

1 Wednesday, 2 October 2024

2 [Open session]

3 [The accused appeared via videolink]

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

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 Please call the case.

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

10 PRESIDING JUDGE SMITH: Thank you.

11 I note that the accused are all attending today's hearing via  
12 videolink with permission.

13 Today we will start hearing the evidence of Prosecution  
14 Witness W01163, who will be appearing by videolink. Before that, the  
15 Panel has two oral orders to issue. We will do that without the  
16 presence of the witness, and then we have one matter to take up in  
17 the witness's presence.

18 The first oral order sets a deadline for objections regarding  
19 chronology for Victims' Counsel's case and requests for reparations.  
20 The Panel notes that during yesterday's Status Conference,  
21 Victims' Counsel submitted his understanding that under the  
22 Specialist Chambers legal framework, any case on behalf of the  
23 victims participating in the proceedings shall be presented after any  
24 motion pursuant to Rule 130 has been ruled upon by the Panel.

25 He also submitted that he intends to file any request for

1 reparations after the trial judgment has been pronounced by the  
2 Panel.

3 The parties are ordered to file any objections to the chronology  
4 as envisaged by the Victims' Counsel by Monday, 2 December 2024.

5 This concludes the Panel's first oral order.

6 The second oral order regards partial reconsideration of  
7 decision F01664.

8 On 27 September 2024, the SPO filed a request for partial  
9 reconsideration of decision F01664. I'm referring to filing F02604  
10 on 30 September 2024.

11 The Defence provided written submissions in F02606. The Defence  
12 confirms that it does not oppose the SPO request for partial  
13 reconsideration as long as certain redactions are retained to the  
14 heading and the first sentence of paragraph 54 of the English version  
15 of 076841-076856 are maintained. The SPO has confirmed that it would  
16 agree to these redactions.

17 The Panel amends decision F01664 in line with the parties'  
18 *inter partes* agreement and orders the SPO to file a redacted version  
19 of 076841 to 076856 which redacts the heading in the first sentence  
20 of paragraph 54 of the English version of this document by the end of  
21 business today.

22 This concludes the second oral order.

23 Now, the preliminary matter that will be dealt with in the  
24 presence of the witness.

25 Madam Court Officer, please bring the witness through the video

1 and connect us through the videolink, and then bring us into private  
2 session to protect the identity of the witness.

3 [Private session]

4 [Private session text removed]

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23 [Open session]

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

25 PRESIDING JUDGE SMITH: Witness, take a look at the document in

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1 front of you and then read the solemn declaration aloud as it is  
2 required by our rules.

3 THE WITNESS: [via videolink] [Interpretation] Conscious of the  
4 significance of my testimony and my legal responsibility, I solemnly  
5 declare that I will tell the truth, the whole truth, and nothing but  
6 the truth, and that I shall not withhold anything which has come to  
7 my knowledge.

8 WITNESS: STAMENA JELIC

9 [The witness answered through interpreter]

10 [The witness testified via videolink]

11 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated  
12 now.

13 Witness, today we will start your testimony, which is expected  
14 to last approximately this one day. As you may know, the Prosecution  
15 will ask you questions first and then Counsel for Victims. Once they  
16 are finished, the Defence has the right to ask questions of you and  
17 members of the Panel might also ask questions of you.

18 The Prosecution estimate for your examination is one and a half  
19 hours. Victims' Counsel will take approximately 15 minutes for some  
20 questions. The Defence estimates that it will need about 2.5 hours.  
21 As regards each estimate, we hope that the counsel will be judicious  
22 in the use of their time. The Panel may also allow redirect  
23 examination by the SPO if conditions for it are met.

24 Witness, please try to answer the questions clearly with short  
25 sentences. If you don't understand a question, feel free to ask

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1 counsel to repeat the question or tell them you don't understand and  
2 they will clarify. Also, please try to indicate the basis of your  
3 knowledge of 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.

8 Please also speak into the microphone and wait five seconds  
9 before answering a question, and then speak at a slow pace for the  
10 interpreters to catch up.

11 During the next day or during today or even into tomorrow, if  
12 necessary, while you are giving evidence in this Court, you are not  
13 allowed to discuss with anyone the content of your testimony outside  
14 of the courtroom. If any person asks you questions outside of the  
15 Court about your testimony, please let us know.

16 Also, please stop talking if I ask you to do so and stop talking  
17 if you see me raise my hand. These indications mean that I need to  
18 give you an instruction.

19 If you feel the need to take a break, please let us know by  
20 making an indication with your hand and an accommodation will be  
21 made.

22 We begin now with the questions by the SPO, by the Prosecutors.  
23 Please give them your attention.

24 Madam Prosecutor, you have the floor.

25 MS. INSINGA: Thank you, Your Honour.

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Examination by Ms. Insinga

1 Examination by Ms. Insinga:

2 Q. Good morning, Witness.

3 A. Good morning.

4 Q. We have met before, but I will introduce myself again. I am  
5 Alexandra Insinga with the SPO, and I will be asking you some  
6 questions this morning. I also note that, as I explained during your  
7 preparation session, rather than asking you questions about every  
8 relevant issue you may have information about, it may be possible to  
9 admit some of your prior statements containing that information into  
10 evidence.

11 In order to do so, there are a number of procedural steps to  
12 follow which I will turn to after establishing your identity.

13 And with that in mind, can you please state your full name for  
14 the record.

15 A. Stamena Jelic.

16 Q. And what is your date of birth?

17 A. 19 August 1975.

18 Q. What is your nationality?

19 A. Serbian.

20 Q. Witness, in the past you've given several statements to various  
21 authorities, and I will now call them up on the screen in front of  
22 you.

23 MS. INSINGA: I would ask the Court Officer to please pull up  
24 both the English and Serbian version of ERN 030668-030669. The  
25 English version ends in -ET Revised RED, and the Serbian version ends

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1 in just RED2. And if you could pull up the first page of each of  
2 those.

3 Q. Witness, can you see the statements in front of you on the  
4 screen?

5 A. Yes.

6 Q. This refers to a witness interview conducted on 3 April 2002.  
7 Did you give this statement?

8 A. Yes.

9 Q. Thank you.

10 MS. INSINGA: If we could now pull up the Serbian and English  
11 versions of 030655-030659, page 1 of each. Thank you.

12 Q. Witness, can you see the statements on the screen in front of  
13 you?

14 A. Yes, yes.

15 Q. And this refers to an interview dated 9 October 2007. Did you  
16 give this statement?

17 A. The letters are too small. I cannot really see it well.

18 Q. We can zoom in for you. Just one moment. Can you see it better  
19 now?

20 A. Yes.

21 Q. And if we scroll to the bottom of that same first page, Witness,  
22 do you see a signature there at the bottom that you recognise as your  
23 signature?

24 A. Yes.

25 MS. INSINGA: And could we now please pull up both the Serbian



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1 and English versions of 009819-TR. The English is -TR-ET Part 1  
2 RED2, and the corresponding Serbian translation is 009819-TR Part 1  
3 RED2.

4 Q. And, Witness, are you able to see the documents on the screen in  
5 front of you?

6 A. Yes.

7 Q. And this is an interview dated 23 January 2014. Did you give  
8 this statement?

9 A. Yes.

10 MS. INSINGA: And, lastly, can we please pull up the Serbian and  
11 English versions of SITF00314867-00314871. The English is -ET RED,  
12 and the Serbian ends in just RED.

13 Q. Witness, are you able to see the documents on the screen in  
14 front of you?

15 A. Yes.

16 Q. And this refers to an interview dated 1 April 2014. Did you  
17 give this statement?

18 A. Yes.

19 Q. Witness, during the recent preparation meeting that took place  
20 on 18 September of this year, were you given an opportunity to review  
21 your prior statements?

22 A. Yes.

23 Q. And do you recall that you made some clarifications and changes  
24 to these statements during that preparation session?

25 A. Yes.

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1 Q. And those clarifications and changes were reflected in a note  
2 that was read back to you at the end of the preparation session?

3 A. Yes.

4 Q. Witness, can you confirm that what was read back to you in that  
5 note reflected your clarifications and changes fully and accurately?

6 A. Yes.

7 Q. And subject to the clarifications and changes provided in that  
8 note, do your statements accurately reflect your evidence and what  
9 you would say if you were asked again the same questions in court  
10 today?

11 A. Yes. Whatever I said at that time, I would say again now.

12 MS. INSINGA: Your Honours, having fulfilled the Rule 154  
13 criteria, and in accordance with decision F02044, the SPO hereby  
14 tenders all prior statements of this witness in English, Albanian,  
15 and Serbian, including the associated exhibit identified at footnote  
16 24 of decision F02044, along with Preparation Note 1 dated  
17 18 September 2024 with ERN 122928-122935.

18 PRESIDING JUDGE SMITH: Any objection?

19 MS. TAVAKOLI: No objection.

20 PRESIDING JUDGE SMITH: Ms. Tavakoli.

21 MS. ROWAN: No, thank you.

22 MR. ROBERTS: No, thank you.

23 PRESIDING JUDGE SMITH: No objections being heard, ERN 030668 to  
24 030669 in English, Serbian, and Albanian is admitted.

25 THE COURT OFFICER: Your Honours, that will be assigned

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1 Exhibit P01699.

2 PRESIDING JUDGE SMITH: Thank you. Now, 030655 to 030659 in  
3 English, Serbian, and Albanian is admitted.

4 THE COURT OFFICER: That will be assigned Exhibit P01700. And  
5 if, Your Honours, we could confirm at the end classification for all.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 Public or confidential?

8 MS. INSINGA: Your Honour, for now confidential.

9 PRESIDING JUDGE SMITH: At the time -- for the time being then,  
10 it will remain confidential.

11 The next one is 009819-TR-ET in Serbian, Albanian, and English.  
12 Is there just one part or how many parts of that?

13 MS. INSINGA: Your Honour, there are four parts to that --

14 PRESIDING JUDGE SMITH: Four parts.

15 MS. INSINGA: -- statement.

16 PRESIDING JUDGE SMITH: All four parts are admitted.

17 THE COURT OFFICER: Your Honour, Part 1 will be assigned  
18 Exhibit P01701.1. Part 2 will be assigned Exhibit P01701.2. Part 3  
19 will be assigned Exhibit P01701.3. And Part 4 will be assigned  
20 Exhibit P01701.4.

