

1 Monday, 22 May 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

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

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

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

11 PRESIDING JUDGE SMITH: Thank you.

12 Good morning, everyone.

13 Mr. Thaci, Mr. Veseli, and Mr. Selimi are present in court.  
14 Mr. Krasniqi continues to appear on videolink.

15 Before we begin today's hearing, the Panel would like to address  
16 one housekeeping matter in relation to P90 exhibit.

17 Can the Court Officer ensure that when assigning exhibit numbers  
18 in relation to W03165's statement and associated exhibits that P90  
19 contains W03165's Rule 154 prior statement while P90.1, et cetera,  
20 contains W03165's associated exhibits. In particular, the assignment  
21 of exhibit numbers should follow, to the extent possible, the SPO's  
22 proposal as set out in its 18 May 2021 e-mail to the Panel, Defence  
23 teams, and Victims' Counsel.

24 Would the Court Officer announce each ERN with its corresponding  
25 exhibit number on the record, please.

1 THE COURT OFFICER: Yes, Your Honours.

2 So the statement which is currently under P90 will remain as  
3 such. The associated exhibits within there, so the first one with  
4 ERN U0087583 and its corresponding English translation will be  
5 Exhibit P90.1. Associated exhibit with ERN U0032253 and its  
6 corresponding English translation will be Exhibit P90.2. ERN  
7 U0087585 will be Exhibit P90.3. ERN U0032255 will be Exhibit P90.4.

8 Those are all, Your Honours.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 Thank you, Madam Court Officer.

11 On the next matter concerning protective measures for  
12 Witness 04355. Madam Court Officer, can you please go into private  
13 session.

14 [Private session]

15 [Private session text removed]

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1 [Private session text removed]

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1 [Private session text removed]

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4 [Open session]

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

6 MR. ROBERTS: Your Honour, just while we're waiting, if I could  
7 just advise you. I just would like to take [REDACTED] Pursuant to In-  
Court Redaction Order F01543RED. briefly into private

8 session to explain a couple of additional codes that I would like to  
9 use, so then we can go back to open session for the first 20 minutes  
10 or so of the cross-examination.

11 PRESIDING JUDGE SMITH: All right. We'll be briefly in public  
12 session then while the witness comes in and then we will switch.

13 [The witness takes the stand]

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 THE INTERPRETER: Microphone, please.

16 PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear me?

17 THE WITNESS: [Interpretation] Yes, I can. Good morning.

18 PRESIDING JUDGE SMITH: Today we are going to start with the  
19 cross-examination by counsel for Mr. Selimi, and that would be  
20 Mr. Roberts who is seated over here on the far side.

21 I remind you to please try to answer the questions clearly with  
22 short answers, short sentences. If you don't understand a question,  
23 feel free to ask counsel to repeat the question or tell them that you  
24 don't understand and they will clarify.

25 Also, please try to remember to indicate the basis of your

1 knowledge of the facts and circumstances upon which you will be  
2 questioned.

3 I remind you that you are still under an obligation to tell the  
4 truth as stated by you in your solemn declaration. Also, please  
5 remember to speak into the microphone and to wait five seconds before  
6 answering a question to allow translation to catch up.

7 If you feel the need to take breaks, please make an indication  
8 and an accommodation will be made.

9 Finally, please stop talking if I ask you to do so or if you see  
10 me raise my hand as we did Thursday.

11 All right. Mr. Roberts, you wish to have this first portion in  
12 private session; is that correct?

13 MR. ROBERTS: Yes, Your Honour.

14 PRESIDING JUDGE SMITH: All right.

15 MR. ROBERTS: It should be no more than a couple of minutes.

16 PRESIDING JUDGE SMITH: All right. For the protection of the  
17 witness and [REDACTED] Pursuant to In-Court Redaction Order F01543RED.  
identity, we will go into private session.

18 Madam Court Officer.

19 [Private session]

20 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4395

Cross-examination by Mr. Roberts

1 [Private session text removed]

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8 [Open session]

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

10 MR. ROBERTS:

11 Q. Following on from the cross-examination from counsel for  
12 Mr. Veseli last Thursday, you testified in response to counsel of  
13 Mr. Veseli about the damage and destruction that was caused to the  
14 surrounding villages, to your village, by the Serb forces. Now, you  
15 recall that evidence, don't you?

16 A. Yes, I may have given them, but I want to say that this damage  
17 occurred after the NATO air strikes in 1999.

18 Q. You're saying that there was -- we're talking about the  
19 surrounding villages to your village, not your village itself. The  
20 surrounding villages that suffered extensive destruction and burning  
21 and murders, in your words. So this was in the summer offensive of  
22 July, August, and September 1998; isn't that correct?

23 A. In July, August, September, there haven't been so much damage.  
24 There were some but not in our territory. Not only in my village but  
25 also in the surrounding areas.

1 Q. And despite the military reports that you were shown and read  
2 out last week, you're saying there was no evidence or very little  
3 damage or destruction of those villages around your village in August  
4 and September 1998? Just to be clear.

5 A. Yes.

6 Q. And did you travel round your villages a lot in that period to  
7 actually see these other villages around your village?

8 A. Yes.

9 Q. And when did you travel around? Because I thought you mentioned  
10 in your examination-in-chief that you stayed largely in your village  
11 after August and September 1998.

12 A. *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.*

13 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.*

16 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.*

17 A. I don't recall.

18 Q. Did you see any refugees in that surrounding area who'd been  
19 forced out?

20 A. Yes, there were. *[REDACTED] Pursuant to In-Court Redaction Order  
F01543RED.*

21 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.* they didn't  
return to their own homes.

22 MS. MAYER: Your Honour, could we just go into private session  
23 for a moment.

24 PRESIDING JUDGE SMITH: All right.

25 Into private session.



Witness: W03165 (Resumed) (Private Session)

Page 4398

Cross-examination by Mr. Roberts

1 [Private session]

2 [Private session text removed]

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23 [Open session]

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

25 MR. ROBERTS:

1 Q. Mr. Witness, in relation to position D, you talked about last  
2 week that there were murders and burning. Do you recall that?

3 MS. MAYER: Objection. I believe he was read reports about the  
4 surrounding area, but he did not actually provide any evidence of  
5 observing those things.

6 PRESIDING JUDGE SMITH: Just clarify how he came to know that  
7 please, Mr. Roberts.

8 MR. ROBERTS: Certainly.

9 Q. Witness, how did you come to know about the existence of burning  
10 and murders in the surrounding area?

11 MR. ROBERTS: And just for the Prosecution, this is transcript  
12 reference 4380.

13 THE WITNESS: [Interpretation] *[REDACTED] Pursuant to In-Court  
Redaction Order F01543RED.*

14 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.*

15 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.* At that  
16 time, in

17 July, August, there weren't burnings around our village. I mean  
18 large-scale burnings of villages.

19 PRESIDING JUDGE SMITH: *[REDACTED] Pursuant to In-Court Redaction  
Order F01543RED.*

20 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.*

21 MR. ROBERTS:

22 Q. Now, you testified last week about joining the KLA at the end of  
23 July 1998, and then served as a soldier in your village throughout  
24 the summer until the end of September 1998. Do you recall that  
25 evidence?

26 A. Yes.

1 Q. And then from the end of September, you stopped being a soldier  
2 for about a month and then returned at the end of October, beginning  
3 of November; is that correct?

4 A. Yes.

5 Q. Did you need any permission or authorisation to leave your post?

6 A. We just would guard, and we took turns, and then we returned  
7 home. I finished my shift and then I returned to my family. That's  
8 how it was.

9 Q. And for the month of October 1998 when you stopped being a  
10 member of the KLA, you just did that by your own choice, by your own  
11 volition. You didn't need the authorisation of anyone to stop being  
12 a KLA member, did you?

13 A. After that, I -- in October, I had to stay at home to receive  
14 people's condolences for what happened. So for a month or so, I  
15 stayed in my -- with my family.

16 Q. And then when you rejoined, you just rejoined when the moment  
17 was right for you; is that correct?

18 A. No, I rejoined afterwards. And then I was told that, "You can  
19 come and join the people's -- the village guards and stay with them,  
20 stand guard."

21 Q. And this was back in November after you'd stopped being a member  
22 of the KLA for that month; is that correct?

23 A. Yes.

24 Q. Did other people from your village guard stop and start being  
25 members of the guard during that time or later on?

1 A. Yes, they -- after the offensive, they went to their homes and  
2 then they got together again, but I can't give you an exact date.

3 Q. Was there anyone from outside your village who came at the  
4 outset of March, April 1998, who came in to defend your village from  
5 outside?

6 A. I don't recall. I don't know.

7 Q. And are you aware of anyone who left the KLA at the same time as  
8 you did? Although you only left for a month, did other people leave  
9 and stay away and stay out of the KLA for a longer period at that  
10 time?

