were involved with various members of the Serbian
2 apparatus. And I'm talking about Mico Jovic, Tomislav Petrovic, and
3 others; right?

4 A. No, no, no. I had no contact with them. I didn't have any
5 contacts with anyone while I was detained.

6 Q. But you were asked questions about those individuals by the
7 questioners, the KLA questioners, right?

8 A. That's correct. Latif Gashi interrogated me and he asked about
9 Mico Petrovic. He was a man who worked for the Prishtine state
10 security, DB. And he told me then that on the first occasion they
11 get, they would assassinate him. And I believe they killed him in
12 September or October. I believe he was killed in October.

13 Q. And one of the individuals that you were in custody with was an
14 individual by the name of Sabit Berisha; right?

15 A. That's correct.

16 Q. And you weren't in custody with someone by the name of Sabit
17 Krasniqi, were you?

18 A. No. No, let me explain. There were other people later, but
19 nobody talked with me. They were not allowed to while we were
20 detained.

21 Q. I understood. But from your knowledge, Sabit Berisha was an
22 informant for the Serb authorities as well, wasn't he?

23 A. That's what they said, that he had been. That's correct. Now,
24 whether he was or wasn't, I don't know. But it was stated there that
25 he had been an informant or -- that he cooperated with the Serbian

1 police. But whether that's correct or not, I don't know. I can't
2 claim either way. And it was also said Berisha told me that they had
3 found some documents coming from some generals in Belgrade, but I
4 don't know what was written there exactly. I don't know that.

5 Q. Well, are you aware that Officer Simic calls him "an informer of
6 ours," "an informer of ours," when talking about Sabit Berisha. And
7 that's at the same document at page -- I'm sorry?

8 A. I don't know about that. I don't know.

9 Q. Now, you did mention this issue concerning Sabit Berisha, that
10 Berisha had documents concerning -- when they searched Sabit
11 Berisha's house, he had documents concerning Serb generals in
12 Belgrade; is that right?

13 A. Yes, he said so himself. He told me so.

14 Q. And these Serb generals were people he was working with, wasn't
15 it?

16 A. Well, I don't know. He said that they had found it. But
17 whether he worked with them or not, I don't know. But he was
18 probably working with them since he was arrested, as he was arrested.

19 Q. Now, the other person you talked to us about was a Fadil
20 Suljevic; is that right?

21 A. Yes.

22 Q. And you told us this morning, and this is at page 35, line 16 to
23 18:

24 "Now, whether Fadil was also taken prisoner or was just put
25 among us so he could question us, that's something I could not really

1 confirm."

2 Do you recall staying that this morning?

3 A. Yes.

4 Q. And then, ultimately, Fadil Suljevic came back to see you after
5 he left with, what, a KLA uniform on?

6 A. He left on 27 August. And on the morning of the 28th, he came,
7 he was wearing a uniform, he came to say goodbye to me, and he said
8 that he would help me to get released.

9 Q. And he was wearing what you believed was a KLA uniform; right?

10 A. Well, he said that he would join the KLA. That's what he told
11 me, Fadil Suljevic.

12 Q. So as you look back at that, you don't know whether Suljevic,
13 when he was talking to you, was telling you the truth or was actually
14 just trying to get information from you; is that right?

15 A. I can't confirm that. I don't know whether it's correct or not.

16 Q. So let's move ahead to your interview. So on 29 September, and
17 I believe it's in the report of August, you note that --

18 MR. KEHOE: And you can put this back up on the screen, 112054
19 to 112058 at page 112057.

20 Q. So you say:

21 "From what I could see, there were approximately 1,000 KLA
22 members and over 30 policemen. The policemen wear different uniforms
23 and black shirts, and they are currently staying in Popovo village,
24 in a school near the Potok ... the soldiers and officers wear the
25 same uniforms which are for the most part sewn in a factory in Bare

1 village, Kosovska Mitrovica SO. Their commanders did not have ranks,
2 but everyone knew who was who, and hierarchy was strictly adhered to.
3 I know for a fact that one of the commanders was from Velika Reka."

4 Now, in addition to giving them this -- the Serbs this
5 information, did you elaborate further on the building of trenches
6 and bunkers?

7 A. No, because I never went. I was never taken to dig whatever.
8 The other prisoners were taken there, detainees, who hadn't been
9 beaten. Berisha and I could not go to dig out these bunkers. And I
10 don't know who did dig and what was done there.

11 Q. Well, did you tell the Serb authorities that, in fact, the KLA
12 was digging bunkers?

13 A. Yes, yes.

14 Q. And you actually told them the location of where these armed
15 forces were, didn't you?

16 A. Yes.

17 Q. Now, when you were in custody with the KLA, you were accused of
18 disrupting the KLA uprising for giving them information, giving the
19 Serb authorities information, weren't you?

20 A. No, that's not true. I did not inform on anyone. I was just a
21 forester, and I looked after the forest. I didn't care about who was
22 what.

23 Q. Did you not tell the SPO several days ago that when asked to
24 clarify whether he was accused of disrupting the armed uprising of
25 Albanians, you confirmed this was the allegation put to him but it

1 was false. Was that allegation put to you by the KLA?

2 A. That's right. That's right that they accused me of being a spy,
3 that I was spying, but that's not what I was doing.

4 Q. But you did give all of this information to the Serb authorities
5 concerning troop strength, troop placement, defensive positions, and
6 where, in fact, the soldiers were being garrisoned or being
7 headquartered, did you not?

8 A. I provided that information after my detention, after I was
9 released.

10 Q. Let me shift gears to Osman Sinani. And you told us that he was
11 reportedly working with the Serbs; is that right?

12 A. That's what was said, but I don't know whether that's a fact.
13 He was a teacher. Although, I knew him. He patroned Serbian cafés
14 just like I did Albanian cafés. But as for that part, whether he
15 worked or cooperated with the Serbs or not, I don't know. I knew
16 Osman Sinani from Podujeve. He was -- when I was transferred from
17 Bare to Bajgore, I was put in his room where Osman Sinani was and
18 Suljevic, where they were.

19 And he asked me, once I was taken there and brought into the
20 room, he asked me, "Are you still alive? Because it was said in
21 Bujku that I have been killed." But at that moment, they took him
22 out to interrogate him. I don't know what happened. Suljevic was
23 taken out. And an hour later, Suljevic was brought back into this
24 room, and I was taken to another room where Sabit Berisha was and
25 five or six other men. I don't know where they had been brought

1 from, five or six more detainees.

2 Q. Well, with regard to going with Osman Sinani to the forest, you
3 have no information that Osman Sinani was shot in the forest, do you?

4 A. There are two versions there. There were shots fired. I didn't
5 see that he was killed, but Fadil Suljevic confirmed this. A few
6 days after his absence from the room, and I don't know whether he
7 worked for KLA, but he confirmed that the other one had been killed,
8 beaten by poles to death. And this was some 500, 600 metres away
9 from where we were, where we lay. There was a big oak tree there,
10 and he showed me, he pointed to this tree and said that that's where
11 he'd been tied and shot to death.

12 Q. Let me put it to you, Mr. Witness, the fact that there has been
13 an forensic analysis on Osman Sinani's body and that he was not
14 killed by a gunshot wound. Are you aware of that?

15 A. Excuse me, can you repeat it? I didn't get it.

16 Q. I'm putting to you the evidence that the forensic analysis by
17 the Serb authorities reflect that Osman Sinani was not killed by a
18 gunshot wound. Are you aware of that?

19 A. Well, that's why Fadil Suljevic told me that he had been killed,
20 beaten to death by poles, not that he had been shot. He was beaten
21 to death.

22 Q. Now, this is the same Fadil that you talked about on page 35
23 this morning in the transcript and 16, where you're not sure "whether
24 Fadil was also taken prisoner or was just put among us so that he
25 could question us." That's the same Fadil; right?