21 PRESIDING JUDGE SMITH: Thank you.

22 Now, SITF00314867 to 00314871 in English, Serbian, and Albanian  
23 is admitted.

24 THE COURT OFFICER: That will be assigned Exhibit P01702.

25 PRESIDING JUDGE SMITH: And the prep note, which is ERN 122928

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1 to 122935 is admitted.

2 THE COURT OFFICER: And that will be assigned Exhibit P01703.

3 And can we confirm that they are all confidential?

4 MS. INSINGA: Yes, all confidential this time. And --

5 PRESIDING JUDGE SMITH: And did you tender the associated  
6 exhibits that you wish to have tendered?

7 MS. INSINGA: Yes --

8 PRESIDING JUDGE SMITH: Yes.

9 MS. INSINGA: -- Your Honour.

10 PRESIDING JUDGE SMITH: They are admitted as well.

11 THE COURT OFFICER: Your Honours, I believe the associated  
12 exhibit was what is now P01702.

13 MS. INSINGA: The associated exhibit ERN is 009812-009818 but  
14 only the last page of that document, which is page 009818. And it is  
15 the same document in all three translations, so only one needs to be  
16 admitted.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 THE COURT OFFICER: Thank you. That will be assigned  
19 Exhibit P01704.

20 PRESIDING JUDGE SMITH: Ms. Tavakoli, you were on your feet.

21 MS. TAVAKOLI: I was just querying my learned friend's request  
22 for these Rule 154 statements to be confidential because this  
23 witness's evidence is going to be in open session, so it makes it  
24 quite complicated if one wants to refer to a statement if actually  
25 she's testifying publicly. So I would ask for them to be public.

1 MS. INSINGA: Your Honour, at this time we'd ask for them to  
2 just be confidential so we can ensure there is no mention of other  
3 relatives or people who are not parties to this case that would need  
4 to be protected.

5 I believe there may be mentions of family members or children  
6 that are not parties to this case, and so we would just ask for the  
7 opportunity to review, and we can get back to the Court today with  
8 that information.

9 [Trial Panel confers]

10 PRESIDING JUDGE SMITH: They will be reclassified as public, all  
11 documents. The Prosecution had the opportunity to deal with  
12 protective measures and declined, so we will lift the confidentiality  
13 on this. That does not mean that it will be broadcast. It will  
14 merely be lifted for purposes of cross-examination.

15 MS. INSINGA: Understood, Your Honour. And if we do determine  
16 that there is anything in line with Your Honours' order that she may  
17 request private session for any need, we will submit a PRV at that  
18 time.

19 PRESIDING JUDGE SMITH: Understood. And that's the same at all  
20 times, in all witnesses.

21 MS. INSINGA: Your Honours, at this time I would propose to read  
22 a short summary of the witness's Rule 154 statement. This summary  
23 was sent to the parties on 23 September 2024 at 1847.

24 PRESIDING JUDGE SMITH: Yes, go ahead.

25 MS. INSINGA: In the summer of 1999, W01163, a Serb, was living

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1 in Rahovec together with her husband Marko Jelic and other family  
2 members. On or about 16 June 1999, W01163 witnessed the abduction  
3 and mistreatment of her neighbour, Panta Grkovic, by KLA members.  
4 Later the same day, W01163 was told that three other Serbs living  
5 nearby were taken in a car by the KLA members.

6 On 9 August 1999, W01163's husband was taken from their home by  
7 three KLA members in the presence of W01163. He never returned and  
8 has been missing ever since.

9 Marko Jelic's mother approached the KLA commander in the area  
10 for information about her son but to no avail.

11 Of all of the abducted Serbs, only the body of Panta Grkovic was  
12 found.

13 This concludes the summary of the witness's evidence.

14 And, Your Honours, I now have a few clarifying questions that  
15 I'm going to put to the witness.

16 Q. Witness, in your prior statements, you discuss the abduction of  
17 several other Serbs who lived close by or were neighbours of yours.  
18 Are you able to recall the names of those individuals as you sit here  
19 today?

20 A. Sveta Grkovic. Marko, I cannot remember his last name right  
21 now. Negovan Nedic -- Dedic. Then one Miljkovic, and I can't  
22 remember the first name.

23 Q. Thank you, Witness. Does Tihomir Miljkovic sound familiar to  
24 you?

25 A. Yes, that was our neighbour.

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1 Q. And Marko, does the last name -- the surname Vitosevic sound  
2 correct to you or familiar?

3 A. Yes.

4 MS. ROWAN: Your Honours, apologies to interrupt. If my learned  
5 friend could desist from leading, and if memory refreshing is  
6 required, to follow the correct procedure.

7 PRESIDING JUDGE SMITH: Overruled.

8 Go ahead.

9 MS. INSINGA: Thank you, Your Honour.

10 Q. Witness, I heard you say that Tihomir was a neighbour of yours.  
11 Was Marko also a neighbour of yours?

12 A. Yes.

13 Q. And, Witness, do you recall approximately how old those two  
14 individuals we just discussed were in 1999?

15 A. These were elderly men. They weren't young. They were older.

16 Q. And, Witness, can you please describe what you recall learning  
17 about these two individuals and their disappearance.

18 A. Well, Sveto Grkovic's wife, Auntie Jela, she came to the  
19 neighbour's house to ask about her husband's whereabouts.

20 Q. And, Witness, what do you recall learning about Tihomir and  
21 Marko, the neighbours you just described for us as being elderly?

22 A. Tihomir was beaten up, and then they took him away in a van of  
23 some kind. And his hands were tied. And I heard that he managed to  
24 escape from that van.

25 Q. And do you recall how you learned this information about him?

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1 A. I heard it from my neighbour.

2 Q. And as you sit here today, are you able to recall that  
3 neighbour's name?

4 A. Her name was Jela.

5 Q. And, Witness, did you ever hear anything about -- I'm sorry,  
6 withdrawn.

7 Witness, do you recall the last name of your neighbour that you  
8 just mentioned with the first name Jela?

9 A. Grkovic.

10 Q. And what was her husband's name, if you know?

11 A. Sveta.

12 Q. Witness, do you recall learning where these individuals were  
13 detained?

14 A. In Orahovac, where the police used to be. And when the police  
15 left, they were detained there at the police station.

16 Q. And just so the record is clear, whom were they detained by?

17 A. KLA.

18 Q. Thank you, Witness. Did you ever hear anything about who was  
19 responsible for these disappearances or abductions?

20 A. Well, the responsible person for Orahovac was Ismet Tara.

21 Q. And what, if anything, did you hear or learn about his  
22 involvement in these disappearances or abductions?

23 A. Well, I heard from people in Orahovac that he was responsible  
24 for the disappearance of people.

25 Q. And as you sit here today, are you able to recall who you



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1 learned that from?

2 A. My mother-in-law, when she went to report the disappearance of  
3 her son, she went to see Ismet Tara personally. That's what she told  
4 me.

5 Q. And, Witness, did you ever meet or speak with Ismet Tara  
6 yourself?

7 A. No.

8 Q. Witness, the other neighbour that you mentioned earlier,  
9 Marko Vitosevic, what did you learn about his disappearance or  
10 abduction?

11 A. Well, I heard from Auntie Jela that, on that day, Panto Grkovic,  
12 Sveta Grkovic and Marko Vitosevic were abducted.

13 Q. And did you ever learn anything about them after they were  
14 abducted or hear anything about them afterwards?

15 A. Well, Auntie Jela said that they had been detained at the fire  
16 station.

17 Q. And are you aware of whether any of them were ever seen or heard  
18 from again after that?

19 A. No.

20 Q. And just so the record is clear, when you said that she heard  
21 that they were detained at the fire station, where was that fire  
22 station located?

23 A. It was close to the police station.

24 Q. And was that in Rahovec?

25 A. Yes, in Orahovac.

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Questioned by Victims' Counsel

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1 MS. INSINGA: Your Honours, that concludes my examination of  
2 this witness at this time.

3 Q. Thank you, Witness.

4 PRESIDING JUDGE SMITH: Thank you.

5 Ms. Tavakoli.

6 MR. LAWS: Your Honour --

7 PRESIDING JUDGE SMITH: No questions?

8 MR. LAWS: Forgive me, Your Honour.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. LAWS: Yes.

11 Questioned by Victims' Counsel:

12 Q. Good morning, Mrs. Jelic. Can you see me and hear me all right?

13 A. Good morning. Yes, I can see you and hear you well.

14 Q. Thank you. You and I have spoken. But to introduce myself, I  
15 am Simon Laws, and I'm counsel for the victims in this case. You  
16 understand that, I hope?

17 A. Yes, I know.

18 Q. Thank you. As you know, I'm going to ask you some questions  
19 today about the effect on the lives of you and your children of what  
20 happened to your husband, Marko. And I'm going to start by just some  
21 background information, please.

22 Is it correct that Marko was born in 1968?

23 A. No. That's correct.

24 Q. And you were married to him in 1995?

25 A. Yes.

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1 Q. You would have been 20 years old at the time and Marko was 26, I  
2 think.

3 A. That's correct.

4 Q. Can you tell the Judges something about Marko's character and  
5 what sort of a man he was, please.

6 A. He was a good man. He was an ordinary man.

7 Q. And before 1998, what did he do for a living?

8 A. Marko worked at Termovent. He was an accountant.

9 Q. And then later in 1998, I think it's correct that he did some  
10 work as an interpreter for the OSCE because he spoke Albanian,  
11 Serbian, and English.

12 A. That's right.

13 Q. Is it correct that you had two children together?

14 A. Yes.

15 Q. Did you have a daughter born in 1996 and then a son born in  
16 1997?

17 A. Yes.

18 Q. So in August 1999, your daughter was 3 and your son was 2 years  
19 old. I think that's right?

20 A. That's right, yes.

21 Q. Now, I don't need to ask you any questions at all about what  
22 happened to Marko and about the day that he was taken, but I do want  
23 to ask you some questions about the way that his loss has affected  
24 your life and the lives of your children. Is that all right?