11 A. I don't know.

12 Q. Were there any consequences if a member of the KLA had to leave  
13 or wanted to leave and lay down their weapon and stop fighting?

14 A. I can't give you an answer. I don't know.

15 Q. But you did testify that the person from whom you obtained your  
16 gun was too tired to fight, didn't you?

17 A. Yes.

18 Q. And there was no consequences for them for having done so?

19 A. I don't know. I don't know that.

20 Q. And did they rejoin later on after having given you the gun? Is  
21 that your evidence from before?

22 A. I think he rejoined, but I am not certain about that.

23 Q. Okay. So if he did rejoin, obviously it would prove that there  
24 were no consequences for having stopped fighting earlier on. He  
25 could leave and then return and that wasn't a problem, was it?

1 A. I don't know. Maybe he had a permission. I can't say anything  
2 about that. I don't know. Maybe he did have a permission, but I  
3 don't know.

4 Q. But your unit and the KLA, as you understood it, in your area  
5 was entirely volunteer, wasn't it?

6 A. Yes.

7 Q. And you testified about having to obtain your own uniform last  
8 week, and you were never paid at all during your service, were you?

9 A. Yes.

10 Q. And you felt, throughout your service, at any point you could  
11 leave and that wouldn't cause any problems or any inconveniences for  
12 you or consequences for you?

13 A. I wasn't paid at all. And when we received a notice to  
14 withdraw, we all withdrew. Not only myself as an individual. All of  
15 us who were there.

16 Q. But as an individual soldier, as an individual KLA member, you  
17 could have left the KLA at any point and there wouldn't have been any  
18 consequences for you, would there? It's just a personal choice. As  
19 a volunteer, you can become a member and then you can leave whenever  
20 you want; is that correct?

21 A. I don't think so, because it was not good and honest for me to  
22 leave at my own free will. I can't say about others, but this is  
23 what concerns me.

24 Q. Now, with your relationship -- with regards to your  
25 relationship, sorry, with your -- the leader, the commander of the

1 KLA in your village, or the leader of the KLA in your village, do you  
2 remember talking about the agreement last week that we referred to  
3 moments ago?

4 A. I wasn't there when the agreement was reached. I don't think I  
5 was there. I don't remember to have been there.

6 Q. But you did testify that the local KLA commander in your village  
7 permitted the meeting which led to this agreement; is that correct?

8 A. Yes.

9 Q. And this approval was quite important to you, was it, or the  
10 villages who were responsible for undergoing the meeting or  
11 undertaking the meeting?

12 A. When the villages were given that right, there is nothing for me  
13 to discuss. It happened. They got together, and the army also was  
14 there, they told them to go and they went.

15 Q. But as far as you know, your commander in your village didn't  
16 need the approval of anyone else in order to make this agreement, did  
17 he?

18 A. I don't know. I don't know if he asked -- he was asked or -- I  
19 don't know.

20 Q. You're not aware that he needed to report it to anyone else or  
21 needed to seek any authorisation for what was quite an important  
22 agreement?

23 A. I don't know. I don't know that.

24 Q. Now, in light of the damage and destruction and the murders that  
25 were referred to in position D, and some - although by your evidence,

1 not so many - local villages, is it possible or would accept that  
2 there was some potential anger from some local villages in relation  
3 to this agreement?

4 A. I don't know.

5 Q. Or if not anger, would you accept that there might be jealousy  
6 because the agreement meant that your village escaped the fate of  
7 other villages?

8 A. I don't know.

9 Q. And in your visits and your discussions with other villages that  
10 we talked about earlier when you went to visit them, did you ever  
11 discuss this? Did this ever come up as a topic?

12 A. No.

13 Q. But the agreement itself wasn't a secret, was it? I think you  
14 mentioned that there were a hundred villages who had agreed for the  
15 delegation to attend the talks which led to the agreement?

16 A. Yes.

17 Q. So you accept it's likely that some villages in the surrounding  
18 area would have been aware of the existence of the agreement?

19 A. I believe so.

20 Q. Now, specifically you talked -- or testified, sorry, about the  
21 reaction of person number 4, but you don't know if he was in favour  
22 or against the agreement, and you can't say if he was upset about it.  
23 Do you recall giving that evidence last week?

24 A. I did not hear this myself, but number 4 did mention that  
25 something bad would happen to the village.

1 Q. But person number 4 doesn't actually mention the agreement at  
2 all, does he, in your statement?

3 A. I did not hear it.

4 Q. So you're not aware if his statement or his annoyance or anger  
5 has anything to do with the agreement at all; is that correct?

6 A. I don't know.

7 Q. [Microphone not activated].

8 THE INTERPRETER: Microphone, please.

9 MR. ROBERTS: Thank you. I keep switching it on and off.

10 Q. Moving on to the second topic now. This was also in open  
11 session, so please be careful in relation to names and places and try  
12 and use those codes. And this is in relation to the specific day  
13 where person number 1 was kidnapped.

14 And just to be very clear, and as we'll talk about later on, as  
15 Mr. Selimi was very clear, we are not contesting that masked men  
16 came, entered the village, and kidnapped person number 1. We want to  
17 be absolutely clear on that. I just want to clarify exactly what you  
18 can testify in relation to this event.

19 Now, first of all, you testified that all the men wore masks.  
20 Now, was that full masks covering their whole faces with just slots  
21 for their eyes?

22 A. Yes, and for their mouths.

23 Q. So they were taking quite extreme measures to avoid being  
24 recognised by you or anyone else in the village, sorry, to be clear?

25 A. Of course.



1 Q. And even when you were within a few metres of them - and I think  
2 by your own testimony you grabbed one of them - you couldn't identify  
3 them at all. The masks were so extensive that you couldn't see any  
4 facial features at all, could you?

5 A. No, I couldn't see any features.

6 Q. And you describe them wearing black uniforms. I just want to be  
7 clear exactly what that meant. The uniforms weren't identical, were  
8 they? It was black clothing. Is that what you mean?

9 A. Yes, black clothes. Black uniforms.

10 Q. But were they all identical or were they different types of  
11 black? Were people wearing black jumpers, black jackets, black  
12 pants?

13 A. They were identical. What I saw, they were identical. I don't  
14 know, for example, for the rest, what they were wearing. For  
15 example, I did not see the driver. As for those I saw, their  
16 uniforms were identical.

17 Q. And these identical uniforms would have been very simple to have  
18 made or bought, were they not, given the fact that it's just a simple  
19 black uniform?

20 A. I don't know where they got them from.

21 Q. And you certainly don't know at all that they were military  
22 police based purely on these uniforms, do you?

23 A. Yes, the military police wore also black uniforms. The uniforms  
24 were identical, and those on that day were with KLA insignia.

25 Q. I know you've testified in relation to questions from counsel

1 for Mr. Thaci about the insignia, so I won't go back into those. But  
2 in relation to the actual uniforms, given the fact that it's just a  
3 black uniform, you can't say in and of itself purely from those  
4 uniforms, given the fact that you can't identify the individuals at  
5 all, that they were military police, can you?

6 A. I wouldn't know whether they were military police or not. What  
7 I saw was that they were wearing black uniforms, masks, and KLA  
8 insignia. I don't know what their position was.

9 Q. Essentially you accept it could be anyone wearing a black  
10 uniform?

11 A. No, not just anyone could be wearing that.

12 Q. You've also testified that you were not at position A when the  
13 masked men arrived, and so you never heard the men say that they  
14 wanted to speak to person 6; is that correct?

15 A. I did not hear. I was not there.

16 Q. So you don't know for sure why the masked men wanted to speak to  
17 person 6, do you?

18 A. No, I don't know.

19 Q. You don't know if they asked for anyone else apart from  
20 person 6?

21 A. These were asking for person 6, and they did not let him go out.  
22 I don't know why they were asking for him and then took number 1.  
23 Number 1, in order to calm down the situation, told them, "Let's go  
24 to my place. I will bring you number 6, and let's talk calmly and  
25 explain and clarify everything."

1 Q. Again, though, you weren't there when that discussion was taking  
2 place, were you? You arrived afterwards.

3 A. No, no.

4 Q. And the information you received about it only came from your  
5 discussions with persons 2 and 3 and other villagers?

6 A. Yes.

7 Q. Did you discuss or have you discussed over the last 20 or so  
8 years with other people in your village and with persons 2 and 3 on a  
9 regular basis about this event?

10 A. Yes, we did. We discussed about number -- why he was executed.  
11 We did not discuss why he was sent by the village. So we did not  
12 discuss that topic. We just discussed the murder.

13 Q. But you must have discussed repeatedly what happened before you  
14 were there and what 2 and 3 told you about what they had seen or  
15 heard.

16 A. Can you please repeat the question?

17 Q. Of course. You must have discussed repeatedly what happened  
18 before you arrived at position A with persons 2 and 3; is that  
19 correct?

