

1 Thursday, 25 January 2024

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

5 --- Upon commencing at 9.31 a.m.

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

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

12 PRESIDING JUDGE SMITH: I note for the record that Mr. Krasniqi
13 appears by videolink, and Judge Gaynor also is attending by
14 videolink, and the rest of the accused are present in court.

15 Yes, Mr. Emmerson.

16 MR. EMMERSON: I just wanted to express my thanks to the Court
17 for the additional time afforded this morning.

18 PRESIDING JUDGE SMITH: No problem. Thank you very much.

19 Before we start, I note that yesterday the parties pointed out
20 some errors or possible errors in the English translations of P944
21 and 945. I appreciate that the LSU completed the translations of
22 these two items under very short notice, and we are grateful for
23 this.

24 For the sake of accuracy and to dispel any problems or
25 complaints, I direct the LSU to verify the accuracy of the English

1 translations of P943 and P944, and to provide any corrections as
2 necessary by Friday, February 2, 2024.

3 This concludes the oral order.

4 Now we're ready to proceed. Madam Usher, please bring the
5 witness in.

6 And, Mr. Court Officer, please take us into private session.

7 [Private session]

8 [Private session text removed]

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Witness: W04489 (Resumed) (Private Session)

Page 11796

Questioned by the Trial Panel (Continued)

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Witness: W04489 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04489 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04489 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04489 (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

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Witness: W04489 (Resumed) (Private Session)

Page 11801

Questioned by the Trial Panel (Continued)

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Witness: W04489 (Resumed) (Private Session)

Page 11802

Questioned by the Trial Panel (Continued)

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11807

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11812

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11813

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11816

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11817

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11818

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11819

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11820

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11821

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11822

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11823

Further Cross-examination by Mr. Misetic

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Witness: W04489 (Resumed) (Private Session)

Page 11824

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11825

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11826

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11828

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11830

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

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Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11835

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11836

Further Cross-examination by Mr. Emmerson

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16 [Open session]

17 THE COURT OFFICER: We are back in public session. Thank you.

18 PRESIDING JUDGE SMITH: We are adjourned until 11.30.

19 --- Recess taken at 11.03 a.m.

20 --- On resuming at 11.33 a.m.

21 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
22 into the courtroom.

23 Mr. Emmerson, some idea on the timeframe?

24 MR. EMMERSON: I should certainly be finished before lunch.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 MR. EMMERSON: [Microphone not activated].

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 MR. EMMERSON: [Microphone not activated].

4 There's one exercise I need to go through that could be very
5 straightforward or could be a bit time-consuming, but I hope it won't
6 take very long.

7 PRESIDING JUDGE SMITH: Still holding with maybe no questions,
8 Mr. Roberts?

9 MR. ROBERTS: That's correct for the moment. Yes, Your Honour.

10 PRESIDING JUDGE SMITH: Okay.

11 And Ms. Alagendra?

12 MS. ALAGENDRA: No questions, Your Honour.

13 PRESIDING JUDGE SMITH: You don't believe you'll have any
14 questions?

15 MS. ALAGENDRA: No.

16 [Private session]

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Witness: W04489 (Resumed) (Private Session)

Page 11838

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11839

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11840

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11841

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11842

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11843

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11844

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11845

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11846

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11847

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11848

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11849

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11850

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11851

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11852

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11853

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11854

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11855

Further Cross-examination by Mr. Emmerson

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Witness: W04489 (Resumed) (Private Session)

Page 11856

Further Cross-examination by Mr. Emmerson

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24 [Open session]

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

1 Thank you.

2 PRESIDING JUDGE SMITH: I take it the other witness is ready?

3 MR. HALLING: W01763. Yes, Your Honour.

4 PRESIDING JUDGE SMITH: All right. I think we should take about
5 15 minutes so that you all can change places and you can get your new
6 materials up, and we will be back at 12.30. We'll have a half hour
7 that we could use before lunch, and we intend to do so.

8 So we're adjourned until 12.45.

9 [Microphone not activated].

10 --- Recess taken at 12.17 p.m.