25 A. Well, believe me, it has affected us a lot. My daughter was

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1 very attached to her father. And when we left Orahovac for  
2 Montenegro, for Berane in Montenegro, the child did not speak for a  
3 month, although she had already begun speaking. She was seated at  
4 the same spot all the time and looking at the same spot all the time,  
5 and she wouldn't speak. She wouldn't utter a word.

6 Q. In that first year that you were in Montenegro with the  
7 children, could you describe, please, what life was like for you.

8 A. Honestly, I was not functional either physically or mentally.  
9 And then I sought help. I went to see a doctor. And when he told me  
10 about some things, such as that my kids will end up in a home for  
11 abandoned kids, and that they wouldn't know that they were brother  
12 and sister, then I tried to pull myself together.

13 And for a full year, in fact, I wasn't really well either  
14 physically or mentally. But after a year, thankfully, thanks to the  
15 doctors, I was better.

16 Q. All right. And after some time in Montenegro, is it correct  
17 that you moved to Serbia? And we don't need to know the town, but  
18 you moved to Serbia with the children?

19 A. That's right.

20 Q. And how did you support them? Financially, I mean.

21 A. Well, when we arrived in Serbia, I worked at a fast-food stall.

22 Q. And as of today, are you still working full time in the  
23 restaurant trade?

24 A. Yes.

25 Q. Now, we know that in 2014 there were some proceedings in the

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Questioned by Victims' Counsel

1 High Court in Belgrade, but was anyone ever put on trial for the  
2 abduction or killing of your husband?

3 A. No.

4 Q. And we know, because you've told the Prosecution about it, that  
5 his body has never been found. And that is still position today, is  
6 it not?

7 A. Yes. His body was never recovered.

8 Q. Could you tell the Judges, please, what that has meant to you.

9 A. Well, what I would like to know is what happened to my husband.  
10 If at least we could get one bone so that we can bury it and know  
11 where he is so that I can actually finally shed tears.

12 Q. You told us a few moments ago about the effect of what had  
13 happened to your husband on your daughter when she was a little girl.  
14 Can you tell us more generally, looking back now over the years, how  
15 it's affected your children to grow up without a father.

16 A. Very, very much. They are still affected although they are  
17 grown-ups now.

18 Q. And Mrs. Jelic, would you like to just tell the Judges, in your  
19 own words, how you see what happened to Marko -- the way in which  
20 what happened to Marko has affected your life.

21 A. Well, it has had a lot of effect on my life. It's very hard to  
22 live somewhere and bring up two kids without anyone's help. That's  
23 very hard, and I wouldn't wish this on anyone. Although all of this  
24 is in the past, to this day life is not really easy.

25 Q. Thank you.

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Cross-examination by Ms. Tavakoli

1 MR. LAWS: Your Honour, those are my questions.

2 PRESIDING JUDGE SMITH: Thank you, Mr. Laws.

3 Now, Ms. Tavakoli. We'll break at 10.00, just so you know.

4 Cross-examination by Ms. Tavakoli:

5 Q. Good morning. My name is Nina Tavakoli, and I represent  
6 Hashim Thaci in this trial.

7 A. Good morning.

8 Q. Would I be right, madam, that you concluded that the KLA was  
9 responsible for kidnapping your husband because, when the men came to  
10 your house, they said they were KLA and some of them had KLA uniforms  
11 on?

12 A. That's right.

13 Q. Now, I think you said that they were 19- or 20-year-old kids; is  
14 that right?

15 A. That's right.

16 Q. And I just want to be clear about how many of the men had KLA  
17 uniforms. In your statement to the SITF, you said that it was all of  
18 the men. And earlier, in a statement to the Serbian MUP, you'd said  
19 it was two had civilian clothes and one was in uniform. Do you  
20 remember today whether it was all of them or two of them or one of  
21 them in the uniform?

22 A. I said that two of them were in uniform and one was in civilian  
23 clothing. I never said that they were all in uniform.

24 Q. I think in --

25 MS. TAVAKOLI: And the reference for the Court is P01701 Part 4,

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1 at page 5. If we could perhaps bring that up on the screen.

2 Q. This your statement to the SITF. I understood the first line to  
3 be that it was all three of them, but are you saying that actually it  
4 was just two of them? That's fine. I just want to be clear what  
5 your evidence is. I understand that the events were a long time ago.

6 Is it two you say? Sorry, can you hear me?

7 A. Yes, yes, I can hear you. Two of them were in uniform and one  
8 of them was in civilian clothes.

9 Q. Thank you. Now, you'd also told the SITF that around that time  
10 your family didn't leave your house. You didn't go to the market or  
11 the shops and your neighbour brought you bread and milk. Do you  
12 remember saying that?

13 PRESIDING JUDGE SMITH: I think you need to put the question --

14 THE WITNESS: [via videolink] [Interpretation] No.

15 PRESIDING JUDGE SMITH: -- in the form of a question --

16 MS. TAVAKOLI: Yeah.

17 PRESIDING JUDGE SMITH: -- rather than just --

18 MS. TAVAKOLI:

19 Q. At -- at this --

20 PRESIDING JUDGE SMITH: -- ending it as a statement.

21 MS. TAVAKOLI: Yeah.

22 Q. At this time, you and your family didn't leave your house, did  
23 you? You remained inside your house.

24 A. That's right.

25 Q. I think your daughter told the Prosecutor's Office - and the

1 reference is ERN 122926, paragraph 4 - that, effectively, you were in  
2 hiding at this time.

3 A. Well, we did not dare to come out onto the street.

4 Q. Thank you. Now, we've heard evidence in this trial that KLA  
5 uniforms were readily available in the summer of 1999 in markets, and  
6 people who were buying and wearing these uniforms weren't necessarily  
7 in the KLA. Now, you wouldn't be aware of that, would you, because  
8 you didn't leave your house at that time?

9 A. Madam, the men who took away my husband were from the KLA.  
10 Those were our neighbours.

11 Q. Thank you. We'll keep going. I know that's what you think, and  
12 I hear you on that, but I'm just trying to explore this issue.

13 Now, we've also heard evidence in this trial that the border  
14 with Albania was open at this time and that large-scale criminal  
15 gangs were coming over the border.

16 JUDGE BARTHE: Ms. Tavakoli, could you give us a reference for  
17 this, please.

18 MS. TAVAKOLI: Yes, that is 1D00085.

19 Q. So at this time, we've heard evidence that there were  
20 large-scale criminal gangs coming over from Albania and committing  
21 crimes wearing KLA uniforms.

22 Now, had you heard of this or were you too isolated at the time  
23 to hear of that?

24 A. No, I did not hear anything about that.

25 Q. Now, you told the Prosecutor's Office last week in your



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1 preparation session that one of the men, he had a blue ID - and the  
2 reference is Prep Note 1, paragraph 15 - you didn't know him. Do you  
3 remember saying that?

4 A. Yes, I remember.

5 Q. And you also said he wasn't local, was he?

6 A. That's correct.

7 Q. And you said in your statement to the Prosecutor - and the  
8 reference is P01701.2 - that he introduced himself as from Albania.  
9 Do you remember saying that?

10 A. He did say that he was from Albania. I remember that.

11 Q. And the ID that he showed you was blue, wasn't it?

12 A. That's right. He also said that he had received it from the  
13 KFOR.

14 Q. Thank you.

15 MS. TAVAKOLI: Would you like to break now?

16 PRESIDING JUDGE SMITH: If it's a convenient time for you.

17 Witness, we'll give you a ten-minute break and then we'll come  
18 back to the courtroom in ten minutes. You may leave the room with  
19 the Court Attendant.

20 [The witness stands down via videolink]

21 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

22 --- Break taken at 10.05 a.m.

23 --- On resuming at 10.15 a.m.

24 PRESIDING JUDGE SMITH: Madam Court Officer, you may bring the  
25 witness into the room.

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1 Ms. Tavakoli, what's your time estimate?

2 MS. TAVAKOLI: Half an hour, maybe.

3 PRESIDING JUDGE SMITH: Just for everybody's planning purposes.

4 [The witness takes the stand via videolink]

5 PRESIDING JUDGE SMITH: All right.

6 Witness, we will continue with the questions from the Thaci

7 Defence. Please give them your attention.

8 MS. TAVAKOLI: Thank you.

9 Q. Madam Witness, you've told the Prosecutor's Office that after  
10 these men took your husband, they returned some days later and  
11 demanded money from you in exchange for his return. Do you recall  
12 saying that?

13 A. Yes, that's how it was. And that is what I said.

14 Q. I'm going to suggest to you that these men that took your  
15 husband could, in fact, have been criminals from Albania trying to  
16 take your husband for ransom and pretending to be the KLA. What  
17 would you say to that?

18 A. Those who asked for money and who took my husband away were not  
19 from Albania, but they were from Orahovac. And the same individuals  
20 who had taken him away had returned asking for money.

21 Q. My suggestion, madam, is that they were not the KLA but they  
22 were criminal gangs.

23 PRESIDING JUDGE SMITH: I think she's already answered --

24 MS. TAVAKOLI: Okay.

25 PRESIDING JUDGE SMITH: -- that question.

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1 MS. TAVAKOLI: We can move on.

2 Q. Now to my next topic. Your husband worked for the OSCE during  
3 the KVM period. That's right, isn't it?

4 A. That's right.

5 Q. He was an interpreter for Frank Ledwidge; correct?

6 A. Correct.

7 Q. Now, did you know that Frank Ledwidge and the OSCE had carried  
8 out their own investigations to try to find out what happened to your  
9 husband?

10 A. No.

11 Q. Well, they conducted outreach and interviews.

12 MS. TAVAKOLI: And the reference for the Court is P01704,  
13 paragraph 54.

14 Q. Now, as part of that investigation, Frank Ledwidge said that he  
15 had met KLA commander Ismet Tara who you said was the responsible  
16 person for the KLA. That's right, isn't it?

17 A. Yes, that's right. Ismet Tara was the man in charge in  
18 Orahovac.

19 Q. And did you know - and the reference for the Court is 083217  
20 Part 11, page 12 - that Ismet Tara, he confirmed that he'd spoken to  
21 somebody who was an investigator, maybe from UNMIK or the OSCE, about  
22 four or five times? Did you know that?

