

1 Monday, 2 September 2024

2 [Open session]

3 [The accused entered the courtroom]

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

5 PRESIDING JUDGE SMITH: Mr. Court Officer, please call the case.

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

10 PRESIDING JUDGE SMITH: Thank you.

11 I note that all the accused are present in court today.

12 Today we will start hearing the evidence of Prosecution
13 Witness W04735.

14 Before we begin, we have two preliminary matters to deal with.
15 One can be dealt with outside the presence of the witness.

16 First, the Panel notes that in F02470, the Victims' Counsel
17 notified the Panel of his intention to ask questions of W04735. In
18 F02485, the Defence has recorded its objection to the questioning of
19 the witness by Victims' Counsel. The Victims' Counsel responded to
20 the Defence's objections in F02492.

21 The Panel will defer its ruling on the matter until after the
22 SPO has concluded its direct examination of the witness.

23 For the second matter, we will deal with this in the presence of
24 the witness.

25 So, Madam Court Officer, please bring us into private session to

1 protect the identity of the witness. And bring the witness in,
2 Madam Usher.

3 MR. MISETIC: Mr. President, Mr. President.

4 PRESIDING JUDGE SMITH: Oh.

5 MR. MISETIC: I did wish to just clarify our position in light
6 of the recitation you just gave. I believe our notice said that we
7 may object and we were just preserving our position that we might, so
8 there is no formal objection from, at least, the Thaci Defence as of
9 yet.

10 PRESIDING JUDGE SMITH: Thank you for the clarification.

11 [Private session]

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5 [Open session]

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

7 Thank you.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. TULLY: Well, Your Honour, I don't wish to make lengthy
10 submissions. We've done it many times in the past. Simply,
11 paragraph 10, paragraph 25, paragraph 27, and paragraph 31 of
12 Preparation Note 1 contain matters that are outside the scope of
13 clarifications to Rule 154 statements constituting new evidence and
14 are not appropriate for inclusion in the 154 document as will
15 presumably be submitted by the Prosecution. Thank you.

16 MR. MISETIC: Mr. President, I have a related point that we
17 e-mailed the Panel this morning. Our position is that paragraph 40
18 of Prep Note 2 should not be included -- or evidence should not be
19 led on it because we have not had an opportunity to communicate with
20 our client about those allegations in paragraph 40. We received an
21 e-mail in response from the SPO confirming that they do not intend to
22 lead that evidence, which then is fine with us. I assume that
23 Victims' Counsel is also not going to lead that evidence. And if
24 that's the case, then we're fine, but I wanted to put that on the
25 record.

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1 PRESIDING JUDGE SMITH: Victims' Counsel, do you intend to lead?

2 MS. RADZIEJOWSKA: [Microphone not activated].

3 PRESIDING JUDGE SMITH: Thank you very much. That seems to
4 settle that question.

5 As to the other objections, they are overruled. We will
6 proceed.

7 Witness, we will ask you now to take a solemn declaration. The
8 usher has provided you with a solemn declaration. Please stand. You
9 may look at the declaration and then read it aloud.

10 THE WITNESS: [Interpretation] Solemn declaration according to
11 Rule 141(2). Conscious of the significance of my testimony and my
12 legal responsibility, I solemnly declare that I will perform -- I
13 will tell the truth and the whole truth and nothing else but the
14 truth, and I shall not withhold anything which has come to my
15 knowledge.

16 WITNESS: IMER IMERI

17 [The witness answered through interpreter]

18 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated
19 now.

20 Witness, now we will start your testimony, which is expected to
21 last approximately two days. As you may know, the Prosecution will
22 ask you questions first, and then counsel for victims may ask you
23 questions. And once they're finished, the Defence has the right to
24 ask questions of you. Members of the Panel might also ask questions
25 of you.

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1 The Prosecution estimate for your examination is 1.5 hours.
2 Victims' Counsel may take approximately 15 minutes for questions.
3 The Defence estimates that it will need seven and a half hours. As
4 regards each estimate, we hope that the counsel will be judicious in
5 the use of their time. The Panel may allow redirect examination if
6 conditions for it are met.

7 Witness, please try to answer the questions clearly with short
8 sentences. If you don't understand a question, feel free to ask
9 counsel to repeat the question, or tell them that you don't
10 understand and they will clarify. Also, please try to indicate the
11 basis of your knowledge of facts and circumstances that you will be
12 asked about.

13 In the event you are asked by the SPO to attest to some
14 corrections made regarding your statements, you are reminded to
15 confirm on the record that the written statement, as corrected by the
16 list of corrections, accurately reflects your declaration.

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

20 During the next days while you are giving evidence in this
21 Court, you are not allowed to discuss with anyone the content of your
22 testimony outside of the courtroom. If any person asks you questions
23 outside this Court about your testimony, please let us know.

24 Please stop talking if I ask you to do so and also stop talking
25 if you see me raise my hand. These indications mean that I need to

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1 give you an instruction.

2 If you feel the need to take breaks, please make an indication
3 and we will try to accommodate your need.

4 We begin now with the questions from the Prosecution. They are
5 seated to your left. Please give them your attention.

6 Madam Prosecutor, you may begin.

7 MS. IODICE: Thank you, Your Honour.

8 Examination by Ms. Iodice:

9 Q. Good morning, Witness.

10 A. Good morning.

11 Q. My name is Vega Iodice, and today I will be asking you questions
12 on behalf of the SPO. As explained during our last meeting, rather
13 than asking you questions about every relevant issue you may have
14 information about, it may be possible to admit some of your prior
15 statements into evidence. There are a number of procedural steps
16 that we need to follow in order to do so.

17 Before turning to these, I'd like to establish your identity.
18 First, what is your name?

19 A. Imer Imeri.

20 Q. What is your date of birth?

21 A. 18 February 1950.

22 Q. What is your place of birth?

23 A. Vojnike.

24 Q. And what is your country of nationality?

25 A. I'm a Kosovar Albanian.

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1 Q. Thank you. Sir, you have given statements in the past,
2 including before Kosovo courts, and you were allowed to review these
3 statements in preparation of your testimony. Today, we will seek to
4 tender them into evidence.

5 MS. IODICE: Could the Court Officer please bring up ERN
6 SITF00013369 to 13477 RED3, page 1 in English and 71 in Albanian.

7 Q. Witness, do you recall giving a statement in the Sabit Geci
8 *et al.* investigation in 2010?

9 A. Yes, I do.

10 MS. IODICE: And if we could now go to PDF page 35 in English.

11 Q. Is that your signature?

12 A. Yes.

13 MS. IODICE: Could we now please bring ERN SITF00016611 to 16704
14 RED3.

15 Q. Witness, do you remember testifying for two days in May 2011 in
16 the trial against Sabit Geci, Riza Alija, Sali Rexhepi and
17 Shaban Hoti in Prishtine?

18 A. Yes.

19 Q. Thank you.

20 MS. IODICE: Could we now bring up SPOE00014585 to 14639 RED3.

21 Q. Sir, do you remember testifying in the trial against
22 Xhemshit Krasniqi in 2016?

23 A. Yes.

24 Q. Thank you. And do you remember reading these statements last
25 week in your language?

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1 A. I do.

2 Q. Do you remember that you had an opportunity to make corrections
3 and clarifications to your statements?

4 A. Yes.

5 Q. Do you recall that these corrections were written down in a note
6 and read back to you?

7 A. Yes.

8 Q. Do you confirm that what was read back to you in that note
9 reflects your changes fully and accurately?

10 A. Yes.

11 Q. Now, if we include all of the corrections and clarifications
12 that you made last week, is the information in your statements
13 accurate and truthful to the best of your knowledge and belief?

14 A. 100 per cent. Whatever I've said is 100 per cent true.

15 Q. If you were asked the same questions today about the same
16 events, would your answers be the same?

17 A. Of course, they would be the same.

18 Q. Thank you.

19 MS. IODICE: Your Honour, having fulfilled the Rule 154
20 criteria, and in accordance with decision F02489 paragraphs 49(c) and
21 (d), we would like to tender the SPRK statement, which is
22 SITF00013369 to 13403 RED3, and the Albanian translation, which is
23 SITF00013439 to 13477 RED3; the minutes of the 4 May 2011 trial,
24 which is SITF00016611 to 16704 RED3; the minutes of 5 May, that is,
25 SITF00016493 to 16533 RED3, and the Albanian, which is SITF00016534

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1 to 16575 RED3; the minutes of the trial in 2016, which is
2 SPOE00014585 to 14639 RED3; and Preparation Note 1, which is 122484
3 to 122489; and, finally, one associated exhibit, which is
4 SITF00431126 to SITF00431140, from ERN range SITF00431126 to
5 431161 RED.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. MISETIC: Subject to the objections contained in our
8 response to the Rule 154 application, we have no additional
9 objections.

10 PRESIDING JUDGE SMITH: Thank you.

11 Anybody else? No other objections.

12 SITF00013369 to 13403 RED3 is admitted.

13 THE COURT OFFICER: Your Honours, if my understanding is
14 correct, only pages SITF00013369 to SITF00013403 for the English
15 version and the corresponding Albanian has been tendered.

16 MS. IODICE: That's correct.

17 THE COURT OFFICER: In this case, they will be assigned
18 Exhibit P01584, and classified as confidential. Thank you,
19 Your Honours.

20 PRESIDING JUDGE SMITH: SITF00016611 to 16704, English and
21 Albanian, RED3 is admitted.

22 THE COURT OFFICER: And will be assigned Exhibit P01585.
23 Classified as confidential. Thank you.

24 PRESIDING JUDGE SMITH: SPOE00014585 to 14639 RED3, English and
25 Albanian, is admitted.

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1 THE COURT OFFICER: And will be assigned Exhibit P01586.

2 Classified as confidential.

3 PRESIDING JUDGE SMITH: And the Prep Note 122484 to 122489 is
4 admitted.

5 THE COURT OFFICER: Your Honours, I think that we may have --
6 there's another statement, if I'm not mistaken, SPOE00014585 to
7 00014639 RED3.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 THE COURT OFFICER: Your Honours, P01586, the ERN is
10 SITF00016493 to 00016533 RED, and the corresponding Albanian. And
11 the next statement is SPOE00014585 to 00014639 RED3, and if we are
12 going to assign the number, it's going to be P01587.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 That was not what you read off originally?