11 --- On resuming at 12.33 p.m.

12 PRESIDING JUDGE SMITH: We will now continue hearing the
13 evidence of Prosecution Witness W01763 who started his testimony
14 before the winter recess.

15 And I believe you were about to cross-examine the witness; is
16 that correct?

17 MR. KEHOE: Yes, I had done some cross-examination.

18 PRESIDING JUDGE SMITH: And how much do you think you have left
19 here?

20 MR. KEHOE: Not much, Judge. Maybe 20, 25 minutes --

21 PRESIDING JUDGE SMITH: Okay.

22 MR. KEHOE: -- at most.

23 PRESIDING JUDGE SMITH: All right.

24 MR. KEHOE: If I can just address one issue, and I talked to my
25 colleague across the well at the SPO. Just a little bit of latitude

1 on getting us through the preliminary matters that we talked about
2 before just so we could orient the witness. If we could have just a
3 few minutes to do that, it might expedite things as we move forward.

4 PRESIDING JUDGE SMITH: I have no problem, unless you -- unless
5 the Prosecution does.

6 MR. MICHALCZUK: No problem.

7 PRESIDING JUDGE SMITH: It would probably be helpful and it will
8 probably make it go smoother, so that's fine.

9 Madam Usher, you may bring the witness in.

10 Is this to be a public -- we were in public session, were we
11 not? Yeah.

12 MR. KEHOE: Was this witness in public session?

13 PRESIDING JUDGE SMITH: I think so.

14 MR. MICHALCZUK: He was only with regard to certain matters.
15 Dealing with another witness who was a protected one, we went shortly
16 last time for the private session. Otherwise, it was public.

17 PRESIDING JUDGE SMITH: We'll start out in public. If you feel
18 the need to go into private session, just let me know.

19 MR. KEHOE: I mean, we're certainly going to talk about some of
20 the other witnesses concerning, for instance, Krsta Jeftic and
21 Stankovic -- we're in public? Excuse me. Maybe we should just talk
22 about in private session. They have no problem with --

23 PRESIDING JUDGE SMITH: Let's go into private session.

24 Well, now, he's coming.

25 Go ahead -- oh, well, he's not.

1 [Trial Panel and Court Officer confers]

2 PRESIDING JUDGE SMITH: No, I want to finish this discussion in
3 private session.

4 [Private session]

5 [Private session text removed]

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25 [Open session]

1 THE COURT OFFICER: We are back in public session. Thank you.

2 PRESIDING JUDGE SMITH: Good morning, Witness. You can be
3 seated.

4 THE WITNESS: [Interpretation] Good morning.

5 PRESIDING JUDGE SMITH: We are glad --

6 THE WITNESS: [Interpretation] Thank you.

7 PRESIDING JUDGE SMITH: We are glad to have you back with us
8 today. We will continue with your testimony. At the time we left
9 off, Mr. Kehoe was asking you questions about your testimony on
10 behalf of his client Mr. Thaci, and he will continue that at this
11 time.

12 I remind you to please try to answer the questions clearly with
13 short sentences. If you don't understand a question, feel free to
14 ask counsel to repeat the question or tell them that you don't
15 understand and they will clarify. Also, please remember to try to
16 indicate the basis of your knowledge of the facts and circumstances
17 upon which you will be questioned.

18 I remind you you are still under an obligation to tell the truth
19 as stated by you in your solemn declaration.

20 Please also remember to speak into the microphone and wait five
21 seconds before answering a question, and speak at a slow pace to
22 allow the translators to catch up.

23 Remember to stop talking if I ask you to or to stop if I hold my
24 hand up, which means that I need to give you an instruction. If you
25 feel the need to take a break, just let us know and we will do that.

Witness: Dejan Jeftic (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 Just so you know, we will be in session now for only 20 minutes,
2 then we'll take a break for lunch, and then we will have another an
3 hour and a half this afternoon beginning at 2.30.