1 A. Yes, it's the same man. The same man.

2 Q. Do you recall telling the SPO that Fadil Suljevic didn't tell
3 you what happened to Osman Sinani? Do you recall that?

4 A. No.

5 Q. Let me turn your attention to --

6 A. No, I don't.

7 Q. I'm sorry. Again, I didn't mean to cut you off. I'm sorry if I
8 did.

9 MR. KEHOE: I apologise for that, Judge. I didn't mean to cut
10 him off, but I might have just a bit.

11 Q. Did you finish your answer, sir?

12 A. Yes, you can go on.

13 MR. KEHOE: Yes. Let us go to 070629, in the English, Part 1,
14 page 21, 15 and 19. And in the Serbian, the same ERN number, Part 1,
15 page 19, 21 to 25. Albanian, same ERN number, Part 1, page 21, 19 to
16 25.

17 Q. And this is a question and then answer between you and the SPO.

18 Answer:

19 "... so I talked with Suljevic. Suljevic said he didn't know
20 anything" --

21 We're talking about Osman Sinani, by the way.

22 "... so I talked with Suljevic. Suljevic said he didn't know
23 anything about him, even though Suljevic did know everything.

24 "Q. About Osman Sinani?

25 "A. He knew everything.

1 "Q. Did he tell you what had happened to Osman Sinani?

2 "A. No. He just you said: 'He's gone.'"

3 Were you asked those questions and did you give those answers to
4 the SPO in your interview with them?

5 A. I don't remember that I provided that kind of statement, but I
6 know that Suljevic - in other words, four to five days later, in
7 Bajgore - he said that he was gone, talking about Osman Sinani. And
8 then he said he must have been beaten to death by poles.

9 Q. So the statement that you made to the SPO a couple of days ago
10 and here today about Sinani beaten with poles was made to you by
11 someone who may have been an informant and may have not; right? I'm
12 talking about Fadil Suljevic.

13 A. Only Suljevic confirmed it.

14 Q. And what I'm saying to you is that what you say Suljevic told
15 you was told by someone, Fadil Suljevic, that you don't know if he
16 was actually telling you the truth; right?

17 A. Well, how should I know? First of all, I don't know if he was
18 taken prisoner or whether he was just planted there to question us.
19 But I know for sure he told me, and that's guaranteed, that he had
20 been killed with poles.

21 And Suljevic also gave me a sweater, and I still have it to this
22 day. I've kept it in order to remember him. He -- because I was
23 cold, I didn't have anything to wear, and he actually presented it as
24 a gift to me, Fadil.

25 Q. [Microphone not activated]. I'm sorry.

1 When you were interviewed by the SPO on 4 December 2019, and I
2 believe that is in the SPO interviews, you were asked point blank:
3 Did Suljevic, in talking about Suljevic, did he tell you what had
4 happened to Osman Sinani, and you answered:

5 "No. He just said: 'He's gone.'"

6 Were you asked that specific direct question by the SPO and did
7 you answer that Suljevic did not tell you what happened to Osman
8 Sinani? Were you asked that question and did you give that answer?

9 A. I know that I said that he had told me that Sinani had been
10 killed with poles. And I can tell you the statement was -- the
11 statement from 2009, they do not exist. All the transcripts from the
12 hearings, the trial that was held in 2009 had disappeared somehow.
13 And that's in the papers. I think you have those papers, too.

14 So the earlier transcripts of earlier trials do not exist. The
15 papers had disappeared. And I can also tell you that I did not trust
16 a lot those interpreters and translators.

17 Q. Sir, I put to you that the statement that I just read to you,
18 that did Suljevic tell you what happened to Osman Sinani and you
19 answered, "No. He just said: 'He's gone.'" This is a statement
20 that you made in 2019 - not 2009, 2019 - to the SPO. That's what I
21 just read to you about Suljevic saying he didn't know, didn't tell
22 you what had happened to Osman Sinani. It wasn't EULEX. It wasn't
23 UNMIK. It was a statement that you made to the SPO in 2019.

24 Now, that statement that you made to the SPO says nothing about
25 being beaten by poles, does it?

1 A. No, I don't remember. I don't recall that. I don't recall
2 that. 2019.

3 Q. And I put to you, sir, the evidence this Court has heard is that
4 Osman Sinani was killed in a Serb bombing attack in Bajgore in
5 September 1998. Are you aware of that?

6 A. No.

7 MR. KEHOE: Can we just go to private session because I just
8 need to just refer to a witness that is -- had been testifying in
9 private session.

10 PRESIDING JUDGE SMITH: We will go into private session, please.
11 Madam Court Officer.

12 [Private session]

13 [Private session text removed]

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Witness: W03540 (Private Session)

Page 5059

Cross-examination by Mr. Kehoe

1 [Private session text removed]

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25 [Open session]

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

2 PRESIDING JUDGE SMITH: Go ahead.

3 MR. KEHOE:

4 Q. So is your testimony here that there was no shelling by Serb
5 forces on Bajgore in September 1998? Is that your testimony?

6 A. No, I don't know -- I'm not aware of the Serbian authorities
7 doing any shelling then. No. I just know that there was a war in
8 1999. So I don't see how the Serbian authorities could have done any
9 shelling in 1998.

10 Q. Let us turn our attention to, I believe it is, Exhibit P00167.

11 MR. KEHOE: If we could put that on the screen.

12 Q. Now, sir, this is the document that you had been discussing with
13 the SPO that had been given to you by Latif Gashi; is that right?

14 A. Yes.

15 Q. And you had learned, I think you told us, in various
16 conversations with individuals while you were in detention that
17 Latif Gashi was the main one, if I can use your words, of the KLA; is
18 that right?

19 A. That's right.

20 Q. And you learned that Latif Gashi, according to you, was the main
21 organiser of the maltreatment as well as the interrogations; is that
22 right?

23 A. That's right.

24 Q. And, in fact, you were interrogated by Latif Gashi; is that
25 right?

1 A. Yes.

2 Q. And you were interrogated by Latif Gashi in several locations;
3 right?

4 A. Yes.

5 Q. And you picked Latif Gashi's photo out of a photo lineup; right?
6 Right?

7 A. Yes.

8 Q. And you -- and he provided the release papers to you that --
9 giving you the conditions for your release; is that right?

10 A. That's right.

11 Q. And you testified about all of this information concerning
12 Latif Gashi three times before both the UNMIK courts and the
13 Prishtine District Court, didn't you?

14 A. Yes.

15 Q. And Latif Gashi was convicted, wasn't he?

16 A. Yes.

17 Q. He was sentenced to jail, wasn't he?

18 A. Yes.

19 MR. KEHOE: One moment, Your Honour.

20 Your Honour, I have no further questions.

21 Q. Thank you, Witness.

22 PRESIDING JUDGE SMITH: Thank you.

23 Mr. Strong.

24 MR. STRONG: Your Honour, we have no questions for this witness.

25 Thank you.

1 PRESIDING JUDGE SMITH: All right.

2 Mr. Roberts.

3 MR. ROBERTS: No questions for this witness, Your Honour. Thank
4 you.

5 PRESIDING JUDGE SMITH: Mr. Ellis.

6 MR. ELLIS: I do, Your Honour. Just a moment.

7 PRESIDING JUDGE SMITH: Go ahead.

8 Cross-examination by Mr. Ellis:

9 Q. Witness, could I first of all show you Exhibit P194, page 17 of
10 that exhibit, which I think has the reference ERN SPOE00209239.

11 I think it's right, isn't it, that in February 2000 you were
12 being treated for depression; is that correct?

13 A. That's correct.

14 Q. And reading from the first substantive paragraph of this
15 document, it says you were:

16 "Admitted to the neuropsychiatric ward because of worsening of
17 the basic illness (bad mood, insomnia, loss of appetite, increased
18 forgetfulness, vegetative disturbances.)"