20 A. Yes, we discussed this topic. We discussed how the incident  
21 happened, how he was taken. So we discussed these aspects. And this  
22 discussion took place after the murder. Before the murder, we did  
23 not discuss this.

24 Q. I understand. And you've obviously discussed it many times  
25 since then together with these other two persons, 2 and 3, and other

1     villagers who were there at the time as well. I was curious as to  
2     whether it was possible or you would accept that you're not  
3     necessarily able to say for sure what you personally witnessed on  
4     that day as opposed to what they have told you subsequently and what  
5     you have discussed repeatedly over the last 20 or so years. Would  
6     you accept that it's possible that you can't separate clearly between  
7     what you know and what they have told you?

8     A. I cannot answer you. I do not know how to explain this.

9     Q. [Microphone not activated]

10     THE INTERPRETER: Microphone, please.

11     MR. ROBERTS: Second warning.

12     Q. So just finally in relation to the kidnap. You know that the  
13     masked men who took person number 1 took him out of the village, but  
14     you don't know for sure that they were the ones who were responsible  
15     for murdering this person because you were not there when that  
16     happened. That's correct, isn't it?

17     A. Persons with masks took number 1, 2, and 3. They left off 2 and  
18     3 and continued with 1 and then carried out the murder.

19     Q. Just to be clear, and this is the point I was wanting to make,  
20     you don't know for sure, you can't be certain, that the individuals  
21     who took person number 1 away were the ones who were responsible for  
22     murdering him because you were not there when that happened, were  
23     you?

24     A. I was not present there. I wasn't.

25     Q. And although it may seem obvious, by the same token, you don't

1 know if the note was placed by the same people who kidnapped person  
2 number 1 as well or either, do you?

3 A. When I went there, I found him killed and I found this piece of  
4 paper. I cannot tell you any more than that.

5 Q. Understood. But that means that, obviously, as you said, you  
6 don't know any more than the fact that those two things were located  
7 together but not necessarily that the masked men were responsible for  
8 either of those two things?

9 A. I believe that it could not have been somebody else apart from  
10 them.

11 MR. ROBERTS: Your Honours, I think I just need to move into  
12 private session for the last section. I've done as much as I  
13 possibly can in public.

14 PRESIDING JUDGE SMITH: Thank you.

15 Madam Court Officer, please take us to private session.

16 [Private session]

17 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4411

Cross-examination by Mr. Roberts

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Witness: W03165 (Resumed) (Private Session)

Page 4412

Cross-examination by Mr. Roberts

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Witness: W03165 (Resumed) (Private Session)

Page 4413

Cross-examination by Mr. Roberts

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Witness: W03165 (Resumed) (Private Session)

Page 4414

Cross-examination by Mr. Roberts

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Witness: W03165 (Resumed) (Private Session)

Page 4415

Cross-examination by Mr. Roberts

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Witness: W03165 (Resumed) (Private Session)

Page 4417

Cross-examination by Ms. Alagenda

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21 [Open session]

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

23 Cross-examination by Ms. Alagenda:

24 Q. Witness, I'll be asking you a few questions. There might be a  
25 few overlaps on dates and the statements that you were referred to

1 previously, but I'll take you through them.

2 Now, you say you joined the KLA on 24 July 1998. That's  
3 correct, yes?

4 A. Yes.

5 Q. And this was because a soldier came at 2.00 a.m. asking for  
6 reinforcement, and that's how you joined the KLA; is that correct?

7 A. Yes.

8 Q. Now, you testified that if you didn't have a weapon -- this is  
9 what you said on the last occasion, that's on 18 May. If you didn't  
10 have a weapon and you didn't go out and join the KLA, you wouldn't  
11 need to sew a uniform. Do you recall saying that?

12 A. Yes.

13 Q. When did you have your uniform made?

14 A. I don't remember the date when.

15 Q. Was it before or after 24 July?

16 A. Before, but I don't know for sure what date it was.

17 Q. So it was before 24 July; yes?

18 A. Yes. Maybe one or two days before. I was getting ready. I was  
19 waiting to be called. But I can't give you an exact date.

20 Q. Right. But you confirm that you had your uniform made before  
21 you joined the KLA?

22 A. Yes.

23 Q. And at the time you had your uniform made, did you already have  
24 a weapon?

25 A. Yes.

1 Q. Do you know of anyone else who had uniforms and weapons before  
2 they joined the KLA?

3 A. I don't know.

4 MS. ALAGENDRA: Your Honours, I ask to move to private session.

5 PRESIDING JUDGE SMITH: For the protection of the witness's  
6 identity, please go into private session.

7 [Private session]

8 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4420

Cross-examination by Ms. Alagendra

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1 [Private session text removed]

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4 [Open session]

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

6 PRESIDING JUDGE SMITH: You may proceed.

7 MS. ALAGENDRA:

8 Q. On Thursday, you were referred to a complaint that you made on  
9 22 February 2000 by counsel for Mr. Thaci. Do you recall that  
10 document? That's SPOE0067703. The Albanian version is at  
11 SITF00316587.

12 MS. ALAGENDRA: Your Honours, we're in public session, but the  
13 exhibit will not be shown to the public. I just want to make sure.

14 PRESIDING JUDGE SMITH: We've been told that that is the way  
15 it's going to be.

16 MS. ALAGENDRA: Thank you.

17 Q. Now, when you were shown this document, Witness, you could not  
18 recall the date specifically on which you made this complaint; yes?

19 A. I don't recall the accurate date.

20 Q. Right. I just want to confirm. But this is a complaint you  
21 made, isn't it?

22 A. Yes, it may be so.

23 Q. Now, in this complaint, you say that number 1 was taken by the  
24 KLA from his house; is that correct? That's what you say in this  
25 document.



1 A. Yes, but it may be a mistake by the translator, I think.

2 Q. Right. So you'll confirm that he was not taken from the house.

3 A. I confirm.

4 Q. And would it be correct that you did not actually see the masked  
5 men taking number 1? You were told of this by the villagers?

6 A. I saw them with masks, but not all of them.

7 Q. How many did you see with masks?

8 A. Two or three. I don't remember. I am not sure. Two or three.

9 Q. You've given several statements saying that you saw four masked  
10 men. Do you recall that?

11 A. I don't know exactly. There may have been others, but I know  
12 that I dealt with two or I saw the two. I can't be accurate about  
13 the number.

14 Q. Right. And you've just confirmed earlier today that you were  
15 not present when the murder *[REDACTED]* Pursuant to In-Court Redaction  
Order F01543RED took place? You did not  
16 personally witness it? Number 1.

17 A. No, I was not present during the murder.

18 Q. You'll agree with me, Witness, that you do not specifically  
19 identify any individuals as being the ones who actually took number 1  
20 or killed him; is that correct?

21 A. I cannot give you exact names.

22 Q. It's about identifying them. There's no specific person that  
23 you have identified; is that correct?

24 A. Correct.

25 Q. So if we are to go back to this complaint, what is stated here,

1 that you saw the suspect without masks, that is not correct?

2 A. Can you please repeat the answer?

3 Q. In your complaint, it says that you had seen the suspects  
4 without a mask. Without masks. Is that correct?

5 A. I didn't say that. Maybe someone else has said that. I never  
6 said that I saw the persons without masks.

7 Q. Are you looking at the document that you are being referred to,  
8 Witness? Are you looking at the last paragraph?

9 A. Yes, yes.

10 Q. [Microphone not activated] ... there --

11 A. Yes.

12 Q. -- was that a mistake?

13 A. No, it's not a mistake. Yes, I saw 14 and 15. I didn't read it  
14 up until the end. Now that you gave me the numbers, yes, I did.

15 Q. You saw 14 and 15?

16 A. Yes.

17 Q. Not 4; yes?

18 A. Number 4 I saw going. These others I saw after the murder.

19 Q. Yes, Witness. My point is, based on the complaint that you've  
20 made, what you say is you saw two of the suspects without masks.

21 A. They are not suspects. I know them personally. They stopped  
22 when they heard the shots. These two persons are not suspects.

23 Q. So let's focus on this document, what's stated on this document,  
24 your first complaint; right? It says here that:

25 "After the case I saw two of the suspects without masks ..."

1 I just want to confirm that you have never seen the suspects  
2 without masks afterwards, because you don't know who the suspects  
3 are?

4 A. I don't know who the suspects are.

5 Q. So what is stated in this document is not correct?

6 A. Maybe the translation was not correct, was not accurate.

7 Q. Yeah. On 22 January 2003, you gave a statement.

8 MS. ALAGENDRA: And the reference is U008 -- P90, Exhibit P90,  
9 and the specific page would be [REDACTED] Pursuant to Post-Session  
Redaction Order F01569.

10 [REDACTED] Pursuant to Post-Session Redaction Order F01569. So we're  
looking in the third

11 paragraph in the Albanian version.