15 MS. IODICE: I apologise if I made a mistake. I mean to tender
16 also the minutes of the 2016 trial. That was SPOE00014585 to 14639.

17 PRESIDING JUDGE SMITH: Yes, it is admitted. But what's the
18 number for it?

19 THE COURT OFFICER: It is, Your Honour, P01587. Thank you.

20 PRESIDING JUDGE SMITH: All right. And the prep note, is that
21 correct, 122484 to 122489?

22 THE COURT OFFICER: The Prep Note 122484 to 122489 will be
23 assigned Exhibit P01588. Thank you.

24 PRESIDING JUDGE SMITH: And the associated exhibit as read will
25 also be admitted.

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1 THE COURT OFFICER: Thank you, Your Honours. In this case,
2 SITF00431126 to 00431161 RED, particular pages SITF00431126 to
3 SITF00431140, will be assigned Exhibit P0189. Thank you,
4 Your Honours.

5 PRESIDING JUDGE SMITH: 1589. All right. Thank you.

6 THE COURT OFFICER: That's correct. My apologies. I'll say it
7 again. It's P01589. Thank you, Your Honours.

8 PRESIDING JUDGE SMITH: All right. Thank you.

9 Go ahead, Madam Prosecutor.

10 MS. IODICE: Thank you, Your Honour. I would like to now read a
11 short summary of the witness's evidence into the record.

12 PRESIDING JUDGE SMITH: You may do so.

13 MS. IODICE: W04735 is a Kosovo Albanian who was abducted in
14 Albania by masked KLA soldiers for being a supporter of
15 Ibrahim Rugova and the LDK and detained in KLA military barracks in
16 Albania where he was beaten by KLA members. He was detained with
17 others in poor sanitary conditions and witnessed the mistreatment of
18 his co-detainees.

19 Around mid-June 1999, W04735 was transferred to Prizren where he
20 was detained for several days together with others, including men of
21 Serb and Roma ethnicity, before being released by KLA members who
22 warned him not to tell anyone that he had been detained.

23 Q. Mr. Imeri, I now have a few additional questions for you.

24 A. I'm listening.

25 Q. First of all, I'd like to show you some photographs.

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1 MS. IODICE: Could the Court Officer please bring up ERN 060639
2 to 060649 RED. And if we could go to page 3 of the PDF, which ends
3 in 641. Could this exhibit be removed from the screen.

4 The one that I called has the ending redacted, RED.

5 THE COURT OFFICER: Your Honours, it appears that the RED
6 version is not in the PQ.

7 MS. IODICE: Okay. Is it possible for the Court Officer to zoom
8 in on the photo, excluding the text at the top of the picture? Thank
9 you.

10 Q. Sir, do you recognise this place?

11 A. Yes, I do. I was detained in this location from 12 April 1999
12 to the 20th or 22nd June 1999.

13 Q. Thank you. And what -- can you tell us the location, the name
14 of this place?

15 A. This place is called Cahan in Krume.

16 Q. And in which one of these buildings were you detained?

17 A. It would appear there is a first door and then the entry door.
18 Above the entry door is the window where I was detained in the
19 aforementioned period.

20 Q. Okay. Just one second.

21 MS. IODICE: I would like to ask the witness to mark the photo.

22 Q. And for now I'm just asking you about the building. I can see
23 three buildings. So if you can --

24 A. Yes.

25 Q. -- put a number 1 at the top of the building where you were

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1 detained.

2 A. Here.

3 Q. Can you draw an arrow and put number 1 above that window you
4 marked.

5 A. I was in -- kept in that room from 12 April to 22 June. I'm
6 marking it as number 1.

7 Q. Thank you. And do you remember what was in the small building
8 to the right of the two-storey building?

9 A. Yes, this was the kitchen.

10 Q. Could you please put a number 2 next to that building that you
11 identified as the kitchen.

12 A. [Marks]

13 Q. Thank you. And do you know what was in the building to the left
14 of the two-storey building?

15 A. The building on the left was a storehouse with military
16 equipment and weaponry, clothes, and also it had a room with
17 prisoners. There were four former Yugoslav Army officers who had
18 come to Albania to join the KLA.

19 Q. Okay. And could you please put a number 3 next to that
20 building.

21 A. [Marks]

22 Q. Thank you. And in your statement, you said that the toilet was
23 outside; and this is at P1584, page ending 13381. Are you able to
24 indicate on this photo where the toilet was?

25 A. Yes.

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1 Q. Did -- can you put a number 4 next to the trees where you
2 indicated the toilet was?

3 A. [Marks]

4 Q. Thank you. And could we now --

5 [Trial Panel and Court Officer confers]

6 MS. IODICE: There are other pages I would like to show, but I
7 would like to tender this into evidence. Maybe I can tender them all
8 at the end.

9 PRESIDING JUDGE SMITH: The witness has something he wants to
10 say.

11 Yes, Witness, what is it?

12 THE WITNESS: [Interpretation] Yes, Your Honours. I would want
13 to address my people, saying that I am not here against the KLA. I
14 joined the KLA with seven of my family members. The KLA came from
15 the people of Kosovo, and the entire people of Kosovo were KLA.

16 Unfortunately, some actions carried out by certain individuals
17 have brought me here today.

18 PRESIDING JUDGE SMITH: We want you to be able to testify as you
19 wish, but let's wait and see what questions the Prosecution asks
20 first. They may cover some of that same material.

21 MS. IODICE: Thank you.

22 PRESIDING JUDGE SMITH: If you wish to speak later -- if you
23 wish to speak later on, we will allow it.

24 THE WITNESS: [Interpretation] Thank you.

25 PRESIDING JUDGE SMITH: Go ahead now, Madam Prosecutor.

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1 MS. IODICE: Thank you.

2 Yes, Your Honour, I'd like to tender this into evidence, but
3 I'll have him mark other photos, so maybe the number can be assigned
4 at the end as one.

5 PRESIDING JUDGE SMITH: We will -- [Microphone not activated].

6 MS. IODICE: I will ask -- I will go to other pages and ask him
7 to mark, but I would like to tender this as well.

8 PRESIDING JUDGE SMITH: All right. Any objection?

9 MR. MISETIC: No objection.

10 PRESIDING JUDGE SMITH: No objection. ERN 0603 -- 639 to 060649
11 RED2, and is that at page 3, Madam Prosecutor, is that correct, of
12 that?

13 MS. IODICE: It's page 3.

14 PRESIDING JUDGE SMITH: All right.

15 MS. IODICE: It's ERN 060641.

16 PRESIDING JUDGE SMITH: 060641 is the particular page which is
17 admitted.

18 THE COURT OFFICER: And it will be assigned Exhibit P01590,
19 currently classified as confidential.

20 MS. IODICE: This can actually be classified as public as long
21 as it's just this image.

22 PRESIDING JUDGE SMITH: Reclassified as public.

23 Madam Prosecutor, also while we're on the subject of
24 classification, what about the four statements that were previously
25 admitted?

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1 MS. IODICE: The statements should stay confidential for witness
2 protection reasons.

3 PRESIDING JUDGE SMITH: All right.

4 Go ahead.

5 MS. IODICE: Thank you.

6 And if we could move to page 5 of the PDF. And if we could do
7 the same and just zoom in on the photo, excluding the text at the
8 top. If we could scroll down so that we see the building. Yes,
9 thank you. Perfect. Thank you.

10 Q. Witness, is this the same building?

11 A. Yes, it is the same building.

12 Q. And could you please circle here the main entrance to the
13 building and put number 1 next to it.

14 A. [Marks]

15 Q. Thank you. And could you please put number 2 next to the window
16 of the room where you were detained.

17 A. [Marks]

18 Q. Thank you. And to the right of the main entrance, there's a
19 door. Who was staying there?

20 A. There were some young ladies who had come from Switzerland to
21 take care of the wounds of the wounded who were staying there.

22 Q. Thank you. How do you know that there were young ladies there?

23 A. From the room where I was, one could see them coming in and
24 going out.

25 Q. Did you hear them talk?

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1 A. Yes, I did.

2 Q. What did you hear them say?

3 A. I heard one of them who was very upset. She had just come back
4 from the front line and was cursing at them. And her words were,
5 "Did we come here to help our brothers or to be abused on the way" or
6 "on our work?"

7 Q. Thank you. Did you observe whether they were free to move
8 around?

9 A. They would go in and out around there but no further than that.

10 Q. Okay. Thank you.

11 MS. IODICE: Your Honour, I would like to tender this into
12 evidence.

13 PRESIDING JUDGE SMITH: Any objection?

14 MR. MISETIC: No objection.

15 MR. TULLY: None.

16 PRESIDING JUDGE SMITH: This is page 5 of the same ERN number.
17 Is that correct?

18 MS. IODICE: Yes, and the specific ERN is 060643.

19 PRESIDING JUDGE SMITH: 060643 is admitted.

20 THE COURT OFFICER: And it will be added to the previously
21 assigned Exhibit P01590, currently classified as public. Thank you,
22 Your Honours.

23 MS. IODICE: Could we now please bring up ERN 065573 to 065702.

24 MS. S. ALAGENDRA: Your Honour, can I just clarify a matter?
25 For the exhibit number, is it 1590 or 1950?

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1 PRESIDING JUDGE SMITH: [Microphone not activated] I'm sorry,
2 1590.

3 MS. IODICE: [Microphone not activated].

4 THE INTERPRETER: Microphone, please.

5 MS. IODICE: Sorry. If we could go to page 3 of the PDF, that
6 is 065575. Yes. Thank you.

7 Q. Mr. Imeri, do you recognise these buildings?

8 A. Yes, I do. It's the same building.

9 Q. Okay.

10 MS. IODICE: And could we now go to page 8 of the PDF. That is,
11 065580. If we can -- could we zoom to the photo at the bottom of the
12 page, the second photo. Yes. Thank you.

13 Q. Sir, do you recognise this room?

14 A. Yes. When I was taken there on the first night, I was taken
15 into this room.

16 Q. And what happened in this room?

17 A. I was first told about President Ibrahim Rugova and also told
18 that we had all to give up on him, and then the beating started.