4 Understood?

5 THE WITNESS: [Interpretation] Yes, I understood. Thank you.

6 PRESIDING JUDGE SMITH: Thank you.

7 Mr. Kehoe, you have the floor.

8 WITNESS: DEJAN JEFTIC [Resumed]

9 [The witness answered through interpreter]

10 Cross-examination by Mr. Kehoe: [Continued]

11 Q. And welcome back, Witness. Again, I just have a few questions
12 to ask you based on what we were talking about the last time you were
13 here.

14 But just to, if we can, summarise where we were from your prior
15 evidence given to this Trial Chamber, and correct me if I'm wrong
16 anywhere along the way. But from what you testified, you and your
17 uncle Krsta Jeftic went outside to a field just outside of your
18 village, Movljane, when you heard shooting close by from a violent
19 clash and a battle between Serb forces and KLA forces; is that right?

20 A. Yes, that's right.

21 Q. And then you and Krsta Jeftic decided to flee through the
22 forest, where you managed to avoid capture by the KLA by speaking to
23 them in Albanian and telling them you are helping women and children
24 find shelter; is that right?

25 A. Yes, of course. This is exactly what happened.

1 Q. When the KLA, including Bajram Morina, allowed you to leave,
2 you, after you got some distance away, began to run and were fired
3 upon by the KLA; is that right? Essentially you ran away.

4 A. On that day, the only communication I had with was Bajram
5 Morina, and all the other soldiers who were present did not get in
6 touch with them. So when we were about 100 metres away or several
7 hundred metres away, they actually realised that we were Serbs, those
8 of us who started running.

9 Q. But you did start to run; right?

10 A. Yes, after a few hundred metres.

11 Q. And then --

12 A. Approximately.

13 Q. And then you and your uncle Krsta Jeftic made your way to your
14 uncle's house, Stanko Stankovic, at his house in Recane; right?

15 A. Yes, Stanko Stankovic, and we came to his house in the evening
16 on 4 July. He is our uncle.

17 Q. And after spending the night at Stanko Stankovic's house, you
18 and Krsta Jeftic and Stankovic decided to climb on board a tractor
19 and go back to your village or back into a combat zone while you were
20 armed with a rifle and a pistol; right?

21 A. In the morning, we set out from the village of Recane on
22 Stanko Stankovic's initiative. He wanted to actually take us home to
23 the village of Movljane. And that's how we set out. And then when
24 we were on the road, some 300 or 400 metres from the village, then
25 our neighbours came out and kidnapped us.

Witness: Dejan Jeftic (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 Q. Well, Witness, you, the next day, with Mr. Stankovic and
2 Mr. Jeftic, got on a tractor, drove back into a combat zone where you
3 were armed with a rifle and a pistol; isn't that right?

4 A. I believe that last time I explained that I didn't have a
5 pistol. I didn't have a rifle. I was not even aware of the
6 existence of those weapons.

7 Q. And just to go back to that, and this is at page 10997 of the
8 transcript of 11 December 2023, and it is quoting your testimony to
9 the SPO that has been received in evidence, and that would be
10 Exhibit 756.1, page 16, line 24, and you were talking about this
11 incident. You stated:

12 "And then Shukrije Gashi approached you, and you had that
13 exchange you told ... about. What happened then?"

14 And now this is your testimony:

15 "And Sokol Kabashi also approached us. [He] searched us, and
16 they confiscated our rifle," our rifle, "and our pistol."

17 So they, in fact, took your -- you say it's "our rifle" and your
18 pistol; right?

19 MR. MICHALCZUK: Your Honours, asked and answered already on the
20 same page.

21 PRESIDING JUDGE SMITH: Overruled.

22 You can answer.

23 THE WITNESS: [Interpretation] Yes, but I was not aware of those
24 rifles. I didn't know that they were in the tractor. They found it.
25 And I believed -- I believe that I said the same thing in answer to

Witness: Dejan Jeftic (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 11866

1 your question.

2 MR. KEHOE:

3 Q. Yes, but you never told the SPO when you were interviewed and
4 their evidence was put in evidence that the rifle and the pistol
5 didn't belong to you, did you? You never told them that when they
6 interviewed you, and I can give you the dates of that interview if
7 you want them. In September 2004, you were interviewed by the SPO,
8 and that's the evidence that has been received, which is
9 Exhibit 756.1, .2, and .3.