23 A. No.

24 Q. Now, I'd like to show you a document.

25 MS. TAVAKOLI: If we could please bring it on the screen. And

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1 it is SITF00389269-00389271. And then I'd like page 3 of that  
2 document, please, which ends 269. If we keep panning down the page,  
3 thank you, paragraph 7 is what I'd like. Up. Thank you.

4 Q. There is no Serbian version, sorry. This is a report from the  
5 OSCE for the 16th to 18th August 1999 --

6 MS. TAVAKOLI: Sorry, Madam Court Officer, if you just pan down  
7 the page, you can see that date at the beginning on the first page.

8 Q. So we can see here that this is an OSCE document and it's their  
9 report of that date.

10 MS. TAVAKOLI: And if we can go now, please, to that paragraph 7  
11 that we had before.

12 Q. And I just want to read some of that paragraph to you:

13 "The most disturbing and distressing incident in the town over  
14 the last week has been the kidnapping of former KVM employee  
15 Marko Jelic. Efforts to trace him have failed. Investigations point  
16 strongly at an Albanian involvement. Rumours in the town speak of a  
17 group calling itself after the Serbian extremist 'Black Hand' gang.  
18 Presumably this name if it exists is intended ironically. It does  
19 seem that there is a group operating out of the control of the KLA.  
20 KLA expressions of regret are it seems on this occasion sincere ..."

21 Were you aware that this was the OSCE's conclusions about the  
22 kidnapping of your husband?

23 MS. INSINGA: Objection, asked and answered. The witness stated  
24 she was unaware of any such investigation.

25 PRESIDING JUDGE SMITH: Sustained.

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1 MS. TAVAKOLI: I'd like to tender this document, please, as  
2 contrary evidence to what the witness is putting forward.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MS. TAVAKOLI: I'd like to tender this document into evidence.  
5 We couldn't do it through Frank Ledwidge, so I don't know the route  
6 through which we can now do this. I'm in Your Honours' hands.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 There is no route you can do this at this point. She can't  
9 identify it. She doesn't know anything about it. I don't know what  
10 you intend.

11 MS. TAVAKOLI: I've read it into the record. I mean, I think  
12 the problem is that the Defence is now somewhat prejudiced because it  
13 should have been -- it could have been put to Mr. Ledwidge, and now  
14 we cannot put it to Mr. Ledwidge.

15 JUDGE GAYNOR: Ms. Tavakoli, I believe the bar table option is  
16 available at all times.

17 MS. TAVAKOLI: Thank you, Judge Gaynor.

18 MR. ELLIS: Your Honour, may I be heard on this briefly?

19 PRESIDING JUDGE SMITH: Go ahead.

20 MR. ELLIS: I'm concerned that a different test is being applied  
21 to Defence exhibits than that which has been applied to tenders from  
22 the Prosecution on this sort of issue.

23 We were told, I think earlier this block, that it's somewhat  
24 irrelevant whether a witness has seen a document before in response  
25 to objections to a Prosecution tender. The question on a tender

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1 is -- the approach that has been followed by this Panel to date is  
2 has it been established that the 138 criteria are met, is it  
3 *prima facie* relevant and authentic.

4 This is obviously relevant *prima facie* because it refers to the  
5 Marko Jelic case. It's obviously *prima facie* authentic because its  
6 an OSCE document. Applying the standards that have always been  
7 applied so far, it should be admitted, in my submission.

8 MS. ROWAN: Your Honour, we would echo those submissions.

9 PRESIDING JUDGE SMITH: If there is a tender, please say so,  
10 and I will -- go ahead. Do you tender this document?

11 MS. TAVAKOLI: Your Honour, I'd like to tender this document for  
12 the reasons outlined by my learned friend Mr. Ellis.

13 PRESIDING JUDGE SMITH: All right. We will mark it MFI and  
14 we'll rule on [Microphone not activated].

15 I'm sorry, I should have asked the Prosecution. Do you have a  
16 submission on this?

17 MS. INSINGA: Your Honour, we would object that this is not the  
18 proper form to tender this document. As Judge Gaynor stated, it may  
19 be a bar-eligible item, and they could have put it to the relevant  
20 witness at that time. Obviously, that's outside the bounds of  
21 today's conversation, though.

22 PRESIDING JUDGE SMITH: Yeah, when Mr. Ledwidge was here, you  
23 certainly could have offered it to him.

24 MS. TAVAKOLI: The problem was that paragraph 54 of his  
25 statement was redacted and we weren't allowed to ask questions about

1 that.

2 MS. INSINGA: Your Honour, if I may on that. While that  
3 paragraph was redacted in his statement, it was discussed in  
4 Prep Note 1 which was admitted, and, therefore, they would have been  
5 able to tender this document with that witness had they so chosen to  
6 do so.

7 PRESIDING JUDGE SMITH: All right. Thank you. It's marked MFI.  
8 We'll consider it.

9 MS. TAVAKOLI: Now --

10 THE COURT OFFICER: Your Honours, that will be assigned --  
11 Your Honours, that will be assigned Exhibit 1D192. And I note it's  
12 classified confidential in Legal Workflow.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 THE COURT OFFICER: Yes, marked for identification.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. TAVAKOLI:

17 Q. I would like to now also tell you what Frank Ledwidge concluded  
18 about your husband's disappearance and see if he told you that at the  
19 time.

20 MS. TAVAKOLI: And the reference for the Court is P01704,  
21 paragraph 54.

22 Q. And he concluded:

23 "For what it's worth, taking into account all I've been told  
24 about Tara and what he told me, I do not believe that Ismet Tara had  
25 any involvement in the kidnapping of Jelic or any other Serb

1 civilians following the NATO entry into Kosovo."

2 Now, Frank Ledwidge helped you and your family leave the  
3 country, didn't he?

4 MS. INSINGA: Objection, compound question, Your Honour.

5 PRESIDING JUDGE SMITH: Just break it up into questions that are  
6 answerable.

7 MS. TAVAKOLI:

8 Q. You knew Frank Ledwidge, didn't you?

9 A. Yes.

10 Q. He helped your family escape from Kosovo, didn't he?

11 A. Yes. And I thank him for that, madam. And as for this document  
12 and what he said about this, I have absolutely no idea about that. I  
13 know nothing about it.

14 Q. Thank you. You've answered my question.

15 Now, if we could move to the next topic.

16 MS. TAVAKOLI: If we could please bring up document SITF00314830  
17 to 00314965. And the first page I'd like is the one -- there's,  
18 unfortunately, no Serbian document. I'd like the page, firstly,  
19 SITF00314847.

20 Q. Now, you're aware, aren't you, that the SPRK in Kosovo carried  
21 out an investigation into your husband's abduction?

22 A. No, I'm not aware of that.

23 Q. Well, the investigation was based on information that you had  
24 provided. If I can just --

25 A. May I just say something, please?



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1 Q. Yes.

2 A. Madam, we just went and reported my husband's disappearance and  
3 nothing else.

4 Q. I think what must have happened is the Serbian authorities had  
5 passed the information, because from the documents I'm going to show  
6 you now, it's clear that that information had originated from you  
7 somehow. So I'll show you that.

8 MS. TAVAKOLI: If we can go to a different document first just  
9 to establish that. If we can go, please, to -- it's the same  
10 document, sorry, and it's at page SITF00314924 to SITF00314926. And  
11 if we can go to the second page of that.

12 Q. And if you can see the section on "Factual Allegations," it  
13 reports the situation of your husband and his kidnapping, and it  
14 tells the court what you've said now. And it says:

15 "Amongst the kidnappers Stamen Jelic recognised her neighbours  
16 Filjkic and Bugari."

17 So it appears to me that this investigation was opened using  
18 information that you must have provided.

19 MS. INSINGA: Objection. I believe --

20 THE WITNESS: [via videolink] [Interpretation] Madam, can I just  
21 say something? First of all, my husband did not disappear in 1998  
22 but in 1999.

23 MS. TAVAKOLI:

24 Q. Thank you. And we can go now to another -- they recognise that  
25 error.

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1 MS. TAVAKOLI: If we can go back, please, to page SITF00314847  
2 of this document. And if we go to the next page, please. And if we  
3 can pan down to the second paragraph of the "Reasoning."

4 Q. And, in fact, the investigators recognised that fact, madam,  
5 because they said that:

6 "After the interview of Stamen Jelic, the only witness in this  
7 case, she clarified that the described events took place on 9 August  
8 1999 instead of 9 August 1998. As the war in Kosovo officially ended  
9 on 11 June 1999, the criminal offence had to be reclassified as [a]  
10 non-war crime."

11 Do you see that? So they recognised here that, in fact, your  
12 husband was taken on 9 August 1999.

13 MS. INSINGA: I'm sorry, is there a question for the witness?

14 MS. TAVAKOLI: The question is here. Initially, the witness was  
15 questioning whether or not this was an authentic document because it  
16 had wrong date. I'm just showing her here that they corrected it.

17 Q. And we also see here, madam, that they say that they interviewed  
18 you. Can you see that they've said that?

19 "After the interview of Stamen Jelic ..."

20 Were you not interviewed by them?

21 A. I don't understand what you mean. Who interviewed me?

22 Q. There was a case, an investigation in Kosovo conducted by the  
23 SPRK. I asked you about that and you said you weren't aware of it.

24 Do you remember telling me that?

25 JUDGE METTRAUX: You might want to tell her what the SPRK is.

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1 We know; she might not.

2 MS. TAVAKOLI:

3 Q. This is the EULEX body in Kosovo that was investigating crimes.

4 A. Can I say something?

5 Q. Can you first, please, just answer the question?

6 A. Madam, I never had any conversation.

7 Q. You didn't have any conversations with EULEX? Is that your  
8 evidence?

9 PRESIDING JUDGE SMITH: [Microphone not activated] You might want  
10 to tell her what EULEX is.

11 THE WITNESS: [via videolink] [Interpretation] Yes, I've never  
12 had any conversation with them. I just went to report my husband's  
13 disappearance. So no.