12 Q. In this interview, Witness, you've named people you suspect to  
13 be the executors; yeah?

14 A. I mentioned two persons that I saw. The others I was told about  
15 later. But these two persons I saw when I was carrying -- I mean,  
16 transporting [REDACTED] Pursuant to Post-Session Redaction Order F01569..  
I saw them with my own eyes,  
17 number 12 and number 13.

18 Q. Now, you saw them without masks?

19 A. Yes.

20 Q. You don't say that here, do you?

21 A. Maybe they didn't ask me. It depends on the question you are  
22 asked.

23 Q. Right. What you say here is "I mostly suspect" the two persons  
24 named here to be the suspects, isn't it? [Microphone not activated]  
25 or number 1.

1 A. I am telling you that I saw them without masks. I don't know  
2 how it's been translated. 12 and 13, I told you I saw them, and 4  
3 and 5 as well. 4 and 5 I saw along the way. 14 and 15 came out  
4 after the murder. Those two were -- I saw before. These others  
5 after the murder.

6 Q. You didn't see them at the time, did you?

7 A. I saw 4, 5, 12, 13 before the [REDACTED] Pursuant to In-Court  
Redaction Order F01543RED.

8 [REDACTED] Pursuant to In-Court Redaction Order F01543RED.

9 [REDACTED] Pursuant to In-Court Redaction Order F01543RED.

10 Q. [Microphone not activated]

11 THE INTERPRETER: Microphone, please.

12 MS. ALAGENDRA:

13 Q. And the first time you mentioned 12 and 13 is in 2003 when you  
14 give this statement; is that correct?

15 A. I saw them from the beginning. I don't know when I gave the  
16 statement and what they asked me about.

17 Q. Right. You saw them from the beginning, but you did not mention  
18 them till 2003. Just to remind you, Witness, we're in open session,  
19 so use the numbers.

20 A. I saw 12 and 13 when I was taking number 1 to A, to place A. I  
21 saw them on the way in front of A. They were there, stopped.

22 Q. Right. [REDACTED] Pursuant to In-Court Redaction Order F01543RED..

23 MS. ALAGENDRA: It's the first paragraph in the English version.

24 Q. Here it says:

25 "Later on I heard some rumours that number 14 had heard

1 somewhere about the persons who killed number 1, but I have not been  
2 in touch with him about that."

3 Do you recall saying that?

4 A. Yes, I contacted number 14, who came out after the murder, but  
5 he said, "I didn't see them." He was together with 15.

6 Q. That's not what it says here, Witness. What it says here is you  
7 heard rumours that number 14 had heard somewhere about the persons  
8 who killed number 1, "but I have not been in touch with him about  
9 that." That's what it says here. Were you in touch with him after,  
10 much later when these rumours were heard?

11 A. No, I didn't hear later. I saw them personally. Maybe it's the  
12 problem with translation.

13 Q. All right. So you were not in touch with number 14 at any time  
14 later to make inquiries about who he knew or may not have known was  
15 involved in the killing. Is that a fair assessment?

16 A. No, I didn't meet him. Only that day near the body of number 1.  
17 Then I never met him after that. I asked him on that day. He said,  
18 "I don't know. I heard the shots and I came out, but after that no  
19 more." I don't remember to have met him after that.

20 Q. So he never told you that there were persons -- the names or --  
21 that he had heard anywhere of the persons who had killed number 1?  
22 He never told you that?

23 A. He heard the shots and came out to see what was happening. He  
24 came out of the forest. He came to the street where he heard the  
25 shots, and I was there when they came, and he saw them killed.

1 Q. Yes, that's the early part. I'm talking about the last sentence  
2 of that paragraph. Just the last sentence of that paragraph in your  
3 statement. Could you read that again, please?

4 A. Which paragraph? Can you please tell me which paragraph?

5 Q. It's the same. The first paragraph right at the top, the last  
6 two lines.

7 A. I didn't say that. I don't recall to have said that.

8 Q. That's fine.

9 MS. ALAGENDRA: If I can take you to another document,  
10 SPOE00067084.

11 PRESIDING JUDGE SMITH: Excuse me. The transcript has stopped,  
12 so you'll have to pause for it while we get back online.

13 Witness, we'll pause for a few moments.

14 THE WITNESS: [Interpretation] Can I please leave the courtroom  
15 for a few minutes and come back?

16 PRESIDING JUDGE SMITH: Yes, you may.

17 Usher, please escort the witness out. Please do not talk to  
18 anybody about your testimony.

19 THE WITNESS: Okay. Okay.

20 [The witness stands down]

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: All right. We have the transcript back,  
23 and you may proceed.

24 MS. ALAGENDRA: Thank you, Your Honours.

25 Q. So I was referring you to another document.

1 MS. ALAGENDRA: That is SPOE0067084 to 67089-ET. And the  
2 specific page in English is 67089. And the Albanian reference is the  
3 same.

4 Q. If you could read that paragraph, Witness, and then I'll ask you  
5 a question on that.

6 A. Yes, I read it.

7 Q. Right. Now, in this statement on 22 April 2016, what you told  
8 the prosecutor was that the two people you suspected involved in the  
9 killing of number 1 were number 12 and number 13; is that correct?

10 A. Yes.

11 Q. And your suspicion was because they were not in uniforms on that  
12 day; yes?

13 A. They were not in uniform. In my view, they were doing  
14 reconnaissance of the terrain. Number 12 --

15 Q. Yes, I just want to know, what you've said here --

16 A. -- following [REDACTED] Pursuant to In-Court Redaction Order  
F01543RED.

17 Q. Right. So your suspicion was based on the fact that he was not  
18 in uniform and leaving Kosovo; yes?

19 MS. MAYER: Objection, mischaracterises the answer, leaving out  
20 that it was because they were doing reconnaissance.

21 PRESIDING JUDGE SMITH: Sustained.

22 MS. ALAGENDRA:

23 Q. Now, here you also go on to tell the prosecutor that you know  
24 number 12 because he is the [REDACTED] Pursuant to In-Court Redaction  
Order F01543RED.

25 A. Yes.

1 Q. Did they have personal problems to your knowledge?

2 A. Earlier they didn't, but number 12, [REDACTED] Pursuant to In-Court  
Redaction Order F01543RED.

3 [REDACTED] Pursuant to In-Court Redaction Order F01543RED.or

4 somewhere. I don't know where exactly. Because he knows the case  
5 very well.

6 Q. Are you suggesting that there was a personal grudge between  
7 number 1 and number 12?

8 A. No, nothing personal. He might have not even known who was  
9 being taken away, but he was part of the group that did the  
10 kidnapping. I guess he was doing reconnaissance in the terrain, and  
11 this is what happened. That's why he was earlier there.

12 Q. Okay. I'll move on. Can you confirm, Witness, that there was  
13 no autopsy done on number 1 immediately after his death?

14 A. No, it wasn't done.

15 Q. And number 1 was buried soon after, by 4.00 p.m. the same day?

16 A. Yes.

17 Q. And buried as a martyr; is that correct? Right.

18 A. He was buried the same day.

19 Q. Yes. And subsequently there was no exhumation done?

20 A. No.

21 Q. So there is no medical report or autopsy done?

22 A. No.

23 Q. Now, I know you've been asked about the --

24 MS. ALAGENDRA: We'll have to move into -- I can remain in  
25 public session.



1 Q. You've been asked about the insignia that the masked men were  
2 wearing by counsel for Mr. Thaci, and your answer was this on  
3 Thursday. You said you were not aware that other witnesses in the  
4 village did not see the KLA insignia on the uniforms that were worn  
5 by the masked men. Do you recall saying that?

6 A. Can you please repeat your question?

7 Q. Right. You were asked if you were aware of other witnesses in  
8 the village not seeing an emblem on the uniform that was worn by the  
9 masked men.

10 MS. MAYER: Could I have a citation?

11 MS. ALAGENDRA: Yes, Your Honour. It's on 18 May, page 4323,  
12 line 24, and page 4324, line 4. It's 1 to 4 on page 4324.

13 Q. You said you were not aware of other witnesses in the village  
14 who said they did not see the KLA emblem. Do you recall saying that?

15 A. I might have said that, but I do not recall at this moment. I  
16 did say, but I cannot possibly know what witnesses spoke about and  
17 said.

18 MS. ALAGENDRA: If I can show you a document, and it's  
19 SPOE00067242 to 243, 67243. And the Albanian version would be at  
20 SPOE00067240 to 67241.

21 Q. I'm looking at this -- the question that's asked is:

22 "Who were the soldiers in black uniforms?"

23 And in answer, he says:

24 "The soldiers told number 2 that they were from the UCK. I  
25 didn't see any badges on their uniforms."