10 MR. MICHALCZUK: Excuse me.

11 MR. KEHOE: You never told the SPO --

12 MR. MICHALCZUK: It's 2020, for the record.

13 MR. KEHOE: Oh, is it really? My apology. 2020. But we're
14 still talking about 756, counsel, right?

15 Q. In your testimony, 756.1, .2, and .3, you never told the SPO
16 anyplace in that interview that those weapons did not belong to you
17 and that you did not know anything about them. You never said that,
18 did you?

19 A. No, of course not because nobody ever asked me if those were my
20 weapons. Nobody mentioned them at all.

21 Q. Well, nobody mentioned them at all? I mean, in fact, what I
22 read to you was your testimony to the SPO back in September 2020 when
23 you in fact said to the SPO in September 2020, when describing the
24 incident, that these weapons were "our rifle and our pistol."

25 So you were in fact questioned about it and you did in fact

Witness: Dejan Jeftic (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 11867

1 answer it.

2 A. Perhaps I did say it in the sense of "our weapons" because I was
3 on the tractor, and that was the context. By that, I didn't mean
4 that the weapons were mine.

5 Q. Witness, you never told the SPO at any point in their entire
6 interview or, for that matter, when you were interviewed by the SPO
7 prior to your testimony back in December, and I'm referring to your
8 Preparation Note P757, you never said at any point in your testimony
9 in 2020 or your prep note that was -- let me give you the exact date
10 of that. 6 -- I believe that's 6 December 2023. You never said that
11 "these weapons were not mine," did you?

12 MR. MICHALCZUK: Your Honour, the counsel is asking the same
13 questions as before and --

14 PRESIDING JUDGE SMITH: It has been asked and answered already.

15 MR. KEHOE: I'll move on, Judge.

16 PRESIDING JUDGE SMITH: All right.

17 MR. KEHOE:

18 Q. Now, just to take you back to a period of time after you were
19 taken into custody. And I understand from your detention, that you
20 were first taken to this Palushi house, and then you were put in a
21 basement behind the Palushi house. And then you were ultimately
22 taken in a car to the Kololli house -- to the Kololli house, is that
23 right, where you were beaten again? Is that basically the sequence
24 of events?

25 A. The sequence of events was as follows: First, we were taken to

Witness: Dejan Jeftic (Resumed) (Private Session)
Cross-examination by Mr. Kehoe (Continued)

Page 11868

1 Lumi Palushi's house, in his yard. In his yard, there was a bunker
2 in which we were questioned. And then from there, perhaps a
3 kilometre or 2 kilometres away, I was taken by car. The car was
4 Lada. So we were taken there, some 1 or 2 kilometres away from that
5 house.

6 Q. And that is when, I think you testified, that you were in --
7 after you were taken away in a car, you were then placed in the
8 residence of an individual by the name of Kollari; is that right?
9 Not Kokollari, Kollari.

10 A. If I'm not mistaken, it was a house that belonged to Jahir
11 Kokollari who lived in Prizren. He did not reside in that house, as
12 far as I know, but in Prizren.

13 MR. KEHOE: Your Honour, I'm about to go into those names that
14 we just addressed before.

15 PRESIDING JUDGE SMITH: We will go into private session for the
16 protection of witnesses.

17 [Private session]

18 [Private session text removed]

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11869

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11870

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11871

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11872

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11873

Cross-examination by Mr. Kehoe (Continued)

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9 [Open session]

10 THE COURT OFFICER: We're in public session. Thank you,
11 Your Honours.

12 PRESIDING JUDGE SMITH: Now we're adjourned until 2.30.

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

14 --- On resuming at 2.34 p.m.

15 [The Accused Thaci appeared via videolink]

16 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
17 into the courtroom.