19 Do you see that?

20 A. I do.

21 Q. So prior to February 2000, you were already suffering symptoms,
22 including forgetfulness, but that it had got worse at about that
23 time; correct?

24 A. Correct.

25 Q. And are those amongst the psychological symptoms that you

1 confirmed are ongoing today?

2 A. Yes.

3 Q. [Microphone not activated]

4 MR. ELLIS: Thank you. Could I then have back on screen
5 U002-3926. And the English translation, this is U002-3926-ET.

6 Q. Now, this is the document written by Mr. Simic which Mr. Kehoe
7 was showing to you a moment ago. Is it still your position that you
8 didn't give a statement to Mr. Simic? Or, as I think you said to the
9 Prosecution this morning, if you did, you only spoke to him for about
10 half a minute?

11 A. I didn't give any of that statement, and I still claim that I
12 may have talked to him for about one minute. I did not give any
13 other statement to Mr. Simic.

14 Q. I see. If we can just look through it together, then. The
15 second paragraph there which begins: "On 2 August 1998 ..." Are you
16 able to see that in the Serbian? Is it right that you were detained
17 on 2 August 1998 near a place called Dobra Voda?

18 A. Yes. It may be about 500 metres away from Dobra Voda in the
19 forest, and that was where I was taken prisoner. At Dobra Voda.
20 Arrested, I mean.

21 Q. And if we go down to the next paragraph, it's correct, isn't it,
22 that you say you were asked questions about individuals including
23 Tomislav Petrovic and Mica Jovic?

24 Those two individuals are individuals you say you were asked
25 questions about during your detention; correct?

1 A. Yes. Yes, correct. Mica Jovic used to work in the DB and
2 Tomislav worked as a policeman in Lluzhan.

3 Q. Is that information that you gave to Mr. Simic on 26 September
4 1998?

5 A. No, I did not. I never had any contacts with Simic.

6 Q. The thing I'm struggling with, Witness, is where else could he
7 have got the information from that you were asked questions about
8 those two individuals if not from you yourself?

9 A. I don't know where he got it from. I really don't know that.

10 Q. I see. And just two questions about Sabit Berisha. He was an
11 individual that you thought had formerly been a teacher; is that
12 right?

13 A. Yes, right.

14 Q. And you thought he was from the village of, and I apologise for
15 pronouncing this wrongly, Konjusevac?

16 A. Konushevci, yes.

17 Q. Konjusevac. And could we go on to the second page of that
18 document, please. The second paragraph there, which begins, "After
19 some time ..." if you could take a moment to read that to yourself.

20 A. I don't know what I'm expected to answer and to what question.

21 Q. The question was: Is it correct there was an incident when you
22 were in Majance village where a helicopter and a rocket launcher
23 fired at the building where you were standing in front of?

24 A. Yes.

25 MR. ELLIS: And the final paragraph on that page, please.

1 Q. There's a reference there, I think, to Fadil Suljevic giving you
2 a knitted sweater which you put on. Is that right that Fadil
3 Suljevic gave that to you?

4 A. That's right. I'm keeping it to this day.

5 Q. And with all of those details in this document, are you still
6 maintaining you didn't give an interview to Mr. Simic on the day of
7 your release?

8 A. Yes, I maintain it to this day.

9 MR. ELLIS: Can we have the final page of that document, which
10 is U002-3928.

11 Q. It says:

12 "During the interview," and I won't read the name, "would
13 occasionally become overpowered by emotions, have tears in his eyes
14 and cry. In essence, he is rather exhausted and drained, but also
15 rather composed ..."

16 Were you rather composed when you spoke to Mr. Simic on
17 26 September 1998?

18 A. No, I did not talk with Simic at all. It's not correct that I
19 did.

20 Q. I see. And then a final series of questions. We've had a
21 number of new medical documents which I think you provided on Friday
22 when you met with the Prosecution. And one of those was an expert
23 report, a forensic report, which I think you said was for the court
24 in Nis. Do you recall that document? You're nodding. Was that yes?

25 A. Yes, that's right. That's a forensic report from Nis.

1 Q. And for what proceedings was that document prepared?

2 A. The court from Prokuplje requested that, whether I was --
3 whether I still had a medical condition or whether I was healthy.

4 Q. But in connection with what proceedings did they need a medical
5 report?

6 A. It was because Srbijasume Enterprise and Kosovo were on trial,
7 and a lawyer requested this so that I would receive compensation, and
8 that's why a forensic expert report was requested.

9 Q. Is that the only compensation claim you've been involved with in
10 Serbia connected with these incidents?

11 A. You mean in terms of forensic medicine?

12 Q. No. Just whether you've claimed compensation in Serbia on any
13 other occasions in connection with the events of August and September
14 1998.

15 A. No, I -- in 1998. Because Kosovo was still part of Serbia, and
16 Srbijasume was in charge there. It was still in their jurisdiction.

17 Q. And did you receive compensation as a result of those
18 proceedings that you've been describing?

19 A. Yes, I did, a little bit.

20 Q. How much?

21 A. 200.000.

22 Q. 200.000 what?

23 A. Dinars.

24 Q. And when did you receive that, please?

25 A. Well, I don't know. It was at some point around 2004 or 2005,

1 thereabouts. I'm not certain about the exact date.

2 MR. ELLIS: And the last question I think is identifying, so
3 could we move into private session, Your Honours.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 Private session to protect the witness or other individuals'
6 identity.

7 [Private session]

8 [Private session text removed]

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1 [Private session text removed]

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3 [Open session]

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

5 PRESIDING JUDGE SMITH: We're adjourned until 2.30.

6 --- Luncheon recess taken at 12.51 p.m.

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

8 PRESIDING JUDGE SMITH: Before beginning this afternoon, I have
9 a short oral order on a procedural matter.

10 I direct that the SPO provide to the Panel, the parties, and the
11 participants, a list of the next 12 witnesses from the list of the
12 first 40 witnesses and to file that by Friday, June 30, 2023, at
13 4.00 p.m.

14 In addition to the list of 12 scheduled witnesses, the SPO will
15 also provide a list of five backup witnesses in projected order
16 appearance also out of the list of 40. The list should be in full
17 compliance with paragraph 74 of the Order on Conduct of Proceedings.

18 By Friday, 7 July 2023, at 4.00 p.m., the Defence and
19 Victims' Counsel will provide information required by paragraph 76 of
20 the Order on Conduct of Proceedings.

21 This concludes my oral order.

22 We have some questions from the Judges. We'll begin with
23 Judge Gaynor. We've got to have a witness, though. Please bring him
24 in.

25 [The witness takes the stand]

Witness: W03540 (Open Session)

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Questioned by the Trial Panel

1 PRESIDING JUDGE SMITH: Are you ready, Witness?

2 THE WITNESS: [Interpretation] Yes.

3 PRESIDING JUDGE SMITH: The Judges have some questions for you.

4 We'll start down here at this end from Judge Gaynor.

5 JUDGE GAYNOR: Thank you, Judge Smith.

6 Questioned by the Trial Panel:

7 JUDGE GAYNOR: Good afternoon, Witness.

8 A. Good afternoon.

9 JUDGE GAYNOR: Witness, how well do you understand the Albanian
10 language?

11 A. Well, I used to know it a bit a long time ago, but now I've
12 forgotten most of it. It's over 25 years ago that I've spoken it. I
13 could speak a little bit before, but now barely anything.

14 JUDGE GAYNOR: When Latif Gashi spoke to you, did he generally
15 use the Serbian language?

16 A. Yes, exclusively Serbian.

17 JUDGE GAYNOR: When Latif Gashi spoke to others in the Albanian
18 language, were you able to follow the conversation usually?

19 A. Well, I couldn't really follow. Just a little bit. If there
20 was something that had to be done or something to that effect.
21 Otherwise, no.

22 JUDGE GAYNOR: Now, while you were in detention in Bare and
23 Bajgore, were you able to distinguish between soldiers and military
24 police?