19 Q. And who beat you in this room?

20 A. Sabit slapped me twice, and then he hit me with one of the
21 crutches and also with a short wooden stick. Commander Hoxha, his
22 real name Riza Alija, hit me on the head, all over my body, and I was
23 all covered in blood.

24 Q. Can you please say the full name of Sabit.

25 A. Sabit Geci.

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1 Q. Thank you.

2 MS. IODICE: And could we now move to page 9 of the PDF, and
3 that is 065581. And if we can just stay on the upper photo, this
4 photo, and without including the caption. Perfect. Thank you.

5 Q. Witness, do you recognise this place?

6 A. Yes. These are the stairs leading to the room where I was kept.

7 Q. And which one is the room where you were kept? The one through
8 the open door to the right or the other door to the front?

9 A. The door to the front, straight ahead.

10 Q. Thank you.

11 MS. IODICE: And if we could now go to page 10, which is
12 ERN 065582, and focus on the upper part, the photo -- yes, thank you.

13 Q. Witness, do you recognise this room?

14 A. Yes. This is the same room with the long sofa, but the
15 photograph was taken from a different angle. Because Sabit, at the
16 time, asked for the wood burning stove to be lit because it was cold.

17 Q. And you're referring to the room on the ground floor where you
18 were beaten the first night; right?

19 A. Yes, yes.

20 Q. Thank you.

21 MS. IODICE: Your Honour, I would like to tender these pages
22 into evidence.

23 PRESIDING JUDGE SMITH: Any objection?

24 MR. MISETIC: No objection.

25 MR. TULLY: None.

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1 PRESIDING JUDGE SMITH: All four of them? Or just this last
2 one?

3 MS. IODICE: No, all four, Your Honour. And if I may, one page
4 of this exhibit was already admitted as Exhibit P85, and that is page
5 065597, so maybe this could be added to that exhibit as they can also
6 be classified as public.

7 PRESIDING JUDGE SMITH: 065580 is admitted.

8 THE COURT OFFICER: Your Honours, four pages that have been
9 tendered are 065575, 065580, 065581, and 065582. They all will be
10 added to Exhibit P85, classified as public. Thank you, Your Honours.

11 PRESIDING JUDGE SMITH: All right. That's actually five
12 different photos. They are all admitted and have been numbered.

13 Go ahead.

14 MS. IODICE: Thank you.

15 Could the Court Officer now please bring SITF00014681 to 14684.
16 And the English is at page 1 while the Albanian is at pages 2-4. And
17 if in Albanian we could go on page 3 and zoom in on the -- yeah,
18 thank you. If we can scroll down. Perfect. That's enough. Thank
19 you.

20 Q. Mr. Imeri, are you able to read the names that are number 1, 2,
21 and 4, or would you like me to read them for you?

22 A. I can't read them.

23 Q. At number 1, there is the name Riza Alija, father's name Imer.
24 In number 2, there's the name Sali Rexhepi, father's name Miftar.
25 And in number 4, there is the name Shaban Hoti, father's name Ahmet.

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1 A. Hoti. Yes.

2 Q. Do you recall meeting these three KLA soldiers in Cahan while
3 you were detained there?

4 A. Yes, certainly. Because Riza Alija, Commander Hoxha, was the
5 main person who did the beating.

6 Q. Thank you.

7 MS. IODICE: Your Honour, I would like to tender this list of
8 soldiers into evidence.

9 PRESIDING JUDGE SMITH: Any objection?

10 MR. MISETIC: No objection.

11 PRESIDING JUDGE SMITH: No objection being heard. SITF00014681
12 to 00014684, in both English and Albanian, are admitted or is
13 admitted.

14 THE COURT OFFICER: And will be assigned Exhibit P01591,
15 currently classified as confidential.

16 MS. IODICE: This can actually be classified as public. Thank
17 you.

18 PRESIDING JUDGE SMITH: Reclassified as public.

19 THE COURT OFFICER: Thank you, Your Honours.

20 MS. IODICE:

21 Q. Sir, I now have just a few more questions about Cahan. And
22 could I please ask you not to mention names of those who were
23 detained together with you when you answer your questions.

24 In your statement, you have mentioned that at some point there
25 were up to 17 detainees, and there were some detainees who belonged

Witness: Imer Imeri (Open Session)

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Examination by Ms. Iodice

1 to FARK. And you have discussed a FARK member from Presevo in your
2 statement.

3 MS. IODICE: And this is in P01584, pages ending 382 and 383.

4 Q. In addition to the FARK members from Presevo, were there any
5 other FARK members detained in Cahan?

6 A. I was there and those who were detained with me. We were
7 members of the LDK, so we were of that wing.

8 Q. Yes, but right now I would like to just focus on the people who
9 were detained with you who were soldiers. And you have mentioned the
10 ones from Presevo. But I would like to ask you, in addition to the
11 FARK members from Presevo, were there any other FARK members?

12 A. *[REDACTED] Pursuant to In-Court Redaction Order F02525RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F02525RED.* There was one
14 from Shipkovica, Macedonia. There were another
15 five or six from Presevo who had come to join the army, FARK. They
16 were caught, captured, and brought into prison where I was.

17 Q. Do you recall one soldier who was wounded?

18 A. Yes, very well. And I still feel sorry for him to this day.

19 Q. Could you please tell the Judges who he was.

20 A. Unfortunately, I don't know his name. However, he was a FARK
21 soldier who had come from England to fight. He was 23 years old.

22 And he heard that his family had come to Tirana. He was thinking to
23 go there and see them. And those who controlled including FARK there
24 at the time caught him on his way. He refused to listen to them, and
25 they wounded him with a bullet, hitting his shoulder. Then he was
handed over to Commander Hoxha, Riza Alija.

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Examination by Ms. Iodice

1 At midnight or 2.00 in the morning, I'm not certain, he was
2 brought into our room. And Riza Alija said, "Whoever will make room
3 for him will be beaten badly." I could not stand that situation, so
4 I stood up and took him close to where I was sleeping.

5 That young man was very distressed, he was wounded. On the next
6 day, he even refused to eat. I told him, "Listen to me, young man,
7 you need to eat because maybe we will leave this place someday."
8 Then I asked for a meeting with Haki Drenica, he wasn't there, but
9 then Sali Berisha was there, to whom I asked, "Take the young man to
10 the doctor."

11 They took him to the doctor, tended to his wound, and somebody
12 said, "Try to convince him nice -- talk to him nicely so he will not
13 tell the true story what happened to him," and they gave him some
14 sort of leeway. He could hang around in a way freely there. So he
15 would just walk around the building. Sometimes he would talk to me
16 through the window and when I went to the bathroom. After this time,
17 I do not know where they took him to.

18 Q. Okay. And just to bring you back for a second, you said those
19 who wounded him, those who controlled also the FARK, what group or
20 organisation or army did they belong to? Those who wounded him.

21 A. I am so sorry to say it now, but at the time, according to the
22 words of this young man, they were KLA who had also taken over
23 control of FARK there. They caught him, wounded him, and brought him
24 there.

25 Q. Thank you.

Witness: Imer Imeri (Private Session)

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Examination by Ms. Iodice

1 MS. IODICE: Your Honour, for the next questions I would like to
2 move into private session for witness protection reasons.

3 PRESIDING JUDGE SMITH: Into private session, please.

4 [Microphone not activated].

5 THE INTERPRETER: Microphone, please.

6 PRESIDING JUDGE SMITH: Witness, we will be giving you a
7 ten-minute break at this time, and then you'll come back to the
8 courtroom.

9 THE WITNESS: [Interpretation] Thank you. Understood. Thank
10 you.

11 [Private session]

12 [Private session text removed]

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17 [Open session]

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

19 Thank you.

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

22 --- Break taken at 10.04 a.m.

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

24 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness
25 in.

Witness: Imer Imeri (Private Session)

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Examination by Ms. Iodice

1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: Do you still wish to be in private
3 session?

4 Into private session, please, Mr. Court Officer

5 [Private session]

6 [Private session text removed]

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Witness: Imer Imeri (Private Session)

Page 19370

Examination by Ms. Iodice

1 [Private session text removed]

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Witness: Imer Imeri (Private Session)

Page 19371

Examination by Ms. Iodice

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Witness: Imer Imeri (Private Session)

Page 19372

Examination by Ms. Iodice

1 [Private session text removed]

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Witness: Imer Imeri (Private Session)

Page 19373

Examination by Ms. Iodice

1 [Private session text removed]

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Witness: Imer Imeri (Private Session)

Page 19374

Examination by Ms. Iodice

1 [Private session text removed]

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24 [Open session]

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

Witness: Imer Imeri (Open Session)

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Examination by Ms. Iodice

1 Thank you.

2 MS. IODICE:

3 Q. Mr. Imeri, I would like to ask you about the time you were
4 transferred to Prizren. You mentioned in your statement - P1584,
5 page ending 13397, 98 - you mentioned that you were first taken to a
6 female student dormitory and then to a garage, and that you were
7 transferred to the garage by car.

8 A. Yes.

9 Q. Could you please describe what road the KLA soldiers took to
10 reach the garage?

11 A. From the place where we were, in the place where we were
12 detained for two or three days, the German soldiers came and they
13 started to take out the weapons from the KLA. Someone from them came
14 downstairs in the basement and told us, the two of us that were
15 there, "You are free now." And we thought that we were released,
16 because I could not even think of the possibility of myself being
17 detained.

18 We left that place and we were told, "Go to the kitchen and take
19 whatever you wanted." To tell you the truth, I didn't feel like
20 eating at all. And then we went outside under the shade of a tree.

21 Q. Witness, some of these details are already contained in your
22 statement which has been admitted in front of the Judges. So I would
23 like to ask you to just tell me where the garage was by describing
24 which road was taken to go from the dormitory to the garage, if you
25 can.

Witness: Imer Imeri (Open Session)

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Examination by Ms. Iodice

1 A. Yes. You said that you already have all the details. So what
2 happened is that we got on the car, Xhemshit was driving the car,
3 whereas the other two persons were holding a revolver in their hands
4 and they were telling us not to move. We were sent towards
5 Brezovica.