18 And we will be in private session.

19 [Private session]

20 [Private session text removed]

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11875

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11876

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11877

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11878

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11879

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11880

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11881

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11882

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11883

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11884

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11885

Cross-examination by Mr. Kehoe (Continued)

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11886

Cross-examination by Mr. Kehoe (Continued)

1 [Private session text removed]

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11887

Cross-examination by Mr. Kehoe (Continued)

1 [Private session text removed]

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Witness: Dejan Jeftic (Resumed) (Private Session)

Page 11888

Cross-examination by Mr. Kehoe (Continued)

1 [Private session text removed]

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23 [Open session]

24 MR. KEHOE:

25 Q. Now, this is your medical report --

Witness: Dejan Jeftic (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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

2 MR. KEHOE: I'm sorry. My apologies.

3 PRESIDING JUDGE SMITH: All right. We are in public session.

4 You may continue.

5 MR. KEHOE: Thank you, Your Honour.

6 Q. So this is your medical report. The day of your release was
7 5 July, wasn't it?

8 A. Yes.

9 Q. And this is the medical report from Dr. Boban Vuksanovic of that
10 day with regard to you. And he said: Made on 5 July 1998 at 1400
11 hours for the child Dejan Jeftic. You were born in 1979 in Movljane,
12 Suhareke municipality. You'll see:

13 "... in connection with injuries inflicted on him following his
14 abduction by the so-called KLA ..."

15 Your diagnosis:

16 "He has a number of ... bruises caused ... to the chest.
17 Evident fear, trembling and crying.

18 "Diagnosis: Stress.

19 "Contusion of the thorax.

20 "The injuries are minor in nature."

21 Do you see that, sir?

22 A. I really have never seen this document or this doctor's report,
23 nor was anything typed up in my presence, nor were there conditions
24 available for it to be typed up. If we were alive, the same doctor
25 would probably confirm what he had seen and felt. Now, I really

Witness: Dejan Jeftic (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 cannot claim anything about or assert anything about this document
2 because I didn't see when it was drawn up, it wasn't typed up in my
3 presence.

4 Q. There's nothing in this report by Dr. Boban Vuksanovic about any
5 suspected broken ribs, is there? Nothing.

6 A. Yes, I see that clearly. It's in front of me now. But really,
7 I don't know where this document comes from and when it was drawn up.

8 MR. KEHOE: Your Honour, I'll move this document into evidence.

9 THE COURT OFFICER: Your Honours, the document we have on the
10 record is the P759. It's already admitted. Thank you.

11 MR. KEHOE: I checked on that before we got in here today and I
12 didn't find it, Judge, but thank you, I stand corrected. It is P ...

13 THE COURT OFFICER: It's P759.

14 MR. KEHOE: Thank you very much, Mr. Court Officer.

15 Your Honour, I have no further questions.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MS. O'REILLY: We have no questions at this time.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. TULLY: Thank you, Your Honour. I have -- I perhaps have
20 only one question that can be clarified, but if the witness answers
21 in a way I think he might, then maybe 15 minutes. No longer.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. TULLY: Thank you.

24 PRESIDING JUDGE SMITH: Go ahead.

25 Cross-examination by Mr. Tully:

1 Q. Good afternoon, Witness. My name is Eric --

2 PRESIDING JUDGE SMITH: Public or private session?

3 MR. TULLY: Public is fine. Thanks, Your Honour. Let me
4 just ...

5 Q. Now, Witness, perhaps you can clear something up for me --
6 excuse me, my name is Eric Tully. I am representing Rexhep Selimi.

7 Perhaps you can clear something up for me today. And I want to
8 make sure that you didn't misspeak or that your evidence was taken
9 down incorrectly. But did you tell Mr. Kehoe - and for reference,
10 it's transcript page 72, beginning at line 1 - that not only did you
11 not -- that not only were the rifle and the pistol and the tractor
12 not yours, but you had no idea that they were even in the tractor?
13 Is that your evidence? You did not know that they were there?

14 A. Yes, that's right. I didn't know. Because for sure if I had
15 gone to the front line, I wouldn't go there with a pistol and a
16 hunting rifle. And at the same time, to clarify the question you
17 asked me, two military police operations in Movljane village, none of
18 my neighbours, ethnic Albanians, were killed. Although, they were
19 lined up, 40 of them, to be shot.