25 A. Yes. The police had black uniforms whereas the army had

Witness: W03540 (Open Session)
Questioned by the Trial Panel

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1 camouflage grey uniforms.

2 JUDGE GAYNOR: And were you able to tell who controlled access
3 to detainees at Bare and Bajgore? Specifically, was it the soldiers
4 or was it the military police?

5 A. The military police. The military police guarded us.

6 JUDGE GAYNOR: I want to turn now to two shooting incidents.
7 First, the shooting involving Osman Sinani and then the shooting
8 involving the three Albanian men.

9 Turning to the first incident. Today at page 26, for the other
10 participants, you said:

11 "When Sinani and I were taken out of the woods for execution,
12 Sinani was tied to one tree and I was tied to another tree. Our arms
13 were tied. And I heard when they asked, 'Are you going to admit that
14 you have cooperated with the Serbs?' And he said no, he had never
15 cooperated with them."

16 Now, were the persons who took you to the woods soldiers or
17 military police?

18 A. Soldiers.

19 JUDGE GAYNOR: In what language were they addressing Sinani?

20 A. It was more in Serbian in order to intimidate me and compel me
21 or coerce me to confess. They mainly or predominantly spoke in
22 Serbian.

23 JUDGE GAYNOR: When they spoke to Sinani, what language did they
24 speak?

25 A. Well, predominantly Serbian so that I would hear what they were

1 saying and get frightened when they were threatening that they would
2 kill him. So they predominantly spoke in Serbian so that I would get
3 frightened and admit that I had been an agent.

4 JUDGE GAYNOR: How many shots did you hear?

5 A. One. One.

6 JUDGE GAYNOR: When your blindfold was removed, was it day-time
7 or night-time?

8 A. It was night-time.

9 JUDGE GAYNOR: How far was the tree that Sinani was tied to from
10 the tree that you were tied to?

11 A. Perhaps a metre. They were a metre apart, approximately.

12 JUDGE GAYNOR: You stated previously that the shooting of Sinani
13 might have been a fake execution. And my question is this: Are you
14 aware of other fake executions carried out by the KLA?

15 A. I wouldn't know anything about that. I wouldn't know if they
16 did the same thing with the others.

17 JUDGE GAYNOR: Today you told us that Suljevic said to you that
18 Sinani "must have been beaten to death by poles." Do you recall that
19 evidence?

20 A. Yes, of course I do.

21 JUDGE GAYNOR: Did Suljevic say that he was present when Sinani
22 was beaten by poles?

23 A. No, he didn't say anything about that. He only said that he
24 knows that Sinani had been beaten to death with poles. Suljevic told
25 me that.

1 JUDGE GAYNOR: Did Suljevic tell you how he knew that Sinani had
2 been beaten to death using poles?

3 A. Well, I didn't ask him about that. I didn't dare because I
4 didn't know whether he was a detainee or whether he was planted there
5 so he could find out information from us. So I wouldn't know about
6 that.

7 JUDGE GAYNOR: Is your own conclusion that Sinani was beaten to
8 death using poles or that he was shot dead after he was tied to a
9 tree?

10 A. My personal conclusion is that he was beaten to death with
11 poles, because I spoke with his brother after the war. And his body
12 was sent -- or his brother received his body so that he could bury
13 him. I don't know if you understood what I answered to this
14 question.

15 JUDGE GAYNOR: Yes, I understand what you're saying. So in your
16 view, Sinani was acting when he slumped to the bottom of the tree
17 after you heard the shots discharged -- or the shot discharged?

18 A. Something like that.

19 JUDGE GAYNOR: I want to move now to --

20 A. Either they -- or perhaps they ordered him to do that in order
21 to frighten me, the soldiers who fired at him.

22 JUDGE GAYNOR: I want to move now to the second incident, the
23 shooting of the three Albanian men, I believe.

24 First of all, could you clarify how did you know that the three
25 were Albanian?

1 A. There was -- there were no Serbs. I was the only one. I was
2 the only Serb who had been detained. All the others were Albanian.

3 JUDGE GAYNOR: But how did you know that they were detainees?

4 A. I heard stories from the other detainees that these were their
5 friends and that --

6 THE INTERPRETER: The interpreter requests that the witness
7 repeat his answer.

8 THE WITNESS: [Interpretation] So I was the only Serb that was
9 arrested. There were no other Serbs there.

10 JUDGE GAYNOR: Could you repeat what you said about the other
11 detainees. You "heard stories from the other detainees that these
12 were their friends and that ..." You said something there which the
13 interpreter didn't catch.

14 A. Well, nothing really. Nothing. I was just waiting for the
15 moment when I too would be killed. I didn't say anything else. I
16 did not dare say anything else to anyone else, because you are not
17 allowed to talk there. You had to keep quiet.

18 JUDGE GAYNOR: Now, were the three Albanians, were they all tied
19 to one tree, or were they each tied to a separate tree?

20 A. No, no, they were each tied separately.

21 JUDGE GAYNOR: And were you yourself tied to a tree at the time
22 of this incident?

23 A. Yes. Apologies. I was just brought there. They were slumped.
24 I was tied. And then they fired another three shots. Now, whether
25 they had shot at them, I don't know, because my -- I was blindfolded.

1 But when we got there, they were slumped.

2 JUDGE GAYNOR: Now, I understand that you could see that they
3 were slumped only after they removed your blindfold; is that right?

4 A. That's correct.

5 JUDGE GAYNOR: And were the persons who I believe were wearing
6 balaclavas who brought you to that location, were they soldiers or
7 military police?

8 A. Soldiers. The police only guarded us where we were in these
9 camps, where we were kept there. The police guarded us, and,
10 otherwise, the military really handled us.

11 JUDGE GAYNOR: After the blindfold was removed, could you see
12 each of the three bodies?

13 A. I could see but it was really not very clear. It was as through
14 a gauze or mist. He said, "Look, Serb. This is how you will end up
15 too." I looked and then they blindfolded me again.

16 JUDGE GAYNOR: And did you see any sign of movement from any of
17 the three bodies.

18 A. No.

19 JUDGE GAYNOR: Now, once again, I understand from your evidence
20 Suljevic told you that these men were not shot dead but were, in
21 fact, beaten to death; is that correct?

22 A. I don't know about that. Yes, Suljevic did say that, but I
23 don't know if they were shot to death or beaten to death. I cannot
24 confirm as far as they're concerned. There were three shots fired,
25 they were slumped, but whether they had been shot or not, I don't

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1 know.

2 JUDGE GAYNOR: In your statement, you said that the weapon used
3 was an automatic weapon; is that right?

4 A. That's right.

5 JUDGE GAYNOR: Were the shots fired as an automatic weapon or as
6 single shots?

7 A. No, single shots. One by one. One time, second time, third
8 time.

9 JUDGE GAYNOR: Now, did Suljevic say that he himself had seen
10 those three men being beaten to death?

11 A. No. No, I didn't even ask him about that. No, he didn't say
12 anything. I told you once that I was not allowed to talk with anyone
13 unless someone addressed me. Otherwise, I would just keep quiet
14 because, as I mentioned about Suljevic, I wasn't sure whether they
15 were detainees or whether they were there just to suss us out, to
16 question us. And we couldn't really talk.

17 The other men, they were mostly younger men. They couldn't
18 speak Serbian. I couldn't speak Albanian. So that's how it was. We
19 just kept quiet.

20 JUDGE GAYNOR: I have no further questions. Thank you,
21 Mr. Witness.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 JUDGE METTRAUX: Thank you, Judge Smith.

24 Witness, this morning you were asked about an incident where you
25 said you were taken before what you understood to be a court martial,

1 and there was a person who was referred to as a judge. Do you
2 remember these questions?