6 When we arrived in the middle of the town, we took on the
7 right-hand side. It was by the side of a mountain, of a wood, and it
8 was there that they started to maltreat us. And they told us that
9 there would be a celebration, there would be a wedding happening
10 there, or that you would be sent to Klecke to be burned down there.
11 I didn't say a word. We were sent on the edge of the woods near a
12 house, and we were told to get off the car.

13 Xhemshit Krasniqi never said a word. When he got off the car,
14 he leaned towards the wall and he took a deep breath. He was really
15 upset. And it was clear that that was done without his willingness.
16 Whereas the other two persons pushed us to the garage, holding their
17 revolvers in their hands.

18 Q. And just to clarify, you mentioned that he was driving the car;
19 is that correct?

20 A. Yes, yes.

21 Q. Thank you. And when they said that they were going to take you
22 to a wedding, what did you understand that to mean?

23 A. That they would kill us. That was what we were thinking all the
24 time. Because there was no other wedding.

25 Q. Thank you. And you mentioned that you were taken to a house by

Witness: Imer Imeri (Open Session)

Page 19377

Examination by Ms. Iodice

1 the side of a mountain. Can you describe what the house looked like?

2 A. Yes. We went towards the end of the road by the side of the
3 mountain where there was this house. The house was surrounded by a
4 long wall. The entry, the gate to the house was at the end of this
5 wall, whereas 3 to 4 metres from this place was the garage, and that
6 was the place where we were taken to.

7 Q. Thank you. And how were you treated in the garage?

8 A. Very badly. So we were always threatened that we'd be killed.
9 When we stepped in the garage, I saw the light of a cigarette,
10 because otherwise it was very dark inside. I saw this light at the
11 end of the garage. And gradually I came to see that there were seven
12 other people there; six Serbs, all people of the age of 80, 90 years,
13 and there was a gypsy as well. I apologise for this because if my
14 people were to listen to this, they would say that I am a supporter
15 of the Serbs, but that's not the case because I'm just telling the
16 truth here.

17 Well, there were these seven people there at the end of the
18 garage, and I sat down together with [REDACTED] Pursuant to In-Court
Redaction Order F02525RED. went crazy. He said
19 that, "I want to break the wall." I told him that, "You don't have
20 to do that because God has brought us up to here and we might as well
21 save ourselves." We were there for two to three days. We were
22 maltreated there. They cursed on us. Whereas when it comes to
23 beating, they didn't beat us there. They beat the other people but
24 not us.

25 So I heard them say on the third day that, "You have to wear the

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Examination by Ms. Iodice

1 KLA uniform," because KFOR had already identified the place. And
2 that was when I realised that we might as well be released.

3 Q. Thank you. I just want to clarify one small detail, as most of
4 this is already contained in your prior statement. You said:

5 "They beat the other people but not us."

6 Who were the people who were being beaten?

7 A. There were some young people that were beating the other
8 persons, but I don't know their names. I don't know these people.

9 Q. Is it the elderly Serbs and Roma who were being beaten?

10 A. Yes.

11 Q. And the young people who were beating them, what army or group
12 or organisation did they belong to?

13 A. They claimed to be KLA, but they were young men that were
14 directed by somebody else. It's not that they acted as part of the
15 army, but I believe they were directed by somebody else to behave
16 like that.

17 Q. And what's your basis for that belief?

18 A. I believe that Sabit Geci himself was directed by somebody else
19 to call me a supporter of the LDK and to tell me that he would kill
20 myself and everyone else. That is how Riza Alija behaved as well.
21 They maltreated us because of being LDK supporters. As you know,
22 many people were killed afterwards.

23 Q. The men who were in the garage and who were beating the elderly
24 people, what were they wearing?

25 A. They were wearing camouflage uniforms. But they could be

Witness: Imer Imeri (Open Session)

Page 19379

Examination by Ms. Iodice

1 wearing anything.

2 Q. Witness, I only have two last questions for you. I would like
3 to ask you first how did your arrest and detention impact you?

4 A. Can you please repeat the question once again?

5 Q. What impact did your arrest and detention have on you?

6 A. The impact was severe. It was extreme. So with the beating
7 that I had to suffer, I had the cut on my head but also on the lip.
8 I had blood -- bleeding all over my body for one month. I had
9 consequent maltreatments inflicted on me and this was only because of
10 the accusation that was told to me by Sabit Geci.

11 Q. And what about the fact that you have been speaking openly about
12 what happened to you? How did that impact your life?

13 A. I was detained, I was beaten up. Whereas I was part of a
14 patriotic family. My brother was killed. The fear of living was
15 removed off of me, and this is why I went public. Therefore, my
16 testimony was welcomed by the Albanian people. I have never lied and
17 I will never lie in my life.

18 Q. Okay. Thank you.

19 MS. IODICE: No further questions.

20 PRESIDING JUDGE SMITH: Cross-examination.

21 MS. RADZIEJOWSKA: Thank you.

22 Questioned by Victims' Counsel:

23 Q. Good morning, Mr. Imeri. My name is Maria Radziejowska --

24 A. Good morning.

25 Q. My name is Maria Radziejowska, and I'm Victims' Counsel in this

Witness: Imer Imeri (Open Session)
Questioned by Victims' Counsel

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1 case.

2 A. Thank you.

3 Q. Sir, today, and in your previous statements, you have described
4 in detail your detention and the beatings that you were subjected to
5 during that detention, and I would like to ask you some more
6 questions about the impact that this detention and beatings have had
7 on you and your life. All right?

8 A. All right. Thank you.

9 Q. You've mentioned a moment ago the physical harm that you
10 suffered during the beatings. You've also mentioned it in more
11 detail in your statements.

12 MS. RADZIEJOWSKA: And this is, for the record, for example, in
13 P1584 at SITF0003377 and 8. And another example, P1585 at
14 SITF00016628 and 29; and another page, 16634.

15 Q. And in these statements, you've mentioned your injuries to your
16 head, to your arm, to your legs. How long did it take to heal from
17 these injuries?

18 A. Listen, I have not fully recovered to this day. But God gave me
19 my life and preserved my life to this day for me to be here today. I
20 am still suffering.

21 Q. Can you tell the Judges in a bit more detail the suffering that
22 you're still enduring, the pain that you're still enduring?

23 A. I have visible signs here and on my head. I have pain in my arm
24 and my hand. I can't move my arm. I can't lift even 3 kilogrammes.
25 And I was told by the doctor that eventually I won't be able to even

Witness: Imer Imeri (Open Session)

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Questioned by Victims' Counsel

1 move my arm. I have back pain as a result of these severe beatings.
2 I was beaten three times when I lost consciousness. When I went to
3 the bathroom and I explained that it was far, they would kick me. I
4 was constant -- I had my hands tied. I ate with my hands tied. I
5 slept with my hands tied. I went to the bathroom with my hands tied.
6 They hit me with a wooden stick. Imagine the suffering. But always
7 hoping that God would give me the possibility to one day be in front
8 of the justice system, and I thank the Panel, and here I am today.

9 Q. And do you still suffer from headaches?

10 A. I do, certainly. Sometimes I lose consciousness. I have severe
11 issues -- amnesia issues. I suffer from insomnia. I have poor
12 sleep, wake up at night, remember -- relive things that I went
13 through. So it is known what I went through.

14 Q. And do you take any medication to help you relieve the pain?

15 A. Can you please repeat the question?

16 Q. Do you take any medication to help you with the pain?

17 A. I do take medication. I take 12 pills a day.

18 Q. I want to ask you now about the effect that the beating, the
19 detention in 1999 have had in terms of your psychological well-being.

20 During the time of your detention, you have been multiple times
21 in situations that you thought you would be killed or you might not
22 survive the beating. You've mentioned this today.

23 MS. RADZIEJOWSKA: And this is, for example, also in P1584 at
24 SITF00013378, or in P1584 at SITF00016632.

25 Q. How often -- in your memory, how often when you were detained

Witness: Imer Imeri (Open Session)

Page 19382

Questioned by Victims' Counsel

1 did you think you might not survive?

2 A. Perhaps not every night, but every other night, yes. Someone
3 would knock on the door and say, "Get ready because you're about to
4 be killed." Now, you can imagine the feelings you go through. But
5 after some time, I got used to it because I had nowhere to go. I was
6 there. When they would knock on the door and say, "Get ready because
7 you're about to be killed," Sabit Geci said, "I will kill all LDK
8 people," and he proved that, from that time and after the war. From
9 that moment on, I was just expecting as he said it would happen.

10 Q. And today, how do you feel with what happened with this living
11 in constant thought of death approaching and with the pain and the
12 beatings? How does this affect your life today, psychologically
13 speaking?

14 A. Psychologically, there's a lot, because when a man is facing
15 death every hour, every day, it is a very hard thing to go through.
16 But what motivated me to come out openly is the fact that I want
17 everybody to see my suffering, which is something almost impossible.
18 How can this happen to a family in Drenica, one of the most patriotic
19 places in Kosovo and Albania, one of the most patriotic families.
20 And the gentlemen who are here can testify to that. Everyone knows
21 that.

22 Why did this happen to me? Unfortunately, the evil in their
23 eyes was the LDK and President Rugova. They were just trying to
24 liquidate all of us. I am very sorry for that.

25 Q. Do you feel that the good name -- your good name and the good

Witness: Imer Imeri (Open Session)

Page 19383

Questioned by Victims' Counsel

1 name of your family have been harmed because of your detention and
2 mistreatment in 1999?

3 A. My good name, certainly. I was friends with Isuf Gervalla, a
4 national hero, from 17 January 1981 when he was killed by the UDB,
5 Serbian UDB. I was friends with Adem Jashari, and luckily Rifat
6 Jashari is alive and he can testify to that. I was friends with Adem
7 Jashari, not these others.

8 Additionally, my family, my great grandfather fought the Turks.
9 My father, Shaban Polluzha. My brother with two university degrees
10 and the right-hand arm of the -- of President Rugova.

11 Q. And do you think that you'll ever be able to forget about the
12 pain and the suffering that you were subjected to when you were
13 detained in 1999?