1 Do you see that?

2 A. I do see that.

3 Q. Do you remember number 8 being there on the day of the incident;  
4 correct, Witness?

5 A. After the murder he was, but after the murder.

6 MS. ALAGENDRA: If I can take you to another statement. It's  
7 DJK00190 to 193. The Albanian version is at SPOE00067157 to 67161,  
8 and the specific page being 67161.

9 Q. This is a statement by number 6.

10 A. Yes.

11 Q. And when asked what the masked persons were wearing, number 6  
12 confirms that what they were wearing didn't have any signs.

13 A. They came to look for number 6, and number 6 did not see these  
14 persons at all. He was inside [REDACTED] Pursuant to In-Court Redaction  
Order F01543RED. in A. Number 6 did not  
15 see these persons at all. They came to look for number 6, and they  
16 did not let him leave from A. So he was unable to see the uniforms.  
17 He could not have seen them. He did not see the masked people.

18 Q. But that's not what number 6 says, Witness. Can I take you to  
19 the same page, further up. What he says is:

20 "... when I went out of" --

21 MS. ALAGENDRA: It's the first page of the Albanian, I believe.  
22 That would be 67160, I believe. It's the last answer on that page.

23 Q. Witness, if you could read that. Have you read it, Witness?

24 A. Yes.

25 Q. So you'll agree with me that what number 6 says is that he went

1 out of position A, saw these persons. One of them looked him in the  
2 eyes, and he could notice under his mask that his eyes were blue, and  
3 he was tall. That's how close he was.

4 A. This is not true. This statement he gives here is not true  
5 because he did not see these persons at all that day. He left the  
6 last. After the murder was committed, he was the last one to leave.

7 MS. ALAGENDRA: I think we'll need to move into private session  
8 for this, Your Honour.

9 PRESIDING JUDGE SMITH: Madam Court Officer, into private  
10 session, please, for the protection of the witness.

11 [Private session]

12 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4433

Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4434

Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4435

Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4436

Cross-examination by Ms. Alagenda

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14 [Open session]

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

16 PRESIDING JUDGE SMITH: All right. You may now escort the  
17 witness out of the courtroom, Madam Usher.

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: We are adjourned.

20 --- Recess taken at 11.01 a.m.

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

22 PRESIDING JUDGE SMITH: Before the witness comes in, we will go  
23 into private session for a short order.

24 [Private session]

25 [Private session text removed]



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21 [Open session]

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

23 PRESIDING JUDGE SMITH: Thank you.

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: Witness, we will continue with the

1 cross-examination by Mr. Krasniqi's Defence.

2 We are in public session, so you will need to refer to the codes  
3 in the event that comes up. All right?

4 THE WITNESS: [Interpretation] Yes.

5 PRESIDING JUDGE SMITH: Thank you.

6 Ms. Alagendra, you have the floor.

7 MS. ALAGENDRA: Thank you, Your Honours.

8 Q. Witness, you've told us you went to the scene, you found the two  
9 dead bodies there, and then you left. You drove straight home after  
10 that. And you told number 2 what had happened; is that correct?

11 A. Yes.

12 Q. Did you go back to the scene where the bodies were after you  
13 told number 2 what had happened?

14 A. I told number 2 before I saw the bodies. I told him that they  
15 left and that he was taken, and that when I returned I saw his car on  
16 the other side. When I went home --

17 Q. You are talking about number 2?

18 A. Yes. When I went home to tell them what happened, number 2 and  
19 number 4 went to the place of the event, to the scene, took the  
20 weapon, and continued on their way towards the village.

21 MS. ALAGENDRA: Your Honour, I think the witness is a little  
22 confused.

23 Q. Are you saying number 2 and number 4 went together? Could you  
24 check the list, please.

25 A. They were together, yes. Just a moment. Number 4 and number 5.

1 Number 4 and -- excuse me, number 4 and number 5.

2 PRESIDING JUDGE SMITH: Thank you, Witness.

3 MS. ALAGENDRA:

4 Q. So my question is about number 2. Okay? So my question is  
5 about number 2. After you went to the scene, you saw what had  
6 happened there. You went back to the village and you told number 2  
7 what had happened. Is that correct?

8 A. No. I told number 2 before I went to the scene. When I went to  
9 the scene and saw what happened, I didn't see number 2 anymore. I  
10 did not have any communication with him. In fact, number 4.

11 Q. [Microphone not activated]

12 THE INTERPRETER: Microphone, please. Microphone, Your Honour.

13 MS. ALAGENDRA: [Microphone not activated]

14 THE WITNESS: [Interpretation] Yes.

15 MS. ALAGENDRA:

16 Q. My question is: After you saw what had happened to number 1,  
17 you then went back to the village and you told number 2 what had  
18 happened?

19 A. Yes, correct.

20 Q. After that, did you go back with number 2 to the scene where the  
21 bodies were?

22 A. No, I did not return with number 2.

23 MS. ALAGENDRA: If I can take you to SPOE00067114 to 67118-ET,  
24 and the Albanian version has the same reference. The specific page  
25 in English would be SPOE00067116 and 117. If we can just scroll down

1 a little bit on the Albanian version, please.

2 Q. We're looking at the last paragraph at the bottom of the page,  
3 the last two lines, Witness. And this is a statement by number 2.

4 And he says:

5 "I arrived home, but" you "came immediately after me and told  
6 me, 'They've killed number 1.' I left immediately to go to the place  
7 where" the witness "had found the body ..."

8 A. Yes.

9 Q. And further down the page, that would be the next page in the  
10 Albanian version, the prosecutor asks what happened next, and he says  
11 that you and number 2 left towards the house to organise the  
12 retrieval of the body and number 3 stayed at that place, and that you  
13 had left your rifle with him.

14 Do you see that?

15 A. Number 2 went by himself. And I left the weapon with number 3.

16 Q. Right. So you did not go back to the scene with number 2; is  
17 that what you're telling us? You did not go back?

18 A. No.

19 Q. Now, your evidence is that you went to the scene. You saw  
20 number 1 killed. There was another body lying next to him 2 metres  
21 away. You then saw a note on the body of number 1.

22 MS. ALAGENDRA: I think we need to go into private session,  
23 Your Honours. We need to go into private session, Your Honours.

24 PRESIDING JUDGE SMITH: Into private session for the protection  
25 of the witness's identity.

Witness: W03165 (Resumed) (Private Session)

Page 4445

Cross-examination by Ms. Alagenda

1 MS. ALAGENDRA:

2 Q. You then saw a note --

3 [Private session]

4 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4446

Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4447

Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4448

Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4449

Cross-examination by Ms. Alagenda

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1 [Open session]

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

3 PRESIDING JUDGE SMITH: We will stand adjourned for the next ten  
4 minutes or so while you can take a look.

5 --- Break taken at 11.59 a.m.

6 --- On resuming at 12.23 p.m.

7 PRESIDING JUDGE SMITH: I take it everyone has had an  
8 opportunity to see the footage. Any objection by any of the Defence?

9 MR. MOSKOWITZ: Yes, Your Honour. We would object to the  
10 introduction of this 20-minute video on the grounds of relevance.

11 The issue that is [REDACTED] Pursuant to In-Court Redaction Order  
F01543RED.

12 [REDACTED] Pursuant to In-Court Redaction Order F01543RED., whether

13 on that day [REDACTED] Pursuant to In-Court Redaction Order  
F01543RED.masked men wearing KLA patches. That's

14 the issue. There is no dispute on the part of the Defence team that,

15 yes, the KLA wore patches; yes, that the KLA sometimes wore

16 dark-coloured uniforms and sometimes masks. We don't dispute that.

17 There is no issue as to that. The only issue is what did he see on

18 that day.

19 [REDACTED] Pursuant to In-Court Redaction Order F01543RED.. The  
fact

20 that it shows KLA soldiers in masks and dark uniforms and KLA patches

21 bears no relevance as to what this individual, this witness, saw on

22 the day in question.

23 If the SPO would like to have the witness identify what the

24 patch looked like, I think that can be done with a still photo taken

25 from the video.

1           PRESIDING JUDGE SMITH: [Microphone not activated]. Anybody else  
2 wish to weigh in on this?

3           The objection is overruled. You may run the video with no  
4 sound.

5           MS. MAYER: Understood. Thank you, Your Honour.

6           PRESIDING JUDGE SMITH: What?

7           MS. MAYER: I just said understood. Thank you, Your Honour. I  
8 am ready to proceed with my redirect. It will be very brief.

9           PRESIDING JUDGE SMITH: All right. Yes, please be brief. We've  
10 spent a lot of time just doing this.

11          MR. ROBERTS: Your Honour, just to be clear. Does that mean  
12 that, in accordance with paragraph 112, we have the right to  
13 recross-examine on the basis of this new material?