3 A. Yes.

4 JUDGE METTRAUX: You told us that you can't remember the exact
5 date of the incident, and, of course, it's understandable, but are
6 you able to put it relative to the time when you were released? Was
7 it close before the time of your release on 26 September? Was it
8 long before it? Are you able to put any approximate timeframe when
9 this would have occurred?

10 A. Well, I can. That was perhaps over a month earlier. A month
11 before.

12 JUDGE METTRAUX: And other than the individual who you referred
13 to as being a judge, do you recall anyone else participating in that
14 process?

15 A. No, there was only one person sitting there.

16 JUDGE METTRAUX: And was Latif Gashi in any way involved in that
17 process? Was he present? Did he take you there or take you back?

18 A. No. He must have ordered it, but he wasn't present. I was
19 taken there by soldiers. He was not present. But it was done on his
20 orders, because he issued all the orders and the army, the soldiers,
21 had to obey.

22 JUDGE METTRAUX: And you also answered questions about being
23 taken to the woods with Osman Sinani by the Prosecution and now by
24 Judge Gaynor. To your knowledge, was Mr. Sinani ever taken back to
25 his place of detention after that incident in the woods? In other

1 words, did you ever see him again after that occasion?

2 A. No, no, I did not see him. He was with Suljevic. The two of
3 them were in the same room. He never returned.

4 JUDGE METTRAUX: Can the Registry please bring up what is
5 SPOE0006813.

6 And what I'm about to show you, sir, is a statement that you
7 gave on 21 March 2011. And if I can ask you to focus on the
8 question, it's more or less the middle of the document. It says you
9 were asked:

10 "Do you wish to tell us anything regarding other cases?"

11 And there you are recorded as volunteering the following
12 information:

13 "... Osman Sinani, a teacher from Podujevo was killed with a
14 pole ..."

15 Now, what I want to ask you is this information that you
16 provided in March 2011 about the manner in which Mr. Sinani had been
17 killed, who had you gotten that information from? Is it, again,
18 information from Mr. Suljevic or was it from somewhere else?

19 A. No, I learned it from Fadil Suljevic.

20 JUDGE METTRAUX: And if we can go to another document, that's
21 DHT00978. That's from the Thaci Defence queue. And if the Registry
22 could put to the side another document with ERN
23 U008-1634-U008-1634-ET. That is the same document and it's the
24 English translation. It's been offered from the bar table.

25 MR. KEHOE: Excuse me, Judge. Just to preserve our objection.

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1 JUDGE METTRAUX: Thank you.

2 MR. KEHOE: That's all.

3 JUDGE METTRAUX: Sir, this is what purports to be a press
4 release that is attributed to the office of the KLA general political
5 representative.

6 And if we can go, perhaps, to the very top of the English so
7 that we can correct a mistake. The date is given as 10 June 1998,
8 but the original, if we go to the bottom of the Albanian, makes it
9 clear it's 6 October 1998.

10 Now, my first question for you is whether you are aware that
11 following your release and the decision that was given to you by
12 Mr. Latif Gashi about your release was then publicised in the Kosovo
13 media? Are you aware of that?

14 A. Yes, I was. I was aware. I knew that it was published in the
15 Kosovo media.

16 JUDGE METTRAUX: And when did you learn that, sir? Was it
17 during the war? Was it afterwards?

18 A. After the war. Some colleagues who used to work with me,
19 Albanian colleagues, they came to visit, to see how I was doing, and
20 I learned from them.

21 JUDGE METTRAUX: And if I can ask you to look into the second
22 paragraph on that document, it starts with your name and date of
23 birth, and I will -- if it's too small, I will simply read you the
24 section I'm interested in. But it says, as was said in the decision
25 of your release, that you tried to resist them by taking out your

1 revolver and pointing it towards the guards.

2 Now, is that true sir? When you were arrested on 2 August --

3 A. That is not true. That's not true. I was not able to do it.

4 These were seconds. It's a matter of moments. There were four of

5 them. I was one. And I wasn't able to do it.

6 JUDGE METTRAUX: Then if we can go to the fourth paragraph. In
7 the English, it starts with the words "It is worth mentioning ..." it
8 says at the end of that paragraph that you were released, and I
9 quote, "in very good health to go back home." Now, again, was that
10 true, sir?

11 A. No, it's not true. I came to the Lluzhani bridge and I fell. I
12 couldn't continue. I just remember when the driver of the bus got
13 off, he -- the driver of the bus got off the bus, he helped me board
14 the bus, and then he drove me to the police station. That's all I
15 remember. I can't recall anything else.

16 JUDGE METTRAUX: And there's a last assertion in this document
17 that I want to ask you about. It's the same paragraph. It says, and
18 that's the beginning of the paragraph:

19 "It is worth mentioning that during the time" you were "held in
20 detention, the KLA positions and forces were the target of a severe
21 and broad operation by the Serbian military-police forces."

22 Now, what I want to ask you is while you were detained in
23 Bajgore, did any shell fire land at the location where you were being
24 detained?

25 A. No, no.

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1 JUDGE METTRAUX: Did you ever hear of anyone at that location --

2 A. Not in Bajgore, no.

3 JUDGE METTRAUX: And did you hear of anyone at that particular
4 location while you were detained there who was injured by a shell or
5 killed by a shell, whether a detainee or a guard? Have you ever
6 heard of such a thing?

7 A. No, no, I never heard of such a thing.

8 JUDGE METTRAUX: Thank you, Witness.

9 A. Thank you, too.

10 PRESIDING JUDGE SMITH: Judge Barthe has a question.

11 JUDGE BARTHE: Thank you very much, Judge Smith.

12 Good afternoon, Witness. I also have a few questions for you.

13 A. Good afternoon.

14 JUDGE BARTHE: A couple of minutes ago, you said in response to
15 a question from my colleague, Judge Gaynor, that you talked to Osman
16 Sinani's brother after the war. Do you remember that?

17 A. Yes, I remember.

18 JUDGE BARTHE: First of all, can you tell us the first name of
19 Osman Sinani's brother?

20 A. I can't say.

21 JUDGE BARTHE: Because you cannot recall the name?

22 A. I can't recall.

23 JUDGE BARTHE: Can you recall where and when you met
24 Osman Sinani's brother after the war? In which year, for example?
25 In which city or village?

1 A. We met in Kursumlija. In the town of Kursumlija. This was
2 after the war, some six or seven years after the war.

3 JUDGE BARTHE: Can you remember what he told you about the death
4 of his brother, of Osman Sinani?

5 A. Well, he knew that I had been detained together with his
6 brother, and he said that his brother had been beaten to death with
7 poles. And, Your Honours, there are things in Prishtine -- there are
8 things that the translator refused to translate fully, and that's why
9 I claim that his brother -- well, he got his body after the war, and
10 he buried him. So he had been killed with poles.

11 JUDGE BARTHE: [Microphone not activated]

12 A. Not shot dead.

13 JUDGE BARTHE: [Microphone not activated]

14 A. Because every witness who testified once never appeared to
15 testify again because they had been threatened and they didn't dare
16 to go and testify again. In those years, I was also threatened and I
17 had an escort in order to go to testify at trial. And there was not
18 a single Albanian who dared appear as a witness there. Whatever
19 their first statements were that they provided, that was it. And
20 then they said that the first or the second statement that they
21 provided, that they were gone, they did not exist anymore, no record
22 of them. That's what this Italian judge said.

23 JUDGE BARTHE: [Microphone not activated]

24 THE INTERPRETER: Microphone, please.

25 JUDGE BARTHE: I'm sorry, I apologise. I'll repeat my question.

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1 One last question for you, Witness. Did your family try to find
2 out what happened to you during the time of your detention in August
3 and September 1998?

4 A. My family went to Prishtine every single day, and they could
5 never learn what had happened with me because it was reported in
6 their newspaper Bujka: Killed and thrown into a well. But there
7 were some rumours that I was alive, somebody else said I had been
8 killed, and so on, until the 26th when I appeared. And the family
9 were searching for me every single day.