14 MS. TAVAKOLI:

15 Q. And did you report your husband's disappearance to the European  
16 Union Rule of Law Mission in Kosovo?

17 A. Yes, I went to KFOR and reported his disappearance, but no one  
18 has ever asked me about anything since. Nobody ever showed up to put  
19 any questions to us. Frank was the only person who took us out of  
20 Orahovac. We didn't have anyone else ask us about anything.

21 And can I add something?

22 Q. Yes.

23 A. Just like I read statements that were sent by some authorities  
24 down there, in one of them I read that I had five children. So this  
25 has absolutely nothing -- I have absolutely nothing to do with this

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1 or with them.

2 Q. We will go through some of those discrepancies in a moment. But  
3 if I can just return to my questioning.

4 You've now confirmed that you did speak to the European Union  
5 mission; correct?

6 PRESIDING JUDGE SMITH: I think her answer was she went to KFOR.

7 MS. TAVAKOLI: KFOR.

8 If we could go now, please, to the next document in this bundle,  
9 and that's --

10 THE WITNESS: [via videolink] [Interpretation] Yes, I only  
11 reported my husband's disappearance and that was it. Nobody asked me  
12 about anything else.

13 MS. TAVAKOLI:

14 Q. I understand.

15 MS. TAVAKOLI: But please, can we go to, of this document,  
16 SITF00314854. If we pan -- yeah. Sorry, it's SITF00314851.

17 Q. And this is a document from EULEX terminating the investigation  
18 into two suspects for your husband's disappearance. Their names,  
19 Bugari and Feiljkic.

20 MS. TAVAKOLI: And if we go to the next page, please. And if we  
21 pan down.

22 THE WITNESS: [via videolink] [Interpretation] My apologies,  
23 that's the last name, Bugari.

24 MS. TAVAKOLI:

25 Q. Thank you.

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1 A. Last name.

2 Q. Thank you. And --

3 A. And another thing. I never mentioned Filjkic in any shape or  
4 form.

5 Q. Can we're going to actually -- I'm going to ask you about that  
6 in a moment, because I understand that that is what your evidence is.  
7 And were you aware here that this body that we're discussing  
8 terminated their investigation into your husband?

9 MS. INSINGA: Objection, asked and answered. The witness has  
10 stated she was unaware of this investigation.

11 PRESIDING JUDGE SMITH: Sustained.

12 MS. TAVAKOLI: I'd like to tender these two pages. They are  
13 clearly *prima facie* relevant to the issue of her husband's  
14 disappearance. Specifically, I'd like to tender SITF00314847 to  
15 SITF00314848, and also, sorry, two more pages, SITF00314851 to  
16 SITF00314853, on the basis they are clearly relevant to a charged  
17 murder victim in this indictment.

18 [Trial Panel confers]

19 PRESIDING JUDGE SMITH: Does the SPO wish to respond?

20 MS. INSINGA: Your Honour, I don't believe that this witness is  
21 the appropriate witness to tender these items. She has clearly  
22 stated on multiple occasions that she was unaware of this  
23 investigation and that she also did not give a statement to EULEX.

24 PRESIDING JUDGE SMITH: The three documents mentioned are  
25 admitted. They are satisfactory and meet the *prima facie*

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1 requirements of 138. Please assign a number to them.

2 THE COURT OFFICER: Your Honours, if I can confirm, within the  
3 range SITF00314830 to 00314965 RED, the pages that are admitted are  
4 00314847 to 00314848 and 00314851 to 00314853. And those pages will  
5 be assigned Exhibit 1D193.

6 PRESIDING JUDGE SMITH: And then prior to you finishing your  
7 cross-examination, we will now admit 1D192 that was formerly MFI. It  
8 will now be given a number.

9 THE COURT OFFICER: Your Honours, that number will remain the  
10 same, 1D192. We will just change the evidentiary status to admitted.

11 PRESIDING JUDGE SMITH: Thank you very much.

12 Go ahead.

13 MS. TAVAKOLI:

14 Q. Madam Witness, I'd now like to talk a bit about Ismet Tara.  
15 Now, your mother-in-law knew him, didn't she, because she had been a  
16 well-respected -- she was well respected in the area?

17 A. Yes, yes.

18 Q. Now, you didn't go with her the next day, did you, to meet with  
19 Ismet Tara?

20 A. No.

21 Q. She told you what happened.

22 A. Yes.

23 Q. And you told, I think, the Serbian MUP - and the reference for  
24 the Court is P01700 at 030657 - that he called in some KLA -- after  
25 she made the complaint, he called in some KLA members and asked if

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1 your mother-in-law recognised them, didn't he?

2 A. Yes.

3 Q. And she didn't, did she?

4 A. No, she didn't.

5 Q. And then he offered to drive her through the town to try to  
6 identify the men who had done this to your husband, didn't he?

7 A. Yes.

8 Q. He was trying to help her find out who did it, wasn't he?  
9 That's what it looks like. Would you agree with me?

10 A. Yes.

11 Q. And after the men came back to your family's house and harassed  
12 you, did you know that your mother-in-law went back to Ismet Tara at  
13 that stage to report it again?

14 A. No.

15 Q. And so she didn't tell you anything about how he then made more  
16 inquiries about who had done it but didn't know who'd done it?

17 MS. TAVAKOLI: And the reference for the Court is 030660 to  
18 030672 at 030663.

19 Q. Did she tell you about that conversation?

20 MS. INSINGA: Objection, asked and answered.

21 PRESIDING JUDGE SMITH: Sustained.

22 MS. TAVAKOLI:

23 Q. Now I'd like to go to --

24 A. Apologies, may I add something?

25 Q. You may.

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1           PRESIDING JUDGE SMITH: Go ahead, Witness.

2           THE WITNESS: [via videolink] [Interpretation] May I say  
3 something?

4           MS. TAVAKOLI:

5           Q. You may, yes.

6           A. My mother-in-law was not able to walk on her own because she was  
7 ill. She couldn't walk around Orahovac. She had to use a cane. She  
8 was an elderly woman. She was over 70. And it's not correct that  
9 she went to Ismet Tara on several occasions. That's not correct.

10           Now, as for the statements and whoever wrote those, I really  
11 know nothing about that. She only went that one day to Ismet Tara.  
12 I know this because we lived in the same household.

13           Q. Well, your mother-in-law has, in fact, said that she did go to  
14 see Ismet Tara and made -- and Tara -- and this is what she said.  
15 I've given the reference to the Court. She's said already that she  
16 made inquiries with several commanders, but that he didn't know who  
17 had done it. And he concluded that it was likely to be men from  
18 nearby villages, and he could no longer command them as KFOR had  
19 taken matters into its hands.

20           MS. INSINGA: Objection. The witness has stated that she does  
21 not know about anything that occurred here, and also I don't believe  
22 a question was posed.

23           MS. TAVAKOLI:

24           Q. I'm going to suggest that you're wrong --

25           PRESIDING JUDGE SMITH: Sustained.



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1 MS. TAVAKOLI:

2 Q. -- and that -- the question is I'm going to suggest that you're  
3 wrong and that your mother has said something contrary.

4 Mother-in-law.

5 MS. TAVAKOLI: I would like to apply to tender that page of the  
6 statement --

7 THE WITNESS: [via videolink] [Interpretation] Madam, I told you  
8 what she had told me. Now, that she went to report this on several  
9 occasions to Ismet, she couldn't do that. She was a sick woman. Do  
10 you understand?

11 MS. TAVAKOLI: My application is to tender that page, please, as  
12 impeachment.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MS. TAVAKOLI: 030660 to 030672 at 030663.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. INSINGA: Yes, Your Honour.

17 PRESIDING JUDGE SMITH: [Microphone not activated] Any objection?

18 MS. INSINGA: Yes, Your Honour. We would argue that this is not  
19 impeachment. The witness stated that she is unaware of this  
20 information, and, therefore, we would object to this item being  
21 tendered, specifically this one page of the statement of a witness  
22 who is not present.

23 PRESIDING JUDGE SMITH: [Microphone not activated] ... this  
24 statement?

25 MS. TAVAKOLI: This is a statement of the mother-in-law.

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Cross-examination by Ms. Tavakoli

1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           MS. TAVAKOLI: No, but --

3           PRESIDING JUDGE SMITH: [Microphone not activated].

4           MS. TAVAKOLI: It's not impeachment, but she said the  
5 mother-in-law couldn't -- didn't go back more than one day. She  
6 couldn't walk.

7           PRESIDING JUDGE SMITH: [Microphone not activated].

8           It's still not impeachment.

9           MS. TAVAKOLI: We can apply through the bar table.

10          PRESIDING JUDGE SMITH: I'm not saying you can't offer it. I'm  
11 just saying --

12          MS. TAVAKOLI: Yeah.

13          PRESIDING JUDGE SMITH: -- let's don't call it impeachment,  
14 because it wasn't. So 030 --

15                               [Trial Panel confers]

16          PRESIDING JUDGE SMITH: [Microphone not activated].

17          THE COURT OFFICER: Your Honours, that specific page will be  
18 marked as 1D194.

19          MS. TAVAKOLI: Sorry, Your Honour, these terms are alien to me  
20 from my jurisdiction. That's why I'm tripping up over the words  
21 "impeachment." We don't have the same process.

22          PRESIDING JUDGE SMITH: [Microphone not activated].

23          There's also the consideration of whether it's a statement or  
24 not as well that we have to take into consideration. That's the  
25 reason we're marking it MFI, to take a further look at it, but ...

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1 MS. TAVAKOLI: Thank you.

2 Q. Now, I'd like to go on to my last -- penultimate topic.

3 MS. TAVAKOLI: Your Honour, I'm going to be a bit longer than --  
4 sorry.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MS. TAVAKOLI: Yeah.

7 PRESIDING JUDGE SMITH: Go ahead.

8 MS. TAVAKOLI: I think I'd reserved an hour, which I'm at, but I  
9 need a bit longer.

10 PRESIDING JUDGE SMITH: Yeah, it's all right. Go ahead.

11 MS. TAVAKOLI: Now, if we can please bring these up. There's a  
12 series of three documents that I want to bring up on the screen,  
13 perhaps not shown to the public. And the first one is 030655 to  
14 030659, and the Serbian has the same reference, and it's at page  
15 030658. And if we can go to the bottom of the page, please.