14 A. It is difficult to forget. Perhaps had my brother not been
15 killed, I would have tried to forget. But they killed my brother, an
16 educated person from a patriotic family who was ready to help build
17 his country, they took his life, and without it being knowing who
18 killed him. These four persons who worked in the institutions of
19 Kosovo, they're always silent. How can they not know about all these
20 killings in Kosovo? That motivated me to seek justice, and I'm very
21 satisfied with you, Your Honours, and may God be pleased with you as
22 I am.

23 PRESIDING JUDGE SMITH: Yes, sir.

24 MR. TULLY: It's okay, Your Honour.

25 MS. RADZIEJOWSKA:

Witness: Imer Imeri (Open Session)

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Questioned by Victims' Counsel

1 Q. Sir, listen carefully, please. Now, I would like to ask you a
2 couple of questions that require just a yes-or-no answer. All right?
3 Do you understand?

4 A. Yes.

5 Q. So remember, a yes-or-no answer, please. Sir, did you ever meet
6 with Hashim Thaci; yes or no?

7 A. Yes.

8 Q. During this meeting, did you ask Hashim Thaci why you were
9 detained and mistreated?

10 A. Yes.

11 Q. Did he give you any explanation why you were detained and
12 mistreated?

13 A. He told me that he did not know.

14 Q. Did he apologise for your detention and mistreatment?

15 A. He said, "I am sorry."

16 Q. Do you remember when this meeting took place, approximately?
17 And this is, of course, not a yes-or-no question.

18 A. Yes, I remember. This was at the end of 2016, beginning 2017.

19 Q. And, sir, other than that meeting, after the war, has anyone
20 from the KLA approached you to investigate the case of your detention
21 and mistreatment?

22 A. No one, with the exception of Hashim Thaci who asked through the
23 media to uncover these cases, meaning the killings of the LDK
24 members. He also called the Kosovo's state prosecutor at the time
25 who made a statement.

Witness: Imer Imeri (Open Session)

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Questioned by Victims' Counsel

1 Q. Sir, sir --

2 A. He called on --

3 Q. I'm sorry --

4 A. -- the prosecutor-general --

5 Q. Sorry, I'm only asking --

6 A. -- at the time who made a statement.

7 Q. Apologies. I'm asking about specifically your detention and
8 your mistreatment in detention in 1999.

9 A. I did not understand. Could you please speak a bit louder?

10 Q. Yes, of course. I'm asking only about your detention and
11 mistreatment in 1999. And the question is: Has anyone from the KLA
12 approached you to investigate this, what happened to you, your
13 detention and mistreatment in 1999?

14 A. No one.

15 Q. Thank you, sir.

16 MS. RADZIEJOWSKA: I have no further questions.

17 PRESIDING JUDGE SMITH: Thank you, Ms. Radziejowska.

18 Now, cross-examination?

19 MR. MISETIC: Yes, Mr. President.

20 Would you like me to start now?

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. MISETIC: Sure.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. MISETIC: Sure.

25 Cross-examination by Mr. Misetiç:

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Misetic

1 Q. Witness, good morning. My name is Luka Misetic. I am --

2 A. Good morning.

3 Q. -- counsel for Mr. Thaci, and I just have a few questions for
4 you this morning.

5 A. Please.

6 Q. Thank you. Witness, my first question is: It's always been
7 well known, and it was well known throughout 1998, that you and your
8 family were supporters of Mr. Rugova and the LDK; is that correct?

9 A. That's correct.

10 Q. And you and your brother both in 1998 joined the KLA; correct?

11 A. That's correct.

12 Q. And, as a matter of fact, you are recognised as a veteran of the
13 KLA today; correct?

14 A. Yes, that's correct.

15 Q. Your sons joined the KLA; correct?

16 A. Yes, correct.

17 Q. And you stated in one of your statements, this is P1585, that
18 there was even a KLA checkpoint near your house until December 1998;
19 correct?

20 A. Yes, correct.

21 Q. Now, while you were in the KLA in 1998, no one in the KLA in
22 1998, while you and your family were members, made any threats
23 against you; correct?

24 A. They made no direct threats. However, we were sort of
25 criticised because we were members of the LDK.

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Miseti

1 Q. Who criticised you?

2 A. Somebody in the area. Words were uttered by people. I can't
3 give you names, but it is very true.

4 Q. But, nevertheless, you were allowed to join the KLA and
5 participate in the KLA; correct?

6 A. Yes, sir. The KLA was the entire people. We were all KLA.

7 Q. Okay. You then left Kosovo in December 1998; correct?

8 A. Correct.

9 Q. And you went to Croatia; is that correct?

10 A. Correct.

11 Q. And after four months in Croatia, you returned to Albania to
12 look for your family; is that correct?

13 A. Not four months. I went to Croatia at the end of December, and
14 I returned when the NATO started bombing in Kosovo, so two or two and
15 a half months later.

16 Q. Okay. Well, you said in your statement -- one of your
17 statements, this is P01584, that you went to Albania on 8 April; is
18 that correct?

19 A. No, no, that's not correct. This is a manipulation.

20 Q. Well, I'm not trying to manipulate. Let me just quote your
21 witness statement which is now in evidence.

22 MR. MISETIC: This is P01584 at page SITF00013371.

23 Q. And the statement records you as having said:

24 "Yes. I went to Albania on the 8th of April; I started looking
25 for my family in Durres, then in Tirana."

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Misetic

1 So you're saying now that's not accurate?

2 A. Please, from Croatia I went to Albania, and that was on
3 10 April, 8th or 10th April. That's true. And I looked for my
4 family in Tirana, in Kukes, ending with in Cahan in Krume where the
5 worst happened to me.

6 Q. Witness, it's time for the break, so I will ask you more
7 questions after we take our break this morning.

8 PRESIDING JUDGE SMITH: Witness, we'll give you a half-hour
9 break at this time. Remember not to speak with anyone outside of the
10 courtroom about your testimony in the courtroom. If anyone tries to
11 talk to you, you let us know.

12 You may go with the Court Usher at this time.

13 THE WITNESS: [Interpretation] Thank you.

14 [The witness stands down]

15 PRESIDING JUDGE SMITH: We're adjourned until 11.30.

16 --- Recess taken at 11.02 a.m.

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

18 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness
19 in.

20 For the record, before we begin, the MFI 01592, the objection is
21 sustained concerning authenticity. There's not enough information
22 about the source of the document nor its timing.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: All right. Witness, we will continue
25 now with the questions from Mr. Misetic.

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Misetić

1 MR. MISETIĆ: Thank you, Mr. President.

2 Q. Hello again, Witness. Let me pick up where I left off before
3 the break. So you returned -- or you went to Albania in April 1999,
4 and you were detained by Sabit Geci; correct?

5 A. Correct.

6 Q. Okay. Now, you said that -- in your statement in 2011, that
7 during your detention you mentioned Hashim Thaci to Sabit Geci.
8 That's what you told the investigators in 2011; correct?

9 A. Yes.

10 Q. And when you were interviewed by the SPO - and this is
11 083218-TR-ET Part 1 at page 32, lines 9 to 23 - you stated to the SPO
12 that you did not know whether Mr. Thaci had the authority to release
13 you; correct?

14 A. Correct.

15 Q. And you told the SPO that you only mentioned Mr. Thaci's name as
16 you thought it might help as his family knew your family and was
17 living close to you; is that correct?

18 A. Correct.

19 Q. And in your statement from May 2011, you said that when you
20 mentioned Mr. Thaci to Mr. Geci, he allegedly told you that Mr. Thaci
21 was aware of your arrest; correct?

22 A. This is what he said, "He's aware of that. Mr. Thaci is aware
23 of that. And all the General Staff of the KLA are aware of the fact
24 that you are here."

25 Q. Yes. He did not mention how Mr. Thaci knew; correct?

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Misetić

1 A. No, he did not mention that. He didn't give a lot of
2 information. He just guided the people there for the beating.

3 Q. Yes. But he didn't give you any evidence that Mr. Thaci
4 actually knew about your detention; correct?

5 A. No, he didn't say anything else.

6 Q. And do you recall that prior to your statement to EULEX on
7 9 June 2010, you had given four previous statements about the
8 circumstances of your detention? And let me just read it out for the
9 benefit of the parties. You gave a statement to the UNMIK police on
10 8 February 2001, that's SITF00016576 to 00016576 RED. Do you recall
11 that you gave a statement to UNMIK police on 8 February 2001?

12 A. If you have that written down, of course, I have given a
13 statement to UNMIK.

14 Q. And we also have a memo authored by an investigator concerning
15 an interview he had with you on 6 October 2009, and that's
16 SITF00373933 to 00373933 RED2. Do you recall an interview you gave
17 to investigators of EULEX on 6 October 2009?

18 A. I've given many interviews. But if you tell me what interviews
19 they are, I can tell you on whether I've given those interviews.

20 Q. Okay. Well, I'll just tell you that we have that. Then we have
21 on the same day you giving a EULEX statement, on 6 October 2009. And
22 then we have a record of a witness hearing where you gave evidence on
23 24 February 2010. And my question is am I correct that in none of
24 those four prior statements did you mention that Sabit Geci had
25 mentioned or had said that Hashim Thaci was aware of your arrest?

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Miseti

1 A. 25 years have gone by since then. From all that happened to me,
2 plus 25 years from the time of the event, it is possible for me to
3 forget things. However, what I know for a fact is that I have always
4 said the truth.

5 Q. Yes. I accept that, Witness. I just want to establish, though,
6 that -- do you accept that the first time that your memory was
7 refreshed on this point was on the fifth statement you gave on what
8 happened to you which was in June 2010?

9 A. If that is written down, it should have been like that.

10 Q. Let me turn to a different issue, Witness, and this concerns
11 something you told the SPO last week when you met with the Prosecutor
12 and clarified certain portions of your evidence.

13 So I would like to read you one paragraph. It's a long
14 paragraph, so I'll speak slowly, but this is what is recorded as what
15 you told the Prosecutor last week, and I'm going to ask you to
16 confirm that this is what you told the Prosecutor last week.

17 MR. MISETIC: So this is at paragraph 39 of Preparation Note 2,
18 which is page 122480. And we can put that on the screen, actually,
19 Mr. Court Officer. I'll get you the citation, which is 122473 to
20 122483 at page 122480.