10 JUDGE BARTHE: To which person or to which institution did they
11 go? Do you know that? Your family.

12 A. I don't know where they went when they would go to Prishtine. I
13 don't know.

14 JUDGE BARTHE: Thank you very much. No further questions.

15 PRESIDING JUDGE SMITH: Thank you.

16 THE WITNESS: [Interpretation] Thank you.

17 PRESIDING JUDGE SMITH: Any follow-up questions following the
18 Judges' questions?

19 From the SPO?

20 MR. MICHALCZUK: No, thank you.

21 PRESIDING JUDGE SMITH: Mr. Laws?

22 MR. LAWS: No, thank you, Your Honour.

23 MR. KEHOE: [Microphone not activated]

24 Further Cross-examination by Mr. Kehoe:

25 Q. [Microphone not activated] ... response to a question by

1 Judge Barthe, you said that there was not a single Albanian who dared
2 appear as a witness there at the trial. Well, you know that's not
3 true, don't you?

4 A. I know this because they gave evidence one single time, those
5 witnesses, and then they never reappeared before the court again,
6 those who had been detained. I think that you must have that in your
7 evidence, which witnesses those were. They never reappeared before
8 the court again because they had been threatened that they would be
9 killed if they would reappear.

10 Q. Albanians appeared and testified against Latif Gashi and others,
11 and Latif Gashi and others were convicted by the court and sent to
12 jail, weren't they?

13 A. That's right.

14 Q. Now, in response to a question by Judge Barthe concerning
15 Mr. Sinani's brother, you told Judge Barthe that you couldn't recall
16 his name; is that right?

17 A. Right.

18 Q. But when you were talking to the SPO several days ago - and I
19 refer to Exhibit P195, paragraph 18 - you were asked by the SPO about
20 your relationship with Sinani's brother, and you noted, and I quote,
21 you confirmed that you "have a close relationship with Sinani's
22 brother to this day." "To this day." That day is 16 June 2023.

23 A. Yes, I'm in contact with him. That's true. We talk on the
24 phone.

25 Q. What's his name?

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Further Cross-examination by Mr. Kehoe

1 A. I don't know his name.

2 Q. So --

3 A. I don't know it.

4 PRESIDING JUDGE SMITH: Just a second.

5 Go ahead.

6 MR. MICHALCZUK: Your Honours, perhaps the witness hesitates to
7 give the name because we're in open session.

8 MR. KEHOE: Excuse me, there's no speeches here. Objection.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 MR. KEHOE: Of course, sorry.

11 PRESIDING JUDGE SMITH: [Microphone not activated]

12 MR. KEHOE:

13 Q. Are you afraid to give his name?

14 A. Yes.

15 PRESIDING JUDGE SMITH: Is it that you don't want to reveal his
16 name in open session?

17 THE WITNESS: [Interpretation] I can't and I don't know it
18 precisely.

19 PRESIDING JUDGE SMITH: [Microphone not activated]

20 MR. KEHOE:

21 Q. So this person that you got some information from that you told
22 the SPO several days ago that -- with whom you have a close
23 relationship, this person with whom you have a close relationship and
24 you talk on the phone with, you don't remember his name. Is that
25 right?

Further Cross-examination by Mr. Ellis

1 A. Well, I can't remember. I cannot. I just know that he's from
2 Murgulle, he lives in Berane [phoen], that's what I do know. Nothing
3 more than that.

4 MR. KEHOE: Nothing further, Your Honour.

5 PRESIDING JUDGE SMITH: Mr. Strong.

6 MR. STRONG: No further questions, Your Honour. Thank you.

7 PRESIDING JUDGE SMITH: All right. Mr. Roberts.

8 MR. ROBERTS: Nothing from me, Your Honour.

9 PRESIDING JUDGE SMITH: Mr. Ellis.

10 MR. ELLIS: Yes, just a couple, Your Honour.

11 PRESIDING JUDGE SMITH: All right.

12 Further Cross-examination by Mr. Ellis:

13 Q. In answer to questions from His Honour Judge Mettraux, you were
14 shown a document which was SPOE00006813.

15 MR. ELLIS: Could we have that back on the screen? The original
16 is in Serbian, I think, and the English translation is the same ERN
17 but with ET.

18 Q. This was, I think, a statement dated March 2011. Do you
19 remember giving that statement, Witness?

20 A. I did give a statement, but here it's in Albanian. I did state
21 that Latif Gashi told me that he would kill Mica Jovic, Micko
22 Biocanin and -- and when I was released, Mica Jovic was assassinated
23 about ten days after that, after my release. He used to work for the
24 DB. And Haki Hoti from Bradash was also killed, and he also used to
25 work at the DB in Prishtine. He was killed while I was detained. He

1 told me about him as well and they were killed. Now, who killed him,
2 I wouldn't know.

3 Q. The question I wanted to ask you about was the final part of
4 that. You were asked there:

5 "Do you want to add anything regarding your case?"

6 And you said there:

7 "I would like to add that this thing done by EULEX is a
8 disgrace. I received only 5.000 Euros in compensation ..."

9 Do you recall saying that in March 2011, Witness?

10 A. Sorry, I have not understood your question.

11 Q. Well, I was reading you the last paragraph --

12 A. Everything's in Albanian here.

13 Q. Well, let me read the last paragraph. The question that was
14 asked was:

15 "Do you want to add anything regarding your case?"

16 And the answer that's recorded is:

17 "I would like to add that this thing done by EULEX is a
18 disgrace. I received only 5.000 Euros in compensation ..."

19 And the question was: Do you recall saying that in March 2011?

20 A. No. Nor did I ever receive those funds, never. I never got
21 that money. And it is true that EULEX never wanted to send me the
22 judgments either. Nor did they ever provide the money. And there
23 must be some document that would state that I received this money,
24 the €5.000.

25 Q. And this document that we're looking at, is that a statement

1 that you made, Witness?

2 A. Well, it's all in Albanian, what I have here in front of me.
3 It's not in the Serbian language.

4 MR. ELLIS: I think we may have a Serbian version. I'm just
5 looking for it. Ah.

6 MR. MICHALCZUK: The witness has a binder before him, and I
7 believe it would be under tab number 9.

8 PRESIDING JUDGE SMITH: Mr. Ellis, does this have something to
9 do with the Judges' questions? Because that's what these questions
10 are for.

11 MR. ELLIS: Yes, it's the document that His Honour
12 Judge Mettraux referred the witness to in a trigger to the question
13 about Mr. Sinani.

14 JUDGE METTRAUX: Yes, but there was no question about the
15 document.

16 PRESIDING JUDGE SMITH: [Microphone not activated] You've already
17 asked that earlier.

18 MR. ELLIS: Well, he was asked questions about -- on the basis
19 of this document, and I'm seeking to explore another aspect of the
20 same document, which seems to be a signature that -- which seemed to
21 be a statement that this witness has provided.

22 PRESIDING JUDGE SMITH: Go ahead.

23 MR. ELLIS:

24 Q. Do you have the Serbian version of the document there, Witness?

25 A. I do. I do. Yes, here it is.

1 Q. Is it your signature on it?

2 A. Yes. But the document, when I signed it, I received the
3 judgment on that occasion. The only thing I got was the last
4 judgment from 2009. I received it in 2010.

5 MR. ELLIS: Your Honour, I'm grateful for the time. I won't
6 trespass further.

7 PRESIDING JUDGE SMITH: Thank you.

8 Witness, your time here with us has finished. We thank you for
9 your time spent with us and your testimony. The usher will escort
10 you out of the courtroom at this time.

11 THE WITNESS: [Interpretation] Thank you. Thank you, Your
12 Honours. Thank you for everything.

13 [The witness withdrew]

14 PRESIDING JUDGE SMITH: For the next witness, do you have a
15 different group of people coming in? All right. We'll take about a
16 five-minute break. We'll be adjourned for that time period.