16 Q. And can you see here a sentence which starts:

17 "Before the army and police left Kosovo, my father- and  
18 mother-in-law were visiting some Albanian neighbours. While there  
19 they saw a photograph in which my husband Marko was holding a  
20 weapon."

21 Can you see that statement, that sentence?

22 A. Yes.

23 Q. Now, last week when you spoke to the Prosecutor - and the  
24 reference is Prep Note 1, paragraph 16 - you said that you hadn't  
25 said that sentence about there being a photograph in which your

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Cross-examination by Ms. Tavakoli

1 husband Marko was holding a weapon. Do you remember that?

2 A. Yes, I did not state this, that they had taken a photo of him.

3 No, I never said that.

4 Q. That they saw a photograph. Is that the right translation? The  
5 sentence here is that -- yeah.

6 A. No --

7 Q. Now, can you see --

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

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 THE WITNESS: [via videolink] [Interpretation] I wasn't told  
11 that.

12 MS. TAVAKOLI:

13 Q. So just to be crystal clear, what you're saying is that you  
14 never said that while your father- and mother-in-law were there, they  
15 saw a photograph; is that right? You didn't say that?

16 A. I didn't say that. But whether they'd seen something or not, I  
17 don't know. They did not say anything to me. I don't know anything  
18 about that.

19 Q. Would you agree with me that in this statement here it says that  
20 you said that they saw a photograph?

21 A. Yes, I see that.

22 Q. And --

23 A. But I didn't say that. I don't remember saying it.

24 Q. And can you see your signature at the bottom of the statement?

25 A. I see it, but this is not my statement.

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Cross-examination by Ms. Tavakoli

1 Q. And then underneath --

2 A. I know exactly what I said. No, this is not something that I  
3 said. No.

4 Q. So am I to assume that when you signed the statement, it didn't  
5 have that sentence in it?

6 A. No, I never mentioned any photo or anything that my mother- and  
7 father-in-law told me. No, I don't remember that.

8 Q. Now, I assume that you left -- that this statement was the  
9 property --

10 A. And these names here -- no, this is not my statement.

11 Q. Can you see above your signature it says -- there's a statement  
12 of truth which says:

13 "I hereby acknowledge the statement that has been read out as my  
14 own and I hereby sign it."

15 A. Yes, I see that, madam --

16 Q. So when you signed it --

17 A. -- but these are not my statements. And these names, Avni Bala  
18 or something like that, no.

19 Q. So you can't help us with how that sentence came into your  
20 statement?

21 A. No.

22 Q. On the same page of this statement, it says --

23 MS. TAVAKOLI: If you could pan up, please. Sorry, I'm just  
24 trying to find it. Sorry, if you could go down.

25 Q. Okay. Sorry, at the bottom of that paragraph that we've just

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1 talked about, we've gone through, it says there:

2 "I personally believe that the person behind my husband's  
3 abduction was Avni Bala and the Albanian neighbours whom I mentioned  
4 took him from the house."

5 Can you see it says that?

6 A. I see that. But, madam, I did not say that. I never mentioned  
7 it or that anyone was an organiser of something. No.

8 Q. No, but you signed that statement, didn't you? We've seen your  
9 signature on the bottom page.

10 A. Yes, but these are not my statements, frankly speaking. No.

11 Q. So are you saying that when you signed it, it didn't have that  
12 sentence in it?

13 A. Those who wrote these statements seem to have been improvising,  
14 or how they wrote it, I don't know. But these names like Avni Bala,  
15 I never mentioned them. I just didn't say all that.

16 Q. This statement was drafted by the Serbian MUP. Do you know  
17 that? Where it says it at the top this is a statement that you gave  
18 to the Serbian MUP; correct?

19 A. Yes, I see what's written there. I'm reading it. But those are  
20 not my words, no.

21 Q. So you said a moment ago that whoever wrote this was improvising  
22 a bit. Is it your evidence, Witness, that the Serbian MUP was  
23 improvising?

24 MS. INSINGA: Your Honour, this calls for speculation. And  
25 these two sentences specifically read to the witness were clarified

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1 in Prep Note 1, which is P01703, paragraph 16. These two specifics  
2 sentences have been clarified by the witness.

3 PRESIDING JUDGE SMITH: It's overruled.

4 You can answer the question.

5 MS. TAVAKOLI:

6 Q. Madam Witness, you said that whoever took this statement was  
7 improvising. We know that the Serbian MUP took the statement. Is it  
8 your view that it was the Serbian MUP who was improvising?

9 A. I just want to say that these are not my words. Nothing else.

10 Q. And on this same statement --

11 MS. TAVAKOLI: There's one more incident in this statement.

12 Shall I finish that before the break before moving to the next one?

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Go ahead.

15 MS. TAVAKOLI:

16 Q. Now, staying in this statement, at page 657, so the page before,  
17 it says here that --

18 MS. TAVAKOLI: If we pan down, please. That's it.

19 Q. The fourth paragraph that starts: "In August ..." Can you see  
20 that? And then halfway through that, it says:

21 "I recall that one of them had the last name Siljkic, the second  
22 Bugari and the third, who was wearing shorts and slippers, was  
23 nicknamed Golubar."

24 Do you see that sentence?

25 A. As for Golubar and Bugari, I did say that. And the rest, no.

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Cross-examination by Ms. Tavakoli

1 Q. Exactly. Last --

2 A. And the statement, this part:

3 "At some point in July ..."

4 Q. Thank you. So last week you told the Prosecutor at paragraph 8  
5 of Prep Note 1 that you didn't mentioned a Siljkic at all. That's  
6 right, isn't it?

7 A. Yes.

8 Q. But the Court can see that that name has entered this statement,  
9 hasn't it? It's in there.

10 A. Well, there are various things recorded here which I did not  
11 say.

12 Q. And in --

13 A. It says here also that I said that Hashim Thaci had come to  
14 Orahovac. I didn't say that because that's not something that I  
15 remember.

16 Q. So, Madam Witness, you say that when you signed this statement  
17 it didn't contain those elements; correct?

18 A. I'm just saying that this is not something that I said. I  
19 didn't say this.

20 Q. You signed the statement, didn't you?

21 MS. INSINGA: Objection, asked and answered.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Overruled.

24 You may answer the question.

25 MS. TAVAKOLI:



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1 Q. You signed the statement, didn't you?

2 A. I don't know. This -- what I'm reading on the screen now, I  
3 never said any of this.

4 Q. Thank you. If we can go down to your signature, please. It's  
5 on the next page. Can you see there your signature?

6 A. Yes, I do. But I did not say any of this.

7 Q. When you signed this statement, were you signing what you  
8 believed was the truth?

9 A. Well, madam, I understand what are you asking me, but none of  
10 this are my words. Do you get it? Half of this I did not say, so I  
11 don't really understand.

12 Q. It get it.

13 A. I don't really understand where all this coming from.

14 JUDGE METTRAUX: Ms. Tavakoli, I just have a question. What's  
15 your case? Are you putting it to the witness that she said that and  
16 now recants, or are you saying that someone put it in?

17 MS. TAVAKOLI: I'm trying to explore it because she's signed it.  
18 She says when she signed it she didn't say those things, so I'm  
19 trying to explore how they got in there.

20 PRESIDING JUDGE SMITH: It's fairly obvious she doesn't know how  
21 they got in there.

22 MS. TAVAKOLI:

23 Q. So you can't -- could this be another example of the Serbian MUP  
24 improvising?

25 MS. INSINGA: Your Honour, objection. That calls for

1 speculation.

2 PRESIDING JUDGE SMITH: Sustained.

3 MS. TAVAKOLI: We can take the break.

4 PRESIDING JUDGE SMITH: We'll take the break now.

5 We'll take a half-hour break now, Witness. You'll come back to  
6 the courtroom at about ten minutes after -- or 20 minutes to 12.00, I  
7 guess it would be. You may leave the room.

8 THE WITNESS: [via videolink] [Interpretation] All right.

9 [The witness stands down via videolink]

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 We will be adjourned from now until 20 minutes till 12.00.

12 --- Recess taken at 11.07 a.m.

13 --- On resuming at 11.39 a.m.

14 PRESIDING JUDGE SMITH: As to MFI 1D194, the document, which is  
15 clearly a statement of a third party, should have been tendered under  
16 Rules 153, 154, or 155 if it was to be admitted, which has been our  
17 standard thus far.

18 The material in this statement is being used for issues of  
19 credibility which have been read out in open court. The testimony  
20 was given by the witness and it's a permanent part of the record. So  
21 the material which is questioned has already been entered into the  
22 verbal record of the Court. The statement of the witness's  
23 mother-in-law will not be admitted, but, of course, the testimony has  
24 been heard. And this is all as to page 030663.

25 Please bring the witness in.

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1 [The witness takes the stand via videolink]

2 PRESIDING JUDGE SMITH: Witness, can you hear me?

3 THE WITNESS: [via videolink] [Interpretation] Yes.

4 PRESIDING JUDGE SMITH: Good.

5 We continue now. Ms. Tavakoli still has some questions from the  
6 Thaci Defence. Please give her your attention.

7 MS. TAVAKOLI: Thank you.

8 Q. Now, you gave a statement in 2002 to the Krusevac SUP, and I'm  
9 just going to bring that up on the screen.

10 MS. TAVAKOLI: And that is 03 -- that is P01699. And I'd like  
11 it at page 030669, please, Madam Court Officer. The English and  
12 Serbian are the same.

13 THE WITNESS: [via videolink] [Interpretation] All right.

14 MS. TAVAKOLI:

15 Q. And can you see the top line here, please? It says:

16 "My husband was kidnapped on the instructions of Avni Bala,  
17 Nazif Shabani, Shkurte Miftari and Arsim Derguti."

18 Can you see that sentence?

19 A. Yes, I can see it.

20 Q. And can you see your signature at the bottom of that page?

21 A. Yes, I see that too.

22 Q. And the sentence before your signature says this:

23 "The statement has been read out to me and the claims in it are  
24 my own. I hereby acknowledge them as such and append my signature."