21 Q. It says:

22 "... W04735," which is you, "explained he had contacts with
23 Abedin Rexha before he was killed. Rexha asked W04735 to hand over
24 his weapon to him. It started when Haki, W04735's brother, was badly
25 injured on the 6th of August 1998. While bringing Haki to the

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Misetić

1 hospital, Haki and W04735 were stopped by the Serbian police, who
2 pointed rifles at them, shouting 'terrorists' at them. W04735 was
3 beaten by the Serbian police, but nonetheless Haki was sent to the
4 hospital and got surgery. After six weeks, W04735 was able to take
5 his brother home. There, a nurse, Liri Loshi, had reported to Radio
6 station Albania, that Haki Imeri had been wounded by the Serbian
7 forces. W04735 was mad at the nurse, and he could not understand why
8 he would report that, because it could get his brother killed. The
9 nurse reported to the KLA HQ that he had been threatened by W04735.
10 In the evening, KLA soldiers went to W04735's house, and Abedin Rexha
11 asked W04735 and his father to go to the KLA HQ. At the HQ, Abedin
12 arrived, and asked if W04735 had threatened the nurse. W04735 said
13 he had not. Abedin also told W04735 that if any of the seven Geci
14 brothers went to his family's house and 'if I ever see you meeting
15 with them, I'll fire a rocket on your house'. He asked W04735 to
16 hand over his Kalashnikov. W04735 refused, so Abedin threatened him
17 with his revolver. Abedin then gave him a military task: to go to
18 the seven brothers, and tell them he will kill them all. W04735
19 agreed and, on the following day, he visited the seven brothers, told
20 them to be careful, and passed on the message from Abedin and Fladi
21 from Gjilan that they will kill them. Abedin died shortly after
22 that. No one threatened W04735 between the death of Abedin Rexha and
23 his departure to Croatia. Sabit Geci never blamed W04735 for the
24 death of Abedin. W04735 and Abedin never had any issues."

25 Now, Witness, is that what you told the Prosecution last week?

1 A. Yes. I told the Prosecution Office last week that nobody has
2 ever accused me. And what I've told the Prosecution is, as well,
3 that this is a quarrel between brothers and that has no value
4 whatsoever, because I have never had any conflicts or any issues with
5 Abedin Rexha.

6 However, they asked for all the LDK people to hand over their
7 weapons, but that does not necessarily mean that we had to hand over
8 the weapons. This is absurd and this is something that has never
9 been mentioned to me. That is what happened and that's the truth.

10 Q. I guess if you could just focus on my question. What I read
11 out, does that accurately record what you told the Prosecution last
12 week?

13 A. That's okay, so what you read is okay. This is what I've told
14 the Prosecution Office. I stand by that. However, I've not told the
15 Prosecution Office that somebody has accused me of Abedin. So this
16 is not true. Because we are cousins and it may be possible as well
17 to have some quarrel or issues within the same family. But the
18 reality is that we never had a big issue between us, and you can ask
19 everyone and everyone will tell you the same thing.

20 Q. Okay. Abedin Rexha, as you mentioned, was your cousin, and
21 Abedin Rexha was also the brother-in-law of Sabit Geci; is that
22 correct?

23 A. That's correct. Yes.

24 Q. In terms of the timing of this, would you dispute if I told you
25 that Abedin Rexha was killed on or about 8 October 1998?

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Misetic

1 A. Can you please repeat that again?

2 Q. I said would you have any reason to dispute if I told you that
3 Abedin Rexha --

4 A. No, that's what it is. Yes.

5 Q. So 8 October 1998?

6 A. Let me make a clarification. Today you say that he was killed.
7 Whereas this is an issue that has been resolved by the EULEX forensic
8 experts --

9 Q. Witness, hold on. Witness, you -- I didn't say he was killed.
10 You said in the statement I read back to you, and I quote:

11 "Abedin died shortly after that."

12 MS. IODICE: Objection, mischaracterisation.

13 MR. MISETIC: I'm about to ask him.

14 PRESIDING JUDGE SMITH: Overruled.

15 Go ahead.

16 MR. MISETIC:

17 Q. How did Abedin Rexha die then?

18 A. The forensic experts of EULEX have established that he had a
19 heart attack. He died of God.

20 Q. Okay. So he dies shortly after this incident that you described
21 in paragraph 39; correct?

22 A. He died not because of being killed by someone, but he died of
23 the heart attack, and that is something has been established by EULEX
24 forensic experts. I haven't been there myself, though.

25 Q. Okay. So just to take this step by step. As you discuss in

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Cross-examination by Mr. Misetić

1 this paragraph, your brother had been injured, and on 6 August you --
2 he had been injured on 6 August, and you took him --

3 A. Yes.

4 Q. You took him into Mitrovice for treatment at the hospital.

5 A. Yes.

6 Q. Okay. Mitrovice at the time was Serb-controlled territory;
7 correct?

8 A. Correct.

9 Q. Now, when you were detained by Sabit Geci, Sabit Geci asked you
10 questions about how it was that you were able to cross into Serbian
11 territory to get treatment for your brother in Mitrovice; correct?

12 A. Sabit could say whatever he wanted because he was the boss of
13 beating. The first words that Sabit would say to me was that I was a
14 supporter of the LDK, of President Rugova. He cursed on me. He
15 would say anything possible to me. That's not a question of what he
16 said. But I believe that the question that should arise is what is
17 the reason that he stopped me and detained me in Krume, in Kukes.

18 Q. Okay. For now, I would just like to establish the facts of what
19 you saw, what you heard, and in particular what you heard Sabit Geci
20 say to you. So my first question is do you agree that when he
21 detained you, Sabit Geci started asking you questions about how it
22 was that you were able to cross into Serbian territory to get
23 treatment for your brother?

24 A. You make me laugh, but I believe that laughing is good for your
25 health.

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Misetić

1 Now about the Serbs. He was a Serb collaborator himself.

2 Sabit Geci was a Serb collaborator, so it was the Serbs that released
3 him from the prison of Prizren.

4 In this case in question, Sabit detained me because of being a
5 supporter of President Rugova. When I was sent before the trial
6 panel in Kukes in March, the charges against me were that I was a
7 supporter of President Rugova, a friend of the minister of defence
8 that was killed in Tirana, and I was the brother of Haki Imeri that
9 was killed on 2 November 1999. So these were the accusations or the
10 charges that were raised by Sabit Geci.

11 Kukes is there, the court is still there. You can check for
12 yourself.

13 MR. MISETIĆ: Mr. Court Officer, could we please have on the
14 screen SITF00013352 to 00013368 RED3, and the same in the Albanian.

15 Q. Witness, this is the statement you gave to EULEX police on
16 6 October 2009.

17 MR. MISETIĆ: And if we could please go to page 3 in the English
18 and page 4 at the bottom in the Albanian. Can we scroll to the
19 bottom in the English, please.

20 Q. Witness - if we are scroll to the bottom in the Albanian as well
21 - it says, in the English at least:

22 "I was asked by Sabit Geci how I managed to bring my brother
23 after his accident to the hospital in Mitrovica. I told him that I
24 was afraid he would die because of his severe loss of blood.

25 "Therefore I decided to drive directly into a Serbian

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Cross-examination by Mr. Misetić

1 checkpoint.

2 "I told Sabit Geci the further process. Initially we were
3 maltreated by the Serbs until a commander interfered and took our
4 part. Serbian Police brought us then to the police Station of
5 Mitrovica.

6 "First the Serbian Police officers wanted to shoot us dead. The
7 commander, named 'Gile' however [offered] to bring my brother to the
8 hospital. I was [held] back at the police station."

9 Witness, does that refresh your recollection that Sabit Geci
10 asked you -- and that you told UNMIK police that Sabit Geci asked you
11 how it was that you were able to bring your brother to a hospital in
12 Mitrovica?

13 A. Can I speak?

14 Q. Sure.

15 A. When my brother was wounded, I sent him to the nurse in Izbice.
16 He cured his leg and he also gave him a pill against the pain. And
17 he told me, "Imer, there are two possibilities: First, you have to
18 send him to the hospital, or, second, leave him die. So if you send
19 him to the hospital, both of you will be killed. But it might as
20 well be possible for you to be saved." So there were two choices out
21 there for myself: I either had to send him to the hospital or let
22 him die. I couldn't let my brother die, and that is the reason why I
23 took him with me and I decided to go towards the checkpoint.

24 Fortunately, I know Croatian well, the language. I know it well
25 because I have lived in Croatia. And I spoke to the people that were

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Cross-examination by Mr. Misetić

1 in the checkpoint. There was this Roma there. There was a Roma
2 police officer, and he could see that I was in a dire situation. So
3 I had covered my brother in the shirt that I was wearing myself.

4 The Roma officer said --

5 Q. Sorry. Witness, I just want to be clear. There is no dispute
6 that what you did to save your brother was reasonable and the right
7 thing to do. So I want to be clear on that point. My interest is in
8 what Sabit Geci was interested in knowing from you and the questions
9 that Sabit Geci asked you when he detained you. That's the issue
10 that we want to focus on.

11 And I've shown you now on the screen what you told UNMIK police
12 in 2009. Do you recall telling UNMIK police that he was asking you
13 questions about how it was that you were able to get treatment for
14 your brother?

15 A. I went by car. They took my car and they sent me there by a
16 police car. Probably Sabit just wanted to know on whether any of his
17 people were there.

18 Q. Okay. But let me ask a yes-or-no question. So it's yes or no.
19 Did Sabit Geci ask you questions about how you were able to bring
20 your brother to Mitrovice; yes or no?

21 A. Your Honour, I decided to put my life in danger and send my
22 brother there. That's the reason why I went. And God helped us and
23 here I am today.

24 PRESIDING JUDGE SMITH: Witness --

25 MS. IODICE: Your Honour.

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Miseti

1 PRESIDING JUDGE SMITH: -- they're asking you a very
2 straightforward question that has a "yes" or a "no" answer. Listen
3 to the question again. We don't need other information at this time.
4 If something else is needed, the Prosecution will have an opportunity
5 to redirect you. Now listen to the question one more time and then
6 answer it yes or no.

7 MS. IODICE: I'm sorry, Your Honour. I just want to check that
8 this document is not being broadcasted.

9 THE COURT OFFICER: No, Your Honour, it wasn't broadcasted.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 MR. MISETIC: Thank you.