17 Madam Court Officer, could you have somebody let us know when
18 everyone is ready for us. Thank you.

19 MR. MICHALCZUK: Your Honour, can I briefly raise one last issue
20 before we move to the next witness? My apologies.

21 We discussed during the previous session that medical
22 documentation, the new documentation, and I've been informed that the
23 documentation in the English version and the original have been added
24 to the presentation queue. So it was previously marked for
25 identification only.

1 PRESIDING JUDGE SMITH: [Microphone not activated]

2 THE COURT OFFICER: Yes, Your Honours, those were not assigned a
3 number, but they will receive number P196.

4 PRESIDING JUDGE SMITH: We will probably rule on those by
5 tomorrow.

6 MR. ELLIS: Your Honour, I apologise. I should have tendered
7 0023926, which was the document raised in cross-examination of the
8 witness. In my submission, it's needed for understanding of the
9 cross-examination.

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 MR. ELLIS: No, no, it was in the cross-examination before
12 lunch.

13 PRESIDING JUDGE SMITH: [Microphone not activated]

14 --- Break taken at 3.15 p.m.

15 --- On resuming at 3.22 p.m.

16 PRESIDING JUDGE SMITH: We will now start with hearing the
17 evidence of Prosecution Witness W03811.

18 Before we start, Madam Court Officer, please bring us into
19 private session for just a momentary matter.

20 [Private session]

21 [Private session text removed]

22

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1 [Private session text removed]

2

3 [Open session]

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

5 PRESIDING JUDGE SMITH: And, Madam Usher, would you please --
6 I'm sorry. Could you please, gentleman, bring the witness into the
7 room.

8 THE COURT OFFICER: [via videolink] Good afternoon, Your Honours.
9 Yes, that's being done right now.

10 PRESIDING JUDGE SMITH: Thank you, Riaz.

11 [The witness entered court via videolink]

12 PRESIDING JUDGE SMITH: Good afternoon, Witness. Can you hear?
13 Say again, can you hear?

14 THE WITNESS: [via videolink][Interpretation] Yes.

15 PRESIDING JUDGE SMITH: Before we start with your testimony, I
16 will ask you to read the text of the solemn declaration which you are
17 asked to take pursuant to Rule 141(2) of the Rules. You may read it
18 out loud.

19 THE WITNESS: [via videolink][Interpretation] Yes. Conscious of
20 the significance of my testimony and my legal responsibility, I
21 solemnly declare that I will tell the truth, the whole truth, and
22 nothing but the truth, and that I shall not withhold anything which
23 has come to my knowledge.

24 WITNESS: W03811

25 [Witness answered through interpreter]

1 [Witness appeared via videolink]

2 PRESIDING JUDGE SMITH: Thank you, Witness.

3 THE WITNESS: [via videolink][Interpretation] Did you understand
4 me?

5 PRESIDING JUDGE SMITH: Yes, we did. Thank you very much. And
6 you can be seated now.

7 THE COURT OFFICER: [via videolink] Your Honours, if I may
8 confirm to you that present in this room is Witness W03811 in the
9 remote location accompanied by myself, the head of Court Management
10 Unit and Court Officer. Thank you.

11 PRESIDING JUDGE SMITH: Thank you very much.

12 Witness, your testimony is expected to last approximately a day
13 and a half. As you may know, the Prosecution will ask you questions
14 first, and then counsel for the victims. And once they are finished,
15 the Defence has the right to ask you questions. Members of the Panel
16 might also ask questions of you.

17 The Prosecution estimate for your examination is two hours.
18 Victims' Counsel will take approximately 15 minutes for questions.
19 The Defence estimates that it will need six hours. And as regards
20 each estimate, we hope that counsel will be judicious in their use of
21 their time. The Panel may also allow redirect examination if
22 conditions for it are met.

23 Witness, please try to answer the questions clearly with short
24 sentences. If you don't understand a question, feel free to ask
25 counsel to repeat the question or tell them you don't understand and

1 they will try to clarify it for you.

2 Also, please try to indicate the basis of your knowledge of
3 facts and circumstances that you will be asked about.

4 In the event you are asked by the SPO to attest to some
5 corrections made regarding your statements, you are reminded to
6 confirm on the record that the written statement, as corrected by the
7 list of corrections, accurately reflects your declaration. Please
8 also speak into the microphone, wait five seconds before answering a
9 question, and speak at a slow pace for the interpreters to catch up.

10 During the next days while you are giving evidence in this
11 court, you are not allowed to discuss with anyone the content of your
12 testimony outside of the courtroom. If any person asks you questions
13 outside the Court about your testimony, please let us know.

14 Please stop talking if I ask you to do so and also stop talking
15 if you see me raise my hand. These indications mean that I need to
16 give you an instruction.

17 If you feel the need to take a break, please make an indication
18 and an accommodation will be made.

19 We will begin with the Prosecution asking you questions.

20 Mr. Pace, you may begin.

21 MR. PACE: Thank you, Your Honour.

22 Examination by Mr. Pace:

23 Q. Good afternoon, Witness. We've met before, but I'll introduce
24 myself again. I am James Pace, a Prosecutor at the SPO, and I'll be
25 asking you some questions for the next few minutes and tomorrow

1 morning when we resume.

2 Before I ask the Presiding Judge --

3 A. [No interpretation]

4 THE INTERPRETER: The interpreter could not hear the witness.

5 MR. PACE:

6 Q. Before I ask the Presiding Judge to move into private session to
7 obtain information to establish your identity, I will note that, as I
8 explained during your preparation session yesterday, rather than
9 asking you questions about every relevant issue you may have
10 information on, it may be possible to admit some of your prior
11 statements containing such information into evidence.

12 To do that, there are a number of procedural steps to follow,
13 which I'll turn to after establishing your identity.

14 MR. PACE: And, Your Honour, to do the identity, I request to
15 move into private session briefly.

16 PRESIDING JUDGE SMITH: Madam Court Officer, into private
17 session, please.

18 [Private session]

19 [Private session text removed]

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Witness: W03811 (Private Session)

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Examination by Mr. Pace

1 [Private session text removed]

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10 [Open session]

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

12 PRESIDING JUDGE SMITH: Go ahead, Mr. Pace.

13 MR. PACE: Thank you.

14 I'd like to call up the following document on our screens. It's
15 not for public broadcast. The ERN is 088951-TR-AT Part 1 RED2. And
16 just the first page will be enough. Thank you, Court Officer.

17 Q. Witness, do you see two documents on your screen right now?

18 A. I don't understand you. Which documents?

19 Q. Do you see two documents on your screen?

20 A. Yes, I see them. Yes, I have two documents in front of me.

21 Q. Witness, these two documents, on the left in Albanian, on the
22 right in English, refer to an interview with the SPO in December
23 2020. Do you remember meeting with members of the SPO in December
24 2020 and being asked questions about what happened to you and to
25 others in 1998 and 1999?

1 A. I remember a bit that I gave a statement, but this is it. But
2 my statement is in the document, and you have the document.

3 MR. PACE: Court Officer, I'd like to call up SITF00032742 to
4 SITF00032746 RED2, page 32744. It's in Albanian and no need to call
5 up the English version. And, again, this is not for public
6 broadcast. None of the items I will use with the witness today are
7 for public broadcast.

8 Q. Witness, do you now see a different document on your screen?

9 A. Yes, I do.

10 Q. And this document, in Albanian, refers to an interview with
11 UNMIK in April 2002. Towards the top right corner, do you see your
12 name written over there? Do not state your name.

13 A. Yes.

14 Q. Is that your --

15 A. I can see it.

16 Q. Is that your signature?

17 A. It's my signature.

18 MR. PACE: Thank you, Court Officer. We can take those down.

19 Q. And, Witness, do you remember a colleague of mine, who is an
20 interpreter, yesterday reading prior statements to you?