14          PRESIDING JUDGE SMITH: Who are you going to cross-examine?

15          MR. ROBERTS: Recross-examine the witness.

16          PRESIDING JUDGE SMITH: The witness on that issue, on this  
17 thing?

18          MR. ROBERTS: On this issue --

19          PRESIDING JUDGE SMITH: Yes, yes.

20          MR. ROBERTS: -- based on the questions that are asked, because  
21 according to the conduct of proceedings --

22          PRESIDING JUDGE SMITH: I haven't seen it yet, so let's wait and  
23 I'll rule on it --

24          MR. ROBERTS: Understood. And I don't know what questions will  
25 be asked, but under that paragraph, we appear to have the right to

1 recross-examine after the witness has been asked questions on the  
2 basis --

3 PRESIDING JUDGE SMITH: That's a good argument --

4 MR. ROBERTS: -- of this new material.

5 PRESIDING JUDGE SMITH: -- but I'll have to rule on it later.

6 MR. ROBERTS: Understood.

7 PRESIDING JUDGE SMITH: Bring the witness in, please.

8 This can be shown in public -- well, it won't be shown anyway,  
9 but it -- we will be in public session when he comes back.

10 [The witness takes the stand]

11 PRESIDING JUDGE SMITH: Thank you, Witness. We are in public  
12 session at this time. The Prosecution has questions.

13 Re-examination by Ms. Mayer:

14 Q. Witness, I want to focus on the men who took your relative and  
15 your testimony about them wearing KLA insignia.

16 You were asked questions by Mr. Moskowitz last Thursday and by  
17 Ms. Alagendra today about whether other witnesses reported seeing KLA  
18 insignia or badges. Do you remember those questions?

19 A. Yes.

20 MS. MAYER: If we could bring up SPOE00067135 to 137. And I  
21 believe that's the same page number for both the English and the  
22 Albanian. And specifically, the page number is -- just one moment.  
23 Let me get you the page number. It should be at the top half of the  
24 first page. The Albanian is actually a different number. It's  
25 SPOE00067132, and it's also at the top half of the first page.

Witness: W03165 (Resumed) (Open Session)

Page 4453

Re-examination by Ms. Mayer

1 Q. And do you see there, Witness, where at the top it says that  
2 this is a statement of number 3, and the date of the statement is  
3 January 2003?

4 A. Yes.

5 Q. And pointing you to the third paragraph on the page, where it  
6 describes the four masked men were in black uniform with KLA badges  
7 on their uniform. Do you see that?

8 A. Just give me a second to find it, please. Should I read all of  
9 it, or is it in the part below?

10 Q. If you look at the top of your screen, the second paragraph in  
11 the Albanian. If you just read the second paragraph that's showing  
12 on your screen. In the middle of that paragraph, does it give a  
13 description of the four masked men with KLA badges on their uniforms?

14 A. Yes.

15 Q. All right. So that is number 3 reporting to authorities that  
16 the men who took number 1 were wearing KLA badges; is that right?

17 A. Yes.

18 MS. MAYER: All right. If we can pull up SPOE00067114, and that  
19 should be the same number for both the English and the Albanian. And  
20 the specific page is 67117.

21 Q. And as this comes up on your screen, Witness, it shows that it  
22 was April 2016, and it's a statement of number 2.

23 MS. MAYER: If we can go to page 67117.

24 Q. And in the middle of the page, both in the English and  
25 Albanian -- on the Albanian, it's the second question that's



1 displayed on your screen right now, where it says "prosecutor." So  
2 it's about in the middle of your screen right now. If you look at  
3 that question and answer, number 2 reports, in describing what the  
4 people looked like who took number 2 that day. It includes a  
5 description that:

6 "... one of them was dressed in a short black jacket with the  
7 'PU' logo of the military police, and the others were also wearing  
8 black clothes, but I didn't see more than that."

9 Do you see that, Witness?

10 A. Yes.

11 Q. So that's a statement of number 2 reporting to authorities  
12 something about an insignia or a badge on the men who took number 1;  
13 is that right?

14 A. Yes.

15 MS. MAYER: Finally, if we could bring up SPOE00067404 in  
16 English and the corresponding -- I believe the numbers are the same  
17 in Albanian. And this is another statement of number 2 from November  
18 2016, as we pull it up. And if we can look specifically at page  
19 67405 in both versions.

20 Q. Towards the bottom of the page, the last answer in the English,  
21 and similarly in the Albanian, the last answer on that page, number  
22 2, again, describing to authorities about a person that was one of  
23 the individuals that took number 1. It says:

24 "Yes, I can made a description of him ..."

25 Then it gives a physical description of his height and weight,

1 and says:

2 "... he was wearing black clothing with KLA emblems on his arm,  
3 but I don't remember which arm it was on, but I remember that detail;  
4 he was wearing a black mask on his head ..."

5 So, again, Witness, is this another example of 2 reporting to  
6 authorities that he observed a badge or KLA insignia on one of the  
7 men that took number 1?

8 A. Yes. The number 2 that gave this statement was of a certain  
9 age, and maybe he forgot to mention it. But what questions he was  
10 asked, that I don't know because I wasn't there.

11 Q. I understand, Witness.

12 MS. MAYER: If we could bring up 061427-12 on the screen. And I  
13 would ask if we can advance to the timestamp 03:55 or so.

14 [Video-clip played]

15 MS. MAYER: That's fine right there.

16 Q. Witness, if you look at your screen, do you see the individual  
17 in the camouflage uniform with the badge insignia on their arm?

18 A. Yes.

19 Q. Can you tell us, how does that badge compare to the badge that  
20 you describe seeing on the men who kidnapped number 1?

21 A. Yes.

22 Q. Is it the same? Is it similar? Is it different? Can you  
23 describe how it compares?

24 A. It's the same. It was the same insignia.

25 MS. MAYER: If we can advance it a little bit, maybe two minutes

1       advancing it.

2                               [Video-clip played]

3               MS. MAYER:

4       Q.     Witness, I want you to look at your screen now, and do you see  
5       these four me -- or three men in the frame right now that are in  
6       black? There are a few people walking into the frame, so you can't  
7       see them. So if you can just watch the screen as this unfolds.

8                               [Video-clip played]

9               THE WITNESS: [Interpretation] Yes.

10              MS. MAYER:

11     Q.     All right. Do you see that the men -- there are two men on the  
12     left-hand side of your frame that are wearing black clothing and they  
13     are carrying rifles faced up in the air and they have masks on their  
14     faces? Can you tell us how this -- how, if at all, this compares to  
15     the men that you saw take number 1.

16     A.     Yes, approximately so.

17              MS. MAYER: And if we can back it up just a little bit, I think  
18     there was a little bit more by the car. If we can back it up.

19                               [Video-clip played]

20              MS. MAYER:

21     Q.     All right, Witness. If you look at the person who is taking  
22     stuff out of the car, do you see that badge on that person's left  
23     arm?

24     A.     Yes.

25     Q.     Have you seen that badge before that says PU?

1 A. Yes.

2 Q. And what's your understanding of what that badge is?

3 A. Military police.

4 Q. All right.

5 MS. MAYER: If we can advance it, if a timestamp helps, to  
6 07:52.

7 [Video-clip played]

8 MS. MAYER: And pause it there.

9 Q. Witness, do you see that individual on the right-hand side of  
10 your screen there wearing all black, holding a rifle, wearing a ski  
11 mask, and with a patch on their left arm?

12 A. Yes.

13 Q. And how does that patch and that outfit compare to the  
14 individuals that you saw take number 1?

15 A. Yes, it was approximately so.

16 Q. And in that frame, Witness, you saw at the same meeting men in  
17 black with this patch, men in black with a PU patch, and men in camo  
18 with this patch, and men in black with no patches, is that right, all  
19 in the same video?

20 A. Yes.

21 MS. MAYER: I've no more questions, Your Honour.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Mr. Roberts, do you wish to ask the question you wanted to ask?

24 MR. ROBERTS: Not on the basis of the redirect as it was given,  
25 Your Honour. Thank you.

Witness: W03165 (Resumed) (Open Session)

Page 4458

Questioned by the Trial Panel

1 PRESIDING JUDGE SMITH: All right.

2 We will have some questions from the Judges.

3 Judge Barthe.

4 JUDGE BARTHE: Thank you, Judge Smith.

5 Questioned by the Trial Panel:

6 JUDGE BARTHE: Good morning, Witness.

7 A. Good morning.

8 JUDGE BARTHE: I also have a couple of questions for you. You  
9 mentioned in your previous interviews, for example, *[REDACTED] Pursuant  
to In-Court Redaction Order F01543RED.*

10 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.*, that you  
talked to one of the

11 masked men and asked why they had taken your relatives. And you also  
12 told us last Thursday that the masked men that were following the car  
13 pointed their arms towards you and told you, I quote, "You don't have  
14 to get closer to the car." This is transcript page 4305, lines 5 to  
15 9.