25 Can you see that?

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1 A. Yes, I see it.

2 Q. Now, you told the SPO in your preparation session last week -  
3 and the reference is Preparation Note 1, paragraph 18 - that you  
4 never said that your husband was kidnapped on the instructions of  
5 those people, on their order. Do you remember telling them that?

6 A. Yes, I remember that I said that because I corrected that since  
7 I had never mentioned those names.

8 Q. Now, when you signed that statement, which you have on the  
9 screen, was that sentence in it?

10 A. Well, honestly, of those names and these words, I did not  
11 mention any of that. This is my signature but these are not my  
12 words.

13 Q. So that's not quite my question. My question was when you  
14 signed that statement, was that sentence in this document?

15 A. No -- well, probably. I don't know. I don't remember. But in  
16 any case, these are not my words.

17 Q. It's not my question, but I think we've got the point. I'll  
18 move on.

19 MS. TAVAKOLI: And then, please, can I bring up the next  
20 document, which is P01702, which is a record of your interview before  
21 the pre-trial judge of the War Crimes Chamber of the Belgrade High  
22 Court. And I'd like to go in that to page ending 4869. And can we  
23 go to the end of that page, please.

24 Q. And here, the second-to-last sentence which says:

25 "On this occasion, Bugari came and asked that we [will] give him

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1 20 or 30 thousand marks to let my husband go, but we told him that we  
2 did not have that kind of money."

3 Do you see that?

4 A. Yes, I see that, and the last time I corrected that. They asked  
5 for money but did not mention a specific amount.

6 Q. Now, can you see your signature at the bottom of that page?

7 A. I do.

8 Q. I think the words immediately above your signature say this:

9 "I listened while the record was read back to me, I accept the  
10 statement in its entirety as my own and sign it without objections."

11 And then we have your signature; correct?

12 A. That's right.

13 Q. That's on the next page in the English version.

14 So when you signed that document, you were confirming it was  
15 true; correct? Is that right? When you signed it, you were  
16 confirming it was true?

17 A. That's right.

18 Q. And is your evidence that when you signed it, that sentence was  
19 not in there? That detail about 20 or 30.000 marks was not in there  
20 when you signed it? Is that what you're now saying?

21 A. Well, I said last time, and I'm saying it now, this man called  
22 Bugari asked for money, but he never mentioned either 20 or 30.000.

23 Q. Madam, that's not quite my question. My question is when you  
24 signed this document, did it have the sentence about 20 or 30.000  
25 marks; yes or no?

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1 A. I don't remember.

2 Q. So there are five times that you've signed documents with  
3 sentences that you say you didn't say; correct?

4 A. Correct.

5 Q. And can you help us as to how those sentences then came into  
6 your documents?

7 MS. INSINGA: Objection, speculation.

8 PRESIDING JUDGE SMITH: Overruled. If she knows, she can  
9 answer.

10 THE WITNESS: [via videolink] [Interpretation] Honestly, I don't  
11 know. What I said, I stand by that. And what I didn't say, I do not  
12 stand by that.

13 MS. TAVAKOLI: Thank you.

14 Q. I've got one further question. Would I be right -- it's on a  
15 different topic. Would I be right to understand that you didn't  
16 think that KFOR had done a particularly good job in helping to find  
17 your husband or investigate his abduction?

18 A. I stand by that they didn't do anything, and that's it.

19 Q. Thank you.

20 MS. TAVAKOLI: No further questions.

21 PRESIDING JUDGE SMITH: Thank you, Ms. Tavakoli.

22 Ms. Rowan.

23 MS. ROWAN: No, thank you.

24 PRESIDING JUDGE SMITH: Mr. Roberts.

25 MR. ROBERTS: Nothing from me, Your Honour. Thank you.

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Cross-examination by Mr. Ellis

1           PRESIDING JUDGE SMITH: Thank you.

2           Mr. Ellis.

3           MR. ELLIS: Yes, thank you, Your Honour.

4           PRESIDING JUDGE SMITH: Go ahead.

5           MR. ELLIS: For planning purposes, I'm hoping to be less than  
6 half an hour.

7           PRESIDING JUDGE SMITH: Thank you very much.

8                               Cross-examination by Mr. Ellis:

9           Q. Witness, my name is Aidan Ellis, and I'm representing  
10 Mr. Jakup Krasniqi. I want to start with a couple of questions about  
11 this Bugari who you said was one of the people who came into your  
12 house on 9 August 1999. And you told the Prosecution in your  
13 preparation session earlier this month - and it's Exhibit 1703,  
14 paragraph 15 - that you don't know his first name. Do you recall  
15 saying that?

16          A. Yes, yes.

17          Q. And Bugari is a common surname in the Rahovec area, isn't it?

18          A. Well, I really don't know that.

19          Q. Very well. But you've told the Prosecution that you knew this  
20 Bugari because he lived below your house; correct?

21          A. That's right.

22          Q. Did the Prosecution show you a set of photographs to ask you if  
23 you could identify the person you say was Bugari on the photographs?

24          A. No.

25          MR. ELLIS: Could I take you, please, first of all, to

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Cross-examination by Mr. Ellis

1 SITF00314830 at page SITF00314875. It was page 314875, please. Yes,  
2 that's it.

3 Q. Now, Witness, this is only in English, so I'll read the relevant  
4 part. But this is from a request from the EULEX authorities, who you  
5 were asked questions about earlier this morning, to the Serbian  
6 authorities in February 2014. And it asks for the Serbian  
7 authorities to interview you as a witness. And amongst the things  
8 they identify as topics is number 5:

9 "Whether [you] would be able to identify the perpetrators if  
10 shown their photo around the time of the events."

11 Now, we've seen, I think, you were interviewed by the Serbian  
12 authorities in April of 2014, weren't you?

13 A. That's right.

14 MR. ELLIS: And if we could have on screen that interview, which  
15 I think is P1702, and before it had a P number it was SITF00314867.

16 Q. And at the top of that page, the first paragraph says:

17 "Compiled on 1 April 2014, before the pre-trial judge of the War  
18 Crimes Chamber of the Belgrade High Court, in proceedings following a  
19 request by EULEX ... dated 14 February 2014 to interview a witness."

20 And so if I'm understanding correctly, could it be that EULEX  
21 made a request for an interview and that interview, indeed, took  
22 place two months later in Belgrade? Could that be right?

23 A. Well, it would -- but I don't remember, honestly.

24 Q. I understand. I understand. And in the course of that  
25 interview, one of the things you were asked about and you said was



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1 that:

2 "... I would definitely recognise them if I saw them again."

3 And later on, you -- it's on the third page, you said:

4 "... I reiterate that I think I would recognise them all if I  
5 saw them again."

6 So in 2014, you were saying you would recognise the people who  
7 came into your house on 9 August if you saw them again; correct?

8 A. Yes. Yes, yes, that's right, because they were not wearing any  
9 masks on their faces or anything.

10 Q. But still, nobody showed you photographs and asked if you could  
11 recognise them on photographs; is that right?

12 A. That's right. They didn't. They never showed me any  
13 photographs.

14 Q. Thank you.

15 MR. ELLIS: And if I can move on then to a different topic. And  
16 that document can come down and can it be replaced with DJK01041.

17 Q. Again, Witness, so that I explain, this document is only  
18 available in English, but I can read the relevant parts to you. You  
19 have said that your father-in-law was in your house on 9 August 1999.  
20 His name was Dragomir Jelic; is that right?

21 A. That's right.

22 Q. Now, the document that is coming up on screen is from the Human  
23 Rights Advisory Panel of UNMIK, and it has the heading: "Dragomir  
24 Jelic against UNMIK." And my question is were you aware that your  
25 father-in-law had submitted a complaint to UNMIK about the handling

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1 of the investigation into your husband's abduction?

2 A. No, I'm not aware of this.

3 Q. Very well.

4 MR. ELLIS: If we could move to page DJK01045.

5 Q. I'm going to read to you parts of paragraphs 20 and 21.

6 Paragraph 20:

7 "The complainant is the father of Mr. Marko Jelic."

8 Paragraph 21:

9 "The complainant states that on 9 August 1999 his son was  
10 abducted from their family house in Rahovec/Orahovac by three armed  
11 Albanians in the presence of the entire family, including  
12 Mr. Marko Jelic's wife and their two minor children."

13 I'll stop there. I've gone to that so that you can see this is  
14 clearly about your husband's case, isn't it?

15 A. Yes, that's right. But this is not something that I'm aware of.

16 Q. Very well. I'll just take you to one more paragraph from it.

17 MR. ELLIS: If we can go to DJK01063. And paragraph 104,  
18 please.

19 Q. And again I'll read it to you:

20 "The Panel notes that although the investigative files show that  
21 the WCIU," probably War Crimes Investigation Unit, "completed an  
22 'Ante Mortem Investigation Report' in March 2005, it does not appear  
23 that even then any basic investigative steps were taken by UNMIK  
24 Police, such as visiting his home in Rahovec/Orahovac, the location  
25 where Mr. Marko Jelic had been reportedly seen for the last time, to

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1 try and better understand the circumstances of his disappearance, or  
2 identifying and interviewing individuals residing at or located in  
3 the area of the alleged crime ('canvassing' the area). There is also  
4 no evidence that UNMIK Police attempted to contact the complainant or  
5 any of the other family members who had apparently witnessed the  
6 abduction ... Similarly, it does not appear from the file that UNMIK  
7 Police attempted to locate and interview Mr. B. or Mr. F., persons  
8 that Mrs. Stamena Jelic said had abducted her husband."

9 And my question is were you aware that UNMIK police had not  
10 attempted to locate and interview the people that you had said were  
11 the ones who had abducted your husband?