21 A. Yes.

22 Q. And do you recall that after that, my colleague and myself gave
23 you an opportunity to provide clarifications in relation to the
24 documents the interpreter read to you?

25 A. Yes.

1 Q. And do you recall yesterday that you made a number of
2 clarifications to these prior statements?

3 A. Yes, yesterday I made some clarifications.

4 Q. And do you recall towards the end of the day yesterday, shortly
5 before we finished, that I read out a note to you which included
6 these clarifications to make sure they accurately reflected what you
7 told us?

8 A. Yes, everything was correct.

9 Q. Now, Witness, subject to the corrections in that note that I
10 read out to you yesterday, is the information in your statements that
11 we looked at a little earlier accurate and truthful to the best of
12 your knowledge and belief?

13 A. To the best of my knowledge, I'm accurate in the statements I
14 gave to the Specialist Prosecutor's Office.

15 Q. One of the statements I showed you was an UNMIK statement. Were
16 you accurate and truthful also when you gave that statement?

17 A. Correct. I believe it was correct and it still is.

18 Q. Now, subject to the corrections you provided yesterday, do the
19 documents I referred you today, the UNMIK statement and the SPO
20 statements, accurately reflect what you would say if you were
21 examined about the events recorded in those statements?

22 A. That's true. And whatever I know, I will tell you. And
23 whatever I will tell you will be accurate to the best of my
24 knowledge.

25 MR. PACE: Your Honour, at this stage, I'd like to seek

1 admission of the prior statements. The relevant ERNs of which are
2 the following: 088951-TR-AT Parts 1 to 3 RED2, and the Albanian
3 translations thereof; and the other statement, SITF00032742 to
4 SITF00032746 RED2, and that includes both English and Albanian. And
5 additionally, I also seek admission of 113604 to 113611, Preparation
6 Note 1, which contains the clarifications made during the witness
7 preparation session as concerned the proposed Rule 154 statement.

8 PRESIDING JUDGE SMITH: ERN 088951-TR-AT Part 1 to Part 3 -- I'm
9 sorry, was it Part 1 to Part 3? All right. That's a December 2020
10 interview. SITF0032742 through 32746 RED2, plus the clarification
11 notes 113604 to 113611, are all admitted in evidence and will be
12 assigned exhibit numbers.

13 THE COURT OFFICER: Your Honours, 088951-TR-AT Part 1 will be
14 Exhibit P197; Part 2 -- sorry, it will be P197.1; Part 2 will be
15 P197.2; and Part 3 will be P197.3.

16 Then SITF00032742 to SITF00032746 RED2 will be Exhibit P198.

17 And the preparatory note, 113604 to 113611, will be
18 Exhibit P199.

19 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.

20 Go ahead, Mr. Pace.

21 MR. PACE: Thank you. Your Honour, we're in open session. I'd
22 like to move to private session for my supplemental examination in
23 view of this witness's in-court protective measures and the nature of
24 the questions.

25 PRESIDING JUDGE SMITH: Madam Court Officer, please take us into

Witness: W03811 (Private Session)

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Examination by Mr. Pace

1 private session for the protection of witnesses and others.

2 [Private session]

3 [Private session text removed]

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Witness: W03811 (Private Session)

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Examination by Mr. Pace

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Witness: W03811 (Private Session)

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Examination by Mr. Pace

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Witness: W03811 (Private Session)

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Examination by Mr. Pace

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Witness: W03811 (Private Session)

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Examination by Mr. Pace

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Witness: W03811 (Private Session)

Page 5103

Examination by Mr. Pace

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21 [Open session]

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

23 THE COURT OFFICER: [via videolink] Your Honours, the witness has
24 left the room.

25 PRESIDING JUDGE SMITH: We will continue tomorrow at 9.00 a.m.

1 Mr. Pace, anything else?

2 MR. PACE: Yes, Your Honour, just, as I mentioned, a very brief
3 request unrelated to the witness. We can be in open session.

4 The SPO requests a 6.000 word extension to a Rule 154 motion we
5 would like to file in the coming days, and this would cover multiple
6 witnesses and avoid the need to make multiple such requests. Prior
7 to me making these submissions or this request, we informed the
8 Defence and the victims, and all of them informed us they would not
9 object to that extension. So we kindly ask the Panel to grant the
10 6.000 word extension.

11 PRESIDING JUDGE SMITH: Being no objection, the 6.000 word
12 extension is granted.

13 Mr. Ellis, what was the number of the exhibit that you offered
14 earlier?

15 MR. ELLIS: It was U002-3926, I believe. I'll just glance down
16 to check my note. Yes, that's it, Your Honour.

17 PRESIDING JUDGE SMITH: And I assume you are offering it for
18 credibility issues, not for the truth of the matters asserted within
19 it; is that correct?

20 MR. ELLIS: Yes, credibility of the witness.

21 PRESIDING JUDGE SMITH: All right. It will be admitted and a
22 number will be assigned to it.

23 MS. O'REILLY: Your Honour, I just wanted to update that we
24 expect to have 15 minutes at most tomorrow, if we do have questions
25 for this witness.

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 Can you finish? You go ahead and finish up before everybody
3 else interrupts you, including me.

4 THE COURT OFFICER: Thank you, Your Honour.

5 U002-3926 to U002-3928, with all its accompanying translations,
6 will be Exhibit 3D2.

7 PRESIDING JUDGE SMITH: All right. So the Veseli Defence is
8 going to be about 15 minutes.

9 Mr. Kehoe, what about the Thaci Defence?

10 MR. KEHOE: Three, four days, Judge. Just kidding. I'll
11 probably be about an hour or so, give or take. Maybe a little bit
12 more but not much.

13 PRESIDING JUDGE SMITH: All right.

14 Mr. Tully.

15 MR. TULLY: We're down to 10, 15 minutes also, Your Honour. I'd
16 just like to note also in relation to the extension of time, we
17 indicated that it may be the case that we seek a similar extension in
18 response to that 154 motion. Thank you.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 Mr. Ellis? Oh, I'm sorry, Ms. Alagendra.

21 MS. ALAGENDRA: No, Your Honours. I anticipate being between 30
22 minutes to 45 minutes. We've previously indicated one and half
23 hours. We won't need that.

24 PRESIDING JUDGE SMITH: And --

25 THE COURT OFFICER: Your Honours, apologies. If I could correct

1 the numbering. Because it was tendered by the Krasniqi Defence team,
2 it would be 4D5.

3 PRESIDING JUDGE SMITH: Thank you.

4 And, Mr. Laws.

5 MR. LAWS: Your Honour, to update you as to our time estimate, I
6 think it's very unlikely that we'll ask this witness any questions.

7 PRESIDING JUDGE SMITH: Thank you.

8 And it looks like tomorrow we're going to be finished with this
9 witness. So what's your plan for Wednesday?

10 MR. PACE: Your Honour, as we notified the Panel last Thursday,
11 because, as you know, every Thursday we need to notify the upcoming
12 witnesses, the witnesses available for this week were the one --
13 03540 and this witness. Once again, as Your Honour alluded to this
14 morning, we're in a situation where we're finishing earlier than
15 anticipated. And again, I do note the quite dramatic reduction in
16 the estimates for cross-examination. So, of course, good that we're
17 informed, but being informed just before cross-examination starts
18 does nothing assist us with planning.

19 I can make further submissions on this, but Your Honour has
20 already ruled and given certain indications this morning, which, of
21 course, we take full note of.

22 PRESIDING JUDGE SMITH: So thank you very much. We will
23 understand that.

24 Don't make a lot of plans for Wednesday, though, because we may
25 want to have something of a Status Conference on Wednesday to discuss

1 this publicity issue that you've all submitted ideas on. So if
2 you're available, we'll be meeting.

3 Anything else?

4 We are adjourned until tomorrow morning at 9.00 a.m.

5 --- Whereupon the hearing adjourned at 4.03 p.m.

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