20 Vojislav Jeftic, the father of my cousin Krsta Jeftic --

21 Q. Witness -- Witness --

22 A. -- went out of his house and he --

23 Q. Witness, I want you stop there. Thanks. My question --

24 A. -- saved all these Albanians.

25 Q. My question -- all of my questions are only about your knowledge

1 of those weapons in the tractor, so that's all I'm going to ask you
2 about today and I want you to limit your answers to that. I'm going
3 to ask some very simple questions because I want to understand
4 exactly what the set up is here.

5 Are you also -- so did Krsta have no idea that they were in the
6 tractor as well? He had no idea either? Do you know that?

7 A. I really cannot assert that. I really don't know.

8 Q. That's fine. So your uncle who owns the tractor, he was a
9 farmer, that's right, that's why he had the tractor. So how big was
10 his farm? Is it big, small?

11 A. He did not have a big estate apart from his house and his plot
12 of land. He worked for quite a while in Switzerland. And when he
13 lost his hearing, he returned to Recane village as an invalid.

14 Q. So it's not a very big farm, so presumably he didn't need a very
15 big tractor for this farm. It was a small tractor; right?

16 A. Yes, it was a small tiller that had horsepower 14.

17 Q. And did it have a cabin covering the driver's seat or not, or
18 was it open?

19 A. The tiller was completely open with a wooden box in the trailer
20 for the tools, but otherwise everything was open, the tiller itself
21 and all the instruments, the gears that it has.

22 Q. Okay. And the rifle that was taken out of the tractor, this was
23 a hunting rifle you've mentioned. So you know weapons, having served
24 in the army. The rifle would have had a fix wooden stock then,
25 presumably, not a folding one like an assault rifle; is that right?

1 A. Yes, of course.

2 Q. And this is an object that's about 300 to 350 -- sorry, yeah,
3 300, 350 centimetres, or 1 metre to 1 metre and a half long. That's
4 typically the length of a hunting rifle, isn't it, or can you say?

5 A. Well, to try and shorten it, the rifle was in this box, because
6 I saw it once they took it out. The rifle, I mean. It was in the
7 toolbox.

8 Q. Well, you never mentioned the toolbox before, Witness, have you?

9 A. I didn't mention the rifle either as far as I remember.

10 Q. You didn't mention the rifle before in your evidence? Is that
11 what you're saying?

12 A. No, not the rifle, because I was not aware of the rifle's
13 presence or otherwise what was the contents of the box.

14 Q. Well, Witness, this is an open tractor. Now, you would agree
15 with me at this time, especially at this time, that pistols and
16 rifles are particularly valuable objects to have in your possession,
17 aren't they? This time in 1998, the conflict happening all around
18 you.

19 A. No, really it wasn't valuable. Everybody had that, including
20 the younger people, the elderly, everybody else who liked to have a
21 weapon. It was possible for anyone to have it.

22 Q. Well, perhaps it was the wrong word to use, Witness. Maybe I
23 meant useful. It's a useful item to have around, isn't it, a pistol
24 and a rifle? And you don't typically hunt with a pistol, do you?
25 You use it for defence.

1 A. Well, let me try and explain it this way. In the 1990s, we all
2 know that wars started in the then Yugoslavia, and the weapons was
3 carried by everyone because that was their whim. What would it be
4 like if you were carrying a weapon and I know about it. It was not
5 just for self-defence. But I'm not really sure how to formulate
6 this, but it was also a matter of pride to have a weapon. Because we
7 were not trying to flee one another. We were sitting and socialising
8 together with Albanians in one and the same cafés. We played pool
9 together. We had no reason at any moment to carry weapons because of
10 those others.

11 Q. Well, if you're keeping them for defence and as a matter of
12 pride, you'd be interested in maintaining them and keeping them close
13 to you, wouldn't you? You wouldn't be leaving them out in the open,
14 in an open-top tractor outside your house, would you? They'd be
15 inside your house.