12 Q. Witness, did Sabit Geci ask you questions about how it was that
13 you were able to bring your brother for treatment in Mitrovice; yes
14 or no?

15 A. I don't know on whether he asked me, but I know for a fact that
16 the Serbian police sent us to the hospital by a police car.

17 Q. So this statement that you made in 2009 to EULEX police, you
18 don't recall telling EULEX police that Sabit Geci asked you questions
19 about how you were able to bring your brother to Mitrovice?

20 A. If that is written there, if EULEX police has written that down,
21 that is something that I've said. And everything that I've said is
22 true. However, I don't trust what Sabit Geci has written down
23 because he is the greatest spy ever, the biggest traitor ever in the
24 Balkans. That's the person with those qualities.

25 PRESIDING JUDGE SMITH: Mr. Miseti is asking you very

Witness: Imer Imeri (Private Session)
Cross-examination by Mr. Misetić

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1 straightforward questions. You have to listen to the questions --
2 listen to the question --

3 THE WITNESS: [Interpretation] I apologise.

4 PRESIDING JUDGE SMITH: -- and just answer the question.

5 MR. MISETIC: Thank you.

6 Q. So you accept -- I take from your answer that you accept that if
7 it's written down, then this is something you said.

8 It's also true that he also accused you of being involved in the
9 murder of his brother-in-law, Abedin Rexha. I'm not saying it's
10 true. I'm not saying it's true. I'm just saying that that's what he
11 accused you of while you were in detention.

12 A. Never. Never has he ever done that.

13 Q. Witness, would it surprise you to learn that some of the people
14 that you were detained with have testified that they heard Sabit Geci
15 asking you questions about your alleged involvement in the death of
16 Abedin Rexha? And, again, I want to be sure that you understand I'm
17 not actually accusing you or saying that it was true. I'm just
18 saying that Sabit Geci was making those accusations.

19 A. I swear to God that he didn't.

20 MR. MISETIC: Mr. President, if we could go into private
21 session, please.

22 PRESIDING JUDGE SMITH: Into private session, please.

23 [Private session]

24 [Private session text removed]

25

Witness: Imer Imeri (Private Session)

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Cross-examination by Mr. Misetić

1 [Private session text removed]

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Witness: Imer Imeri (Private Session)

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Cross-examination by Mr. Misetić

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Witness: Imer Imeri (Private Session)

Page 19403

Cross-examination by Mr. Misetić

1 [Private session text removed]

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Witness: Imer Imeri (Private Session)

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Cross-examination by Mr. Misetić

1 [Private session text removed]

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Witness: Imer Imeri (Private Session)

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Cross-examination by Mr. Misetić

1 [Private session text removed]

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24 [Open session]

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

Witness: Imer Imeri (Open Session)

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Cross-examination by Mr. Miseti

1 Thank you.

2 PRESIDING JUDGE SMITH: Thank you.

3 Go ahead.

4 MR. MISETIC: Thank you.

5 Q. Witness, we've established that you did not attend the funeral
6 of Abedin Rexha, Sandokan. And shortly after his death, you went to
7 Croatia; correct?

8 A. I don't know the date when he passed away, but I went there
9 around 12 December.

10 Q. And you say that the reason you went to Croatia was for economic
11 reasons?

12 A. Yes.

13 Q. It had nothing to do with people starting to make accusations
14 concerning your alleged connection to the death of Abedin Rexha?

15 A. This did not happen nor did I hear it from anyone. I'm hearing
16 this for the first time from you. I never heard this there. And I'm
17 sorry that you're inciting, encouraging a quarrel that does not
18 exist. Have you ever been to Kosovo? Please.

19 Q. Witness, there is no quarrel here. I'm just trying to establish
20 what Sabit Geci was asking you questions about and that's it. So I
21 thank you very much for answering my questions. I appreciate it.

22 A. Never.

23 Q. Okay. And thank you very much.

24 MR. MISETIC: Mr. President, that concludes my
25 cross-examination.

Witness: Imer Imeri (Open Session)
Cross-examination by Ms. S. Alagendra

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MS. ROWAN: No, thank you.

3 MR. TULLY: We have no questions, Your Honour. Thank you.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MS. S. ALAGENDRA: Your Honours, we have some questions.

6 Perhaps about 15, 20 minutes only.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MS. S. ALAGENDRA: Thank you.

9 PRESIDING JUDGE SMITH: Go right ahead.

10 Cross-examination by Ms. S. Alagendra:

11 Q. Mr. Witness, good morning.

12 A. Good morning.

13 Q. My name is Shyamala Alagendra and I represent

14 Mr. Jakup Krasniqi. Sir, I have very few questions for you this
15 morning, this afternoon. Starting, of course, with -- just to get it
16 clear from you that you've never met Mr. Krasniqi, have you, during
17 the war specifically?

18 A. Correct, never.

19 Q. And, in fact, as late as October 2009, when you were being
20 interviewed by EULEX, you still had never met him. Is that correct,
21 sir?

22 A. I have never met with Jakup Krasniqi.

23 Q. Thank you. Sir, I just want to address one particular issue
24 with you, in fact, and it relates to your evidence that supporters of
25 Rugova were targeted for killings.

Witness: Imer Imeri (Open Session)
Cross-examination by Ms. S. Alagendra

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1 Now, am I correct, sir, that you have publicly accused
2 Mr. Krasniqi of killing Xhevat Isufi because he was perceived to be a
3 Rugova supporter? That's correct, isn't it?

4 A. Correct.

5 MS. S. ALAGENDRA: And can I please request that DJK00984 be put
6 on the screen, please, as well as the English translation.

7 Q. Sir, if you look at the screen, I'm just going to read the
8 paragraph which quotes you, and you state there:

9 "'Jakup Krasniqi went at Xhevat Isufi in Vidishiq at this office
10 and asked him what is this photograph of Rugova? He told him: 'It
11 is the photograph of the President'. 'Either you remove it or I pull
12 out the gun and kill you. You will have consequences.' [And three
13 days later] Xhevat Isufi was killed ..."

14 This is what you stated on public TV in Kosovo, isn't it, sir?

15 A. I am the head of the association calling for justice. People
16 reported to me things. There were many killings committed in this
17 regard. That is very true. And the chairman for human rights in
18 Mitrovice, Halit Bajrami, established that he was killed by
19 Albanians. But his friends, Xhevat's friends, stated exactly as I
20 have stated here, that Mr. Jakup Krasniqi went to him and said,
21 "Remove this photograph or I will kill you." To which he replied,
22 "No, I will not remove it." And then the killing occurred two days
23 later. This is very true.

24 Q. So, in fact, you know, don't you, that in 2013 Mr. Isufi was
25 awarded the order Hero of Kosovo by the president of Kosovo? You're

Witness: Imer Imeri (Open Session)
Cross-examination by Ms. S. Alagendra

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1 surely aware of that, aren't you?

2 A. Look, many people were awarded the hero title. Ilir Konushevci
3 was one of them. But look at the date. How was he killed? Please,
4 many things were done. I have notes and I have submitted them to the
5 Court when I gave my statement. Out of 100, probably 60 killed, many
6 others maltreated, imprisoned. One of them -- I was one of them, my
7 brother was one of the killed, and so on.

8 Q. Thank you. And, sir, if I could just kindly, and very
9 respectfully, request that you just say "yes" or "no" to my
10 answers -- to my questions, and if I need any explanation, I will
11 then ask you for that, please.

12 Sir, you're aware, aren't you, that Mr. Isufi was, in fact,
13 killed during an ambush on 3 January 1999, and during the same
14 incident Zymer Halimi, known as Commander Besi, was also wounded.
15 You are aware of that, aren't you, sir, just as the rest of Kosovo
16 is?

17 A. I can't clarify anything by answering by yes or no. I know that
18 when they wanted to kill one person, they would kill two or three if
19 they happened to be there. They would kill everyone.

20 Q. And, sir, when you made this allegation publicly on Kosovo TV,
21 do you recall that Mr. Isufi's son called into the programme and he
22 called you, and I'm quoting him, he said you were a liar. That
23 happened, didn't it?

24 A. Yes.

25 MS. S. ALAGENDRA: Could I please ask that --

Witness: Imer Imeri (Open Session)
Cross-examination by Ms. S. Alagendra

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1 THE WITNESS: [Interpretation] Yes, it did happen.

2 MS. S. ALAGENDRA: -- the video --

3 THE WITNESS: [Interpretation] Sorry, but very briefly. He
4 called in and said, "He's defaming." But later on, he admitted that
5 somebody called him on the phone and that he was forced to say the
6 things he said in my regard.

7 MS. S. ALAGENDRA: Could I please ask that the video be played,
8 DJK00988. And we've provided also a transcript in English and also
9 in Albanian for convenience.

10 PRESIDING JUDGE SMITH: How long of a -- you're going to play
11 the entire video?

12 MS. S. ALAGENDRA: It's a very short clip, Your Honour. It's
13 about two minutes.

14 PRESIDING JUDGE SMITH: All right.

15 [Video-clip played]

16 THE WITNESS: [Interpretation] I told you that a person called
17 him on the phone and incited him, pushed him to come out against me.
18 But later on he apologised to me.

19 [Video-clip played]

20 THE INTERPRETER: [Voiceover] "Esat Jusufi: Imeri, I don't know
21 what is his first name. I've seen him before slandering about such
22 topics. He's a slanderer. Due to his age, I can't say much, but
23 he's a liar, everything what he speaks out.

24 "TV host Ermal Panduri: Just a moment, just a moment. His own
25 son said it, he referred to his own son, just a moment, Gaz. The son

Witness: Imer Imeri (Open Session)
Cross-examination by Ms. S. Alagendra

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1 of the person he mentioned, whom he claimed killed Jakup Krasniqi,
2 please, this is serious, this is serious. Please. Since he
3 mentioned his son's name, he's here, he can speak.