16 Do you recall saying that?

17 A. Yes.

18 JUDGE BARTHE: My question is, Witness, in what language did you  
19 talk to the masked men on that day?

20 A. In Albanian.

21 JUDGE BARTHE: And in what language did the person or the  
22 persons speak to you?

23 A. In Albanian.

24 JUDGE BARTHE: Did you notice anything special in terms of how  
25 the masked men spoke, any accent or any dialect?

Witness: W03165 (Resumed) (Private Session)

Page 4459

Questioned by the Trial Panel

1 A. No.

2 JUDGE BARTHE: Madam Court Officer, for the next questions, we  
3 need to go into private session, please.

4 [Private session]

5 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4460

Questioned by the Trial Panel

1 [Private session text removed]

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14 [Open session]

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

16 JUDGE BARTHE: Thank you.

17 Witness, you also told us last Thursday during cross-examination  
18 by the Thaci Defence that you left [REDACTED] Pursuant to In-Court  
Redaction Order F01543RED.

19 number 3, at the location where you found the body of number 1 with  
20 your weapon for self-protection. This is transcript page 4357, lines  
21 5 to 8. And that, as you said in your previous statements, the  
22 weapon was later taken by the persons we agreed to call number 4 and  
23 5. Is that correct?

24 A. And 5, yes.

25 JUDGE BARTHE: My question is: Did [REDACTED] Pursuant to In-Court  
Redaction Order F01543RED. number 3 tell

1 you why number 4 and 5 took the weapon?

2 A. Number 3 told me that he went to talk to number 4 to see what  
3 happened, who did what, and number 5 said that he just took the  
4 weapon, entered the car, and continued.

5 JUDGE BARTHE: Did number 3 tell you whether he had a  
6 conversation with the people we call number 4 and number 5 about why  
7 it was necessary to take the weapon at all?

8 A. No, they didn't talk about the weapon. He just went there to  
9 see and ask what happened, why it happened. Number 5 just took the  
10 weapon that was on the ground and then continued on his way.  
11 Actually, number 4 and 5 then continued together.

12 JUDGE BARTHE: Witness, do you know whether number 3, [REDACTED]  
Pursuant to In-Court Redaction Order F01543RED.

13 [REDACTED] Pursuant to In-Court Redaction Order F01543RED. was a member  
of the KLA on [REDACTED] Pursuant to In-Court Redaction Order F01543RED.?

14 A. Yes.

15 JUDGE BARTHE: Yes, you remember, or do you know; or, yes, he  
16 was a member?

17 A. He was a soldier. But that day, he was in civilian clothes.  
18 That day he was at home. But he was a member, yes.

19 JUDGE BARTHE: Thank you. Last Thursday you were asked the  
20 following by the SPO, and I refer to transcript page 4273, lines 7 to  
21 17:

22 "Q. Did you continue to look for information about [REDACTED]  
Pursuant to In-Court Redaction Order F01543RED.

23 [REDACTED] Pursuant to In-Court Redaction Order F01543RED.' murder after  
you saw these articles?

24 "A. Yes.

25 "Q. Why did you do that?



Questioned by the Trial Panel

1 "A. Can you please repeat that again?

2 "Q. Of course. Why did you continue to look for information  
3 about [REDACTED] Pursuant to In-Court Redaction Order F01543RED.'s  
murder even after you saw this?

4 "A. Because nothing written was true. Everything that they  
5 wrote was to stain [REDACTED] Pursuant to In-Court Redaction Order  
F01543RED.. I met with the people that were  
6 arrested. I talked directly to people that were arrested and none of  
7 them knew [REDACTED] Pursuant to In-Court Redaction Order F01543RED.."

8 My question is: Can you tell us with whom you spoke and what  
9 you were told?

10 And maybe, Madam Court Officer, for the answer, it's better to  
11 go into private session again.

12 [Private session]

13 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4463

Questioned by the Trial Panel

1 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4464

Questioned by the Trial Panel

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Witness: W03165 (Resumed) (Private Session)

Page 4465

Questioned by the Trial Panel

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Witness: W03165 (Resumed) (Private Session)

Page 4466

Questioned by the Trial Panel

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Witness: W03165 (Resumed) (Private Session)

Page 4467

Questioned by the Trial Panel

1 [Private session text removed]

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14 [Open session]

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

16 PRESIDING JUDGE SMITH: Madam Usher, please escort the witness  
17 from the courtroom.

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: We are adjourned until 2.30.

20 --- Luncheon recess taken at 1.03 p.m.

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

22 PRESIDING JUDGE SMITH: We will bring in the witness,  
23 Madam Usher.

24 MS. MAYER: Your Honour, as we're bringing in the witness, I  
25 believe I neglected to -- after our whole discussion about the

Questioned by the Trial Panel

1 videotape, I neglected to offer it into evidence. So I would do that  
2 at this point.

3 PRESIDING JUDGE SMITH: The last one? Just that video?

4 MS. MAYER: Yes, Your Honour. The ERN is 06 --

5 PRESIDING JUDGE SMITH: You didn't show it all. Are you going  
6 to --

7 MS. MAYER: I just stopped it. I did offer that section, which  
8 is part 12 of the video.

9 PRESIDING JUDGE SMITH: Any objection? No objection. It will  
10 be admitted.

11 Please assign a P number to it.

12 THE COURT OFFICER: Your Honours, that will be Exhibit P93.

13 [The witness takes the stand]

14 PRESIDING JUDGE SMITH: We can go into private session,  
15 Madam Court Officer.

16 [Private session]

17 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4469

Questioned by the Trial Panel

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Witness: W03165 (Resumed) (Private Session)

Page 4470

Questioned by the Trial Panel

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Witness: W03165 (Resumed) (Private Session)

Page 4471

Questioned by the Trial Panel

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Witness: W03165 (Resumed) (Private Session)

Page 4472

Questioned by the Trial Panel

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15 [Open session]

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

17 JUDGE METTRAUX: Thank you.

18 Can I ask you to look at your list of names, and please don't  
19 refer to the name but only to the numbers. And if you can look at  
20 number 12 and number 13. Do you see those names on your piece of  
21 paper?

22 A. Me.

23 JUDGE METTRAUX: And I think you said you saw those two  
24 individuals wearing civilian clothes in a car when you brought  
[REDACTED] Pursuant to In-Court Redaction Order F01543RED.

25 [REDACTED] Pursuant to In-Court Redaction Order F01543RED. to point A; is  
that correct?

Questioned by the Trial Panel

1 A. Yes.

2 JUDGE METTRAUX: And you said, I believe, that you understood  
3 these individuals to be members of the military police; is that  
4 correct?

5 A. [REDACTED] Pursuant to In-Court Redaction Order F01543RED., yes.  
As to the other, I don't

6 know what he was. 12, yes. But for 13, I can't say.

7 JUDGE METTRAUX: And without mentioning any names, are you able  
8 to tell us how do you know that number 12 was a member of the  
9 military police?

10 A. I had seen him in uniform.

11 JUDGE METTRAUX: You mean the uniform of the military police?

12 A. Yes.

13 JUDGE METTRAUX: And once the commotion started in front of the  
14 [REDACTED] Pursuant to In-Court Redaction Order F01543RED., do you know  
if these two individuals tried to intervene to

15 figure out what was happening or to intervene because people were  
16 shooting, making noises? Do you know if they intervened in any way?

17 A. I don't know.

18 JUDGE METTRAUX: And from the place when you saw them when you  
19 went to point A, would they have been able to see the entry of point  
20 A? Were they, in other words, able to see what --

21 A. Yes.

22 JUDGE METTRAUX: Thank you.

23 Those are all my questions. Thank you.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 JUDGE GAYNOR: No questions. Thank you.

Witness: W03165 (Resumed) (Open Session)  
Further Cross-examination by Mr. Moskowitz

Page 4474

1 PRESIDING JUDGE SMITH: This completes the Judges' questions.

2 I'll ask the parties.

3 Prosecutor, any additional questions that came up as a result of  
4 the Judges' questions?

5 MS. MAYER: No, Your Honour.

6 PRESIDING JUDGE SMITH: All right.

7 Thaci Defence?

8 MR. MOSKOWITZ: Just a few questions, Your Honour, regarding

9 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.* that I  
10 think was raised by Judge Barthe.

11 PRESIDING JUDGE SMITH: Yes.

12 MR. MOSKOWITZ: Are we in open session?

13 PRESIDING JUDGE SMITH: We are in public session.

14 MR. MOSKOWITZ: Public session.

15 Further Cross-examination by Mr. Moskowitz:

16 Q. Witness, I want to refer to number 12. I think you testified,  
17 and correct me if I'm wrong, that on that day when you were driving  
18 number 1 to position A, you saw number 12 and number 13; is that  
19 correct?

20 A. Yes.

21 Q. And I think you also testified that there is a *[REDACTED] Pursuant*  
22 *to In-Court Redaction Order F01543RED.*

23 *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.* between number  
24 12 and number 1; is that correct?