12 MS. INSINGA: Objection, speculation.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Overruled.

15 THE WITNESS: [via videolink] [Interpretation] I apologise, but I  
16 don't know anything about this.

17 MR. ELLIS:

18 Q. Very well. I understand.

19 MR. ELLIS: And, Your Honour, I seek to tender the document. In  
20 my submission, it meets the Rule 138 criteria.

21 PRESIDING JUDGE SMITH: Any objection?

22 MS. INSINGA: No, Your Honour.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 You want the entire document?

25 MR. ELLIS: I would prefer the entire document --

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1 PRESIDING JUDGE SMITH: All right. Then --

2 MR. ELLIS: -- for completeness.

3 PRESIDING JUDGE SMITH: So give us the full number for that.

4 MR. ELLIS: I'm grateful. It was DJK01041 to 1075.

5 PRESIDING JUDGE SMITH: No objection having been made, DJK01041  
6 to 1075 is admitted.

7 THE COURT OFFICER: Your Honours, that will be assigned  
8 Exhibit 4D85, and I note it's classified public in Legal Workflow.

9 MR. ELLIS: It's a public document.

10 Q. Moving to a different topic, Witness. You were asked some  
11 questions this morning about the blue ID which one of the men showed  
12 to you. And my question is were you shown different examples of  
13 different identification cards to see if you could identify which  
14 was -- or recognise any of them?

15 A. I already said that. I was shown only one card. And the man  
16 who showed it to me, who showed this ID to me, he was not from  
17 Orahovac.

18 Q. I understood that --

19 A. He was from elsewhere, because he couldn't even speak Serbian.

20 Q. My question -- and I apologise, I probably asked the question in  
21 a confusing way. My question is, in the course of investigation  
22 after the events, were you shown examples of ID passes so that you  
23 could try to identify which one was the one that you were shown at  
24 the time?

25 A. I don't understand your question. Have I been shown by whom?

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Cross-examination by Mr. Ellis

1 Q. By the investigators who asked you questions about your  
2 husband's disappearance. Did any of those people show you examples  
3 of ID cards?

4 A. No, no.

5 Q. Very well. I'll move on to a different topic.

6 MR. ELLIS: Could we have on screen, please, 027628. The front  
7 page to begin with. And there's an English translation at DJK01076.

8 Q. And I will apologise immediately for my pronunciation, Witness.  
9 But the cover of the book on screen is a book called "Monument to the  
10 new Kosovo suffering," by "Metropolitan Amfilohije (Radovic)." Is  
11 this a book that you've ever seen before?

12 A. No.

13 Q. And in relation to the author, is it correct that the  
14 Metropolitan Amfilohije is a senior priest within the Orthodox  
15 church?

16 A. I don't understand your question. What does the Metropolitan  
17 bishop have to do anything with all of my testimony today?

18 Q. Well, I'll go to that now, if I may.

19 MR. ELLIS: Can we go to page 027978 in the Serbian, and it  
20 should be the second page of the English translation.

21 Q. And I just want to put to you one passage in this book, which  
22 you can probably see on your screen at the top of the page. It says:

23 "Marko Jelic (31), an economist from Orahovac at 'Termovent',  
24 abducted on 20 June, no trace. He was taken from his apartment by  
25 three armed Siptars in civilian clothes, aged around 30, saying that

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1 they were taking him for an interview and that he will return it  
2 immediately."

3 And my question is did you or, to your knowledge, members of  
4 your family provide information to the Orthodox church about your  
5 husband's case?

6 A. No.

7 Q. Very well. People in Rahovec were clearly talking about  
8 incidents that had happened, and there were different versions of  
9 events going around, weren't there, at the time?

10 A. I understand your question, sir. But, first of all, my husband  
11 did not disappear on June but rather on 9 August. And who said this  
12 and what they said, I have no idea what that has to do with me or my  
13 family.

14 Q. Very well.

15 MR. ELLIS: Can we move to a different document, then, which is  
16 SPOE00105525.

17 Q. And, again, this is only in English, but I can go through the  
18 relevant bits with you. This is from -- a document from the  
19 International Committee of the Red Cross. Were the Red Cross one of  
20 the organisations, the ICRC, that you contacted in the years after  
21 your husband's disappearance?

22 A. No.

23 Q. Very well.

24 MR. ELLIS: If we can go to the second page, please. And if you  
25 could scroll down, please.

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Cross-examination by Mr. Ellis

1 Q. It says in this document that on 6 June 2002 a:

2 "Tracing request was collected by ICRC from Jelic Stamen  
3 (wife)."

4 Could it be that you submitted a tracing request to the ICRC in  
5 June 2002?

6 A. I never gave any statement to them nor did I go see them. It  
7 was my sister-in-law, Marko's sister who went there.

8 Q. I see.

9 MR. ELLIS: And if we could scroll back up on that page, then.

10 Q. I'll read you a paragraph. It says:

11 "According to the information given by the family - witnesses of  
12 the event, on 09.08.1999, in the evening hours, 3 persons dressed in  
13 the KLA uniform came to the house of Jelic family and took away Jelic  
14 Marko into unknown direction."

15 So you're saying when it refers to "information given by the  
16 family," that would be from your sister-in-law; is that right?

17 A. That's right.

18 Q. And it continues:

19 "Later in 1999, the family met with some KLA members but failed  
20 in obtaining any information since the KLA members were rather  
21 surprised when heard about the abduction. The meeting was organised  
22 by the OSCE, since Jelic Marko used to work for OSCE as a  
23 translator."

24 Is that also information that your sister-in-law gave to the  
25 ICRC?

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1 A. I don't know about that. I don't know what she told them. I  
2 don't know.

3 Q. Very well.

4 MR. ELLIS: Your Honours, I tender that document, the ICRC  
5 document, two pages.

6 PRESIDING JUDGE SMITH: Any objection?

7 MS. INSINGA: No, Your Honour.

8 PRESIDING JUDGE SMITH: Is that SPOE00105525?

9 MR. ELLIS: I think it is, Your Honour. I'm sorry. I've turned  
10 away before I read the number out.

11 PRESIDING JUDGE SMITH: I don't have the page numbers though.

12 MR. ELLIS: It was 105525 to 105526, two pages.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 105525 to 526 is admitted.

15 THE COURT OFFICER: Your Honours, that will be assigned  
16 Exhibit 4D86. And if we can confirm the classification.

17 MR. ELLIS: I'm wondering if that one ought to be confidential  
18 because it's an ICRC document.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MS. INSINGA: Your Honour, if we could perhaps make it  
21 confidential for now just to check --

22 PRESIDING JUDGE SMITH: Yes.

23 MS. INSINGA: -- on the provider information.

24 PRESIDING JUDGE SMITH: That's good. Thank you.

25 MR. ELLIS: I'm grateful.



Witness: Stamen Jelic (Open Session)

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Cross-examination by Mr. Ellis

1 Q. And my final couple of questions are about -- in relation to  
2 Ismet Tara. Earlier this morning, at page 16, line 21, in the  
3 provisional transcript, you testified that you heard from people in  
4 Orahovac that Ismet Tara was responsible for the disappearance of  
5 people. Do you remember giving that answer to, I think, the  
6 Prosecution this morning?

7 A. Yes.

8 Q. And, in fact, I think the first time you had said something of  
9 that nature was in your preparation session with the Prosecution in  
10 September of this year. It's been recorded in Prep Note 2 at 122937,  
11 paragraph 7, that you stated that when you went to the Association of  
12 Disappeared People, you heard from a woman there whose husband was  
13 also abducted that Ismet Tara was responsible for the abductions and  
14 that they knew him.

15 That's what you said in your preparation session to the  
16 Prosecution, isn't it?

17 A. That's right. That's what I said.

18 Q. And since there is no name recorded in the notes from the  
19 preparation session, you'll agree with me that you did not tell the  
20 Prosecution the name of the woman that you heard this from; correct?

21 A. That woman, she passed away.

22 Q. Very well. One moment.

23 [Specialist Counsel confer]

24 MR. ELLIS: Those are my questions, Your Honour.

25 PRESIDING JUDGE SMITH: Thank you, Mr. Ellis.

Witness: Stamen Jelic (Private Session)

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Questioned by the Trial Panel

1 Any redirect?

2 MS. INSINGA: No, Your Honour.

3 PRESIDING JUDGE SMITH: Judge Gaynor, you had a question?

4 JUDGE GAYNOR: Yes, thank you very much, Judge Smith.

5 Questioned by the Trial Panel:

6 JUDGE GAYNOR: Perhaps we could go into private session for

7 this, please.

8 PRESIDING JUDGE SMITH: Into private session, please.

9 JUDGE GAYNOR: And could I asked Madam Court Officer -- sorry.

10 [Private session]

11 [Private session text removed]

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Witness: Stamen Jelic (Private Session)

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Questioned by the Trial Panel

1 [Private session text removed]

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Witness: Stamen Jelic (Private Session)

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Questioned by the Trial Panel

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7 [Open session]

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

9 JUDGE GAYNOR: Thank you. Those were all my questions.

10 Thank you.

11 PRESIDING JUDGE SMITH: Any follow-up by the Prosecution to the  
12 Judges' questions?

13 MS. INSINGA: No, Your Honour.

14 PRESIDING JUDGE SMITH: Mr. Laws, anything?

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

16 PRESIDING JUDGE SMITH: Thaci Defence, any --

17 MS. TAVAKOLI: No, thank you.

18 MS. ROWAN: No, thank you.

19 MR. ROBERTS: Nothing. Thank you.

20 MR. ELLIS: Your Honour, I had a couple of questions just to  
21 follow-up on Judge Gaynor's question.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Go ahead.

24 MR. ELLIS: Does it need to be -- to deal with that document,  
25 does it need to be in -- were we in closed session, Your Honour,

Witness: Stamen Jelic (Private Session)

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Further Cross-examination by Mr. Ellis

1 Judge Gaynor?

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 MR. ELLIS: Sorry?

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. ELLIS: Could we go back into private session.

6 PRESIDING JUDGE SMITH: Back into private session, please.

7 [Private session]

8 [Private session text removed]

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1 [Private session text removed]

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13 [Open session]

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

15 PRESIDING JUDGE SMITH: All right. Witness, I was just about to  
16 thank you for being with us and sharing your information with us.  
17 Your obligation to the Court is completed. You may leave now, and  
18 the Court Attendant will escort you out of the room. Thank you again  
19 for being with us.

20 THE WITNESS: [via videolink] [Interpretation] Thank you, too.  
21 And God bless.

22 [The witness withdrew via videolink]

23 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.  
24 tomorrow.

25 --- Whereupon the hearing adjourned at 12.26 p.m.