4 "Esat Jusufi: Regarding Imer Imeri, no one from our family
5 knows him, and he has not taken any statement from us as a family.
6 We have no complaint, neither against the comrades, nor in the war,
7 nor in any step that happened during the war. My father was an
8 activist since the 1980s, from as far back as I can remember, as much
9 as I managed to know from his friends, and the rest, whatever
10 happened in the war, my father was not there by chance. He was
11 involved very early on, and now a slanderer, a liar like Mr. Imeri,
12 comes into the studio and slanders as if he killed -- Jakup Krasniqi
13 killed my father, which is a blatant lie. I would ask you, as a
14 studio, and the people there, not to allow such debates in studios
15 and to not incite hatred between families, between martyrs. The only
16 ones left unstained are the martyrs. There is no one from the war
17 who has not been tarnished by those who do not love freedom, by those
18 who are afraid of freedom. They have even started targeting the
19 martyrs, and this is too much. His approach is unscrupulous, no one
20 asked him to do such a thing. I would ask that he never mentions
21 Xhevat Jusufi's name with his mouth again."

22 MS. S. ALAGENDRA: Thank you.

23 Q. Mr. Witness, you recall this whole incident, don't you, sir?
24 Just yes or no, please.

25 A. Yes, I recall it. They called him on the phone and forced him

Witness: Imer Imeri (Open Session)
Cross-examination by Ms. S. Alagendra

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1 to say the words he said. Give me the opportunity to tell you about
2 all those who were killed and what happened. I promised God that I
3 will testify until my death. I do not know how I am alive to this
4 day. God brought me here in front of justice.

5 These are political things. They changed his employment
6 position on two occasions to shut his mouth. They gave him --

7 Q. Mr. Witness, if I can just stop you --

8 A. -- employments and anything else to have them shut their mouth
9 -- keep their mouths shut.

10 Q. Thank you.

11 MS. S. ALAGENDRA: Your Honours, if I can request that DJK00988,
12 the video and the corresponding transcript, be admitted into
13 evidence, please.

14 PRESIDING JUDGE SMITH: Objection?

15 MS. IODICE: No, Your Honour.

16 PRESIDING JUDGE SMITH: DJK00984 to -- 988, did you say?

17 MS. S. ALAGENDRA: Yes.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 Both English and Albanian.

20 THE COURT OFFICER: If I may.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 THE COURT OFFICER: So DJK00988 and the corresponding
23 transcripts, both in English and Albanian, will be assigned
24 Exhibit 4D00079, and it's currently classified as public. Thank you.

25 PRESIDING JUDGE SMITH: Thank you.

Witness: Imer Imeri (Open Session)
Cross-examination by Ms. S. Alagendra

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1 MS. S. ALAGENDRA:

2 Q. Mr. Witness, do you have a handgun, sir, which was given to you
3 by EULEX investigators?

4 A. First of all, this was given to me by UNMIK, then EULEX, and
5 then by our government. Yes, I do have it.

6 Q. So it's your testimony that EULEX investigators had given you a
7 handgun. That's your evidence, sir?

8 A. Yes.

9 Q. And you still have that handgun with you?

10 A. I have three weapons -- five.

11 Q. Just the ones from EULEX, how many did EULEX give you?

12 A. They gave me a handgun -- handgun. UNMIK gave it to me, as a
13 matter of fact, since the time when my brother was killed.

14 Q. And did they give it to you before or after your interviews?

15 A. This was given to me in 2000 when my brother was killed. They
16 knew my background, how I had been imprisoned. And as a witness, I
17 was always protected by UNMIK, EULEX, and I believe today by the
18 Special Court, because you know that in Kosovo over 30 witnesses were
19 killed. These 30 witnesses did not testify against Serbia.

20 MS. S. ALAGENDRA: Your Honours, I'm told the transcription has
21 stopped.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MS. S. ALAGENDRA:

24 Q. And, sir, if I'm correct, you told the SPO that the
25 international investigators who gave you these handguns, one of them

Witness: Imer Imeri (Open Session)
Cross-examination by Ms. S. Alagendra

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1 is called Josef; correct?

2 A. And Wolfgang Orden [phoen], two UNMIK police officers, very good
3 men who helped us a lot.

4 Q. And did they also issue you a certificate and a receipt for that
5 handgun, sir?

6 A. Certainly. I have a permit with a photograph, my photograph on
7 it.

8 Q. And do you know whether or not these investigators were actually
9 permitted to hand out guns to witnesses?

10 A. This was immediately after the war. UNMIK in 2000. This was 24
11 years ago.

12 PRESIDING JUDGE SMITH: Is there some special relevance to the
13 fact --

14 THE WITNESS: [Interpretation] Things were different at the time.

15 PRESIDING JUDGE SMITH: Is there some relevance to this?

16 MS. S. ALAGENDRA: Initially, Your Honour, it was towards
17 credibility of the witness, but now --

18 PRESIDING JUDGE SMITH: Nothing to do with credibility.

19 MS. S. ALAGENDRA: In our submission, it does, Your Honours, and
20 we'll address you in our submissions.

21 PRESIDING JUDGE SMITH: Right now it has nothing to do with it,
22 so just move on.

23 MS. S. ALAGENDRA: That was my last question.

24 Q. Thank you, Witness.

25 PRESIDING JUDGE SMITH: Redirect?

Witness: Imer Imeri (Open Session)

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Re-examination by Ms. Iodice

1 MS. IODICE: Your Honour, just one brief question.

2 PRESIDING JUDGE SMITH: Can you hear now?

3 THE WITNESS: [Interpretation] Yes.

4 MS. IODICE: Just one brief question.

5 Re-examination by Ms. Iodice:

6 Q. In relation to what you just said about witnesses being killed,
7 what is the general perception the journalists and the media have in
8 Kosovo about those who want to testify, those who are witnesses?

9 MR. MISETIC: Objection, about foundation. General perception
10 of journalists.

11 MS. IODICE: I can rephrase, Your Honour.

12 PRESIDING JUDGE SMITH: Overruled. You may go ahead.

13 You may have to repeat the question.

14 MS. IODICE:

15 Q. Mr. Imeri, you have talked about witnesses who are being killed.
16 What is the general perception that media and journalists convey
17 about witnesses who are willing to testify here? How are they
18 treated?

19 A. Madam Prosecutor, I have said that before you in the witness --
20 as a witness before you, I have told you that we are referred to as
21 being traitors. But we are not traitors. I am not a traitor,
22 because I'm here to tell you about my brother, about myself. But
23 also the other witnesses that come here and that testify to what has
24 happened to them, they are not traitors either. However, the general
25 perception is that we are being consulted with the Serbian BIA.

Witness: Imer Imeri (Open Session)

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Re-examination by Ms. Iodice

1 Your Honours, we are aware of the situation. We come from good
2 families, from patriotic families, so we are aware of the fact that
3 Serbia has killed 12.000, 13.000 people. We know that 50.000 houses
4 have been burnt down. We know that 20.000 women have been raped by
5 Serbia. But, nonetheless, there were people that were killed, like
6 Ahmet Krasniqi during the war, Enver Maloku during the war, my
7 brother, Haki Imeri, was well -- killed after the war, and there were
8 about 500 or 600 murders. I have at least 100 people that are listed
9 in my list as the head of the association calling for justice.

10 And all the witnesses that have come before you, they have told
11 the truth. They have told you that these people have been killed.
12 These people have never received any condolences. So they were only
13 told: Just you have to keep silent and have your mouth shut.

14 For instance, Syle Hoxha, who is a prosecutor in Kosovo. He
15 used to be the head prosecutor in Kosovo. I've heard this person in
16 the TV saying that people that are killed by the state are not
17 discovered, because if the Kosovo police wanted them to be
18 discovered, they could be discovered and made public in a week.

19 I sent a letter to Syle Hoxha. I sent that to the head of the
20 court, to the America embassy. I've sent it to several places. And
21 I was called in a meeting at the embassy. I was told that, "The
22 first person that will be called to give his testimony from the time
23 that the special prosecution office starts its work will be
24 yourself," and they kept their word.

25 MS. IODICE: Thank you.

Witness: Imer Imeri (Private Session)

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Questioned by the Trial Panel

1 PRESIDING JUDGE SMITH: Any questions from the Panel?

2 JUDGE BARTHE: Yes.

3 PRESIDING JUDGE SMITH: Judge Barthe.

4 JUDGE BARTHE: Thank you, Judge Smith.

5 Questioned by the Trial Panel:

6 JUDGE BARTHE: And good afternoon, Witness. Can you hear me
7 well?

8 A. Yes.

9 JUDGE BARTHE: I have, indeed, a few questions for you. And I
10 would like to move into private session for that, please.

11 PRESIDING JUDGE SMITH: Into private session, please.

12 [Private session]

13 [Private session text removed]

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Witness: Imer Imeri (Private Session)

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Questioned by the Trial Panel

1 [Private session text removed]

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Witness: Imer Imeri (Private Session)

Page 19419

Questioned by the Trial Panel

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Witness: Imer Imeri (Private Session)

Page 19420

Questioned by the Trial Panel

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Witness: Imer Imeri (Private Session)

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Cross-examination by Ms. Rowan

1 [Private session text removed]

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Witness: Imer Imeri (Private Session)

Page 19422

Cross-examination by Ms. Rowan

1 [Private session text removed]

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Witness: Imer Imeri (Private Session)
Procedural Matters

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1 [Private session text removed]

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10 [Open session]

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

12 Thank you.

13 PRESIDING JUDGE SMITH: As I said, your testimony is now
14 complete. You'll be allowed to leave the Court now. We thank you
15 for being with us and sharing your information with us. You may go
16 with the court attendant to leave the courtroom, and we wish you
17 well.

18 THE WITNESS: [Interpretation] Are we done?

19 [The witness withdrew]

20 PRESIDING JUDGE SMITH: Is the other witness ready to come in in
21 a reasonable period of time? And we can wait till after the lunch
22 break, if that's the case.

23 MS. IODICE: No, Your Honour. The next witness will be
24 available tomorrow morning.

25 PRESIDING JUDGE SMITH: Thank you. I understand.

1 I just want to say to the Defence, we had seven and a half hours
2 scheduled. You used one hour. That's a little outrageous. I think
3 you can do a better job of giving us some notice and the Prosecution
4 some notice so that we could be prepared. We could have probably got
5 three witnesses in this week instead of just two. So please do a
6 better job. We expect it to be better.

7 We're adjourned until 9.00 a.m. tomorrow.

8 --- Whereupon the hearing adjourned at 12.47 p.m.

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