25 A. *[REDACTED] Pursuant to In-Court Redaction Order F01543RED.*

MR. MOSKOWITZ: [Microphone not activated]

THE INTERPRETER: Microphone, please.

MR. MOSKOWITZ: I think we will need to go into private session

Witness: W03165 (Resumed) (Private Session)  
Further Cross-examination by Mr. Moskowitz

Page 4475

1 for a bit.

2 PRESIDING JUDGE SMITH: Please go into private session to  
3 protect the witness's identity.

4 [Private session]

5 [Private session text removed]

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Witness: W03165 (Resumed) (Private Session)

Page 4476

Further Cross-examination by Mr. Moskowitz

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Witness: W03165 (Resumed) (Private Session)

Page 4477

Further Cross-examination by Mr. Moskowitz

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Witness: W03165 (Resumed) (Private Session)

Page 4478

Further Cross-examination by Mr. Moskowitz

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Witness: W03165 (Resumed) (Private Session)

Page 4479

Further Cross-examination by Mr. Moskowitz

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Witness: W03165 (Resumed) (Private Session)

Page 4480

Further Cross-examination by Mr. Moskowitz

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Witness: W03165 (Resumed) (Private Session)

Page 4481

Further Cross-examination by Mr. Moskowitz

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Witness: W03165 (Resumed) (Private Session)

Page 4482

Further Cross-examination by Mr. Roberts

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Witness: W03165 (Resumed) (Private Session)

Page 4483

Further Cross-examination by Mr. Roberts

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Witness: W03165 (Resumed) (Private Session)

Page 4484

Further Cross-examination by Mr. Roberts

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Witness: W03165 (Resumed) (Private Session)

Page 4485

Further Cross-examination by Mr. Roberts

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Witness: W03165 (Resumed) (Private Session)

Page 4486

Further Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4487

Further Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4488

Further Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4489

Further Cross-examination by Ms. Alagenda

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Witness: W03165 (Resumed) (Private Session)

Page 4490

Further Cross-examination by Ms. Alagenda

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Witness: W04355 (Private Session)

Page 4496

Procedural Matters

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Witness: W04355 (Private Session)

Page 4497

Examination by Mr. Halling

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Witness: W04355 (Private Session)

Page 4498

Examination by Mr. Halling

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Witness: W04355 (Private Session)

Page 4499

Examination by Mr. Halling

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15 [Open session]

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

17 PRESIDING JUDGE SMITH: Thank you.

18 MR. HALLING:

19 Q. Witness, we are now in open session. My question for you now is  
20 have you been previously interviewed by the SPO?

21 A. Yes.

22 MR. HALLING: Could we ask the Court Officer to please pull up  
23 on the screen 061027-TR-AT Part 1, page 1.

24 Q. And, Witness, the document which is on the left side of the  
25 screen which is in Albanian, is this your SPO interview?

1 A. Yes.

2 Q. Have you recently had an opportunity to refamiliarise yourself  
3 with the contents of this interview?

4 A. Yes.

5 Q. In your preparation session with the SPO, you indicated some  
6 changes and clarifications to your SPO interview; is that correct?

7 A. Yes.

8 Q. And these changes were reflected in a note that was read back to  
9 you; yes?

10 A. Yes.

11 Q. Witness, do you confirm that what was read back in that note  
12 reflected your changes fully and accurately?

13 A. Once again, please. I did not understand your question.

14 Q. Of course. I'll repeat it. Witness, do you confirm that what  
15 was read back in the note during your preparation session reflected  
16 all of your changes fully and accurately?

17 A. Yes.

18 Q. Subject to the changes provided in that note, does your SPO  
19 interview transcript accurately reflect what you said and what you  
20 would say if asked again in court today?

21 A. Yes.

22 MR. HALLING: Your Honours, having fulfilled the Rule 154  
23 criteria, and in accordance with decision F01380, the SPO hereby  
24 tenders all parts of the SPO interview in Albanian and English along  
25 with the preparation note, which is ERN 113193 to 113197.

1           We would further tender the associated exhibit to this witness's  
2 interview as identified in decision F01380, which is, namely, 061020  
3 to 061026.

4           PRESIDING JUDGE SMITH: [Microphone not activated]

5           MR. KEHOE: No objection. Just by way of clarification. The  
6 attendant exhibits that you just mentioned are the photographs; is  
7 that right?

8           MR. HALLING: That's correct, yes.

9           MR. KEHOE: No objection, Judge.

10          PRESIDING JUDGE SMITH: [Microphone not activated]

11          MR. ELLIS: No objection, Your Honour.

12          PRESIDING JUDGE SMITH: That exhibit will be admitted into  
13 evidence and assigned an exhibit number.

14                               [Trial Panel and Court Officer confers]

15          THE COURT OFFICER: Your Honours, these previous transcripts,  
16 which are consisting of four parts, as far as I understand, with ERN  
17 number 061027-TR-ET Part 1, and the same number Part 2, Part 3, and  
18 Part 4, will be assigned Exhibit 95.1 to Part 1, 95.2 to Part 2, 95.3  
19 to Part 3, and then 95.4 to Part 4.

20           And then Your Honours, the preparatory note, which is ERN 113193  
21 to 113197, will be Exhibit P96.

22           And lastly, the associated exhibit 061020 to 061026 will be  
23 Exhibit P97.

24          PRESIDING JUDGE SMITH: For the record, those P numbers are all  
25 admitted in evidence as recited by the Court Officer.



Witness: W04355 (Open Session)

Page 4502

Examination by Mr. Halling

1 You may proceed.

2 MR. HALLING: Thank you, Your Honour.

3 Q. Witness, I am now going to ask you a few questions about person  
4 1 and person 2.

5 When person 2 was detained, did he see person 1?

6 A. Yes.

7 Q. Did person 2 tell you how person 1 looked when they saw each  
8 other?

9 A. Not in a good condition.

10 Q. Can you explain further what "not in a good condition" means?  
11 What did he say to you?

12 A. That he had been beaten.

13 Q. Did person 2 give any description as to how bad the injuries  
14 person 1 had suffered from these beatings?

15 A. No.

16 Q. How long did person 2 see person 1 when they saw each other in  
17 detention?

18 A. *[REDACTED] Pursuant to In-Court Redaction Order F01543RED..*

19 Q. How long was the interaction that they had on that day?

20 A. For half an hour.

21 Q. Did person 2 indicate to you whether the KLA informed him why  
22 person 1 was detained?

23 A. Yes.

24 Q. What did he say to you?

25 A. As a collaborator with the Serbs. As a collaborator with

1 Serbia.

2 Q. Did person 2 indicate whether the KLA told him why they were  
3 detaining person 2?

4 A. Yes.

5 Q. And what was the reason given to person 2?

6 A. They told him that he was a collaborator with the Serbs, that he  
7 was a spy.

8 Q. Witness, you said in your statement that person 2 had been  
9 "massacred."

10 MR. HALLING: For reference, this is -- actually, we can use the  
11 P number. It would be P95.3 on page 25 in the English for reference.

12 Q. Did person 2 describe to you how person 2 was beaten?

13 A. I did not understand the question. Can you please repeat it?

14 Q. Certainly. Did person 2 explain to you how they had been beaten  
15 while detained?

16 A. Yes. Person 2, following his release, came home, and we saw  
17 him. We saw the condition he was in, and he told us how they beat  
18 him.

19 Q. What did he say as to how they beat him? Please describe what  
20 he said.

21 A. He said that he was severely beaten, and you could see with your  
22 naked eye that he had been severely beaten.

23 Q. You said you could see with the naked eye that he'd been  
24 severely beaten. Describe further how person 2 looked when you saw  
25 him after release?

1 A. After he came home, we went inside. His head was open. His  
2 body was black, bruised, because of the beatings.

3 Q. Witness, for the moment, just with a "yes" or "no," did person 2  
4 indicate whether they saw any other prisoners along with person 1?

5 A. Yes.

6 Q. Did person 2 know the names of these other prisoners while  
7 detained?

8 A. No.

9 Q. Again with just a "yes" or a "no," has your family since learned  
10 the names of some of these other prisoners?

11 A. Yes.

12 MR. HALLING: Your Honours, at this point we would ask to go  
13 into private session.

14 PRESIDING JUDGE SMITH: Court Officer, take us into private  
15 session to protect the witness's identity.

16 [Private session]

17 [Private session text removed]

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Witness: W04355 (Private Session)

Page 4505

Examination by Mr. Halling

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Witness: W04355 (Private Session)

Page 4506

Examination by Mr. Halling

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17 [Open session]

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

19 PRESIDING JUDGE SMITH: All right. Thank you.

20 If there's nothing else. Nobody's standing up?

21 MR. KEHOE: No, Your Honour.

22 PRESIDING JUDGE SMITH: We are adjourned.

23 --- Whereupon the hearing adjourned at 4.00 p.m.

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