16 A. Believe me, for both the Serbs and Albanians, they had it at
17 their homes, and they knew what the others had in their homes, what
18 weapons they had. The Serbs knew what the Albanians had, the
19 Albanians knew what the Serbs had. It was nothing new. Perhaps it
20 might sound like that to you, but really at that time we knew about
21 one another, who has and who possesses what.

22 On several occasions, the then Serbian police would come and
23 press some of our Albanian neighbours for weapons, and then we would
24 intervene and wouldn't let them mistreat these people just for the
25 weapons that were not valuable at all.

1 Q. Understood. Understood, Witness. But that's my point is that
2 you have these weapons that are so valuable to you, they're a point
3 of pride as you've put it, that you need for protection. You don't
4 leave them lying around in a toolbox in your tractor. You keep them
5 in your house. So your uncle must have put them into the tractor
6 that morning when you got into it is what I'm getting at.

7 A. No. The weapons belonged to his son, the hunting rifle, because
8 his son used to be a hunter. And probably they had gone hunting
9 previously, perhaps two weeks earlier or a month. I don't know. It
10 was there. And he also had a light fixed on his tiller, and together
11 with Albanians --

12 Q. [Overlapping speakers] ... Witness, that's --

13 A. -- they would go night hunting to hunt boars --

14 Q. That's enough --

15 A. -- or wild rabbits, I'm not sure.

16 Q. -- because we're getting off this now. You've spent five to ten
17 minutes telling us about how important it was to keep these weapons
18 close to hand in case you needed to use them against other people.
19 We're not talking now about this just being a hunting rifle. Your
20 own words. And I asked you and you said you keep them close to hand.
21 And now you're saying that they were left -- they must have been left
22 in the tractor. You wouldn't leave them there. You're saying they
23 were left in the tractor on a hunting trip that you never discussed
24 previously.

25 A. Well, how dangerous a weapon that is, a hunting rifle, please

1 could you explain that to me?

2 Q. And a pistol?

3 A. Which pistol is this now?

4 Q. Well, it depends on whose hands they get into; right, Witness?

5 You talk about people coming to take your weapons away. They're

6 dangerous in the hands of people who mean you wrong, so you don't

7 leave them outside; isn't that right?

8 A. Let me just tell you something. You can interpret it or

9 characterise it any way you want, but I know for sure how dangerous

10 it was and what could have happened and what we knew about one

11 another. Not at a single moment did we cause fear or danger to

12 others with those weapons.

13 Q. And fitting three adult men inside the tractor, where exactly

14 was this toolbox you haven't mentioned until now? Where was it in

15 the tractor? The toolbox that's capable of holding the rifle and the

16 pistol.

17 A. On the trailer. The tiller has a trailer as far as I know.

18 Q. Witness -- okay.

19 MR. TULLY: Court Officer, can I please have on the screen

20 078 -- P756.1, and I want to go to page 17, please.

21 Q. Now, I want to look closely at two separate parts of this page,

22 because you've mentioned now that the toolbox where the rifle and the

23 pistol were in were in -- was in the tiller of the trailer and this

24 is where the KLA took it from, and that's how you didn't know it was

25 there. Do I have that correct? You're saying that the rifle and the

1 pistol were in the trailer that was being towed by the tiller?

2 A. Yes, of course. Yes, in the trailer.

3 Q. Okay. Well, what I want to do is -- what I want to read to you
4 is at the very top, and I'm going to read from pages -- from lines 1
5 to 5. And you say:

6 "And Sokol Kabashi also approached us. They searched us, and
7 they confiscated our rifle and ... pistol. Sokol took the pistol
8 from the tiller, and the hunting rifle, they actually handed over to
9 one of the group, of those 15. I don't remember who approached and
10 took the rifle."

11 I'm going to stop there.

12 PRESIDING JUDGE SMITH: Are you using the word "tiller" or
13 "trailer"?

14 MR. TULLY: Tiller because the -- the tiller is -- as I
15 understand, a tiller is a synonym for a tractor. And I'll display
16 that by example in one second, Your Honour.

17 PRESIDING JUDGE SMITH: You've not seen one of these
18 contraptions in Kosovo, obviously.

19 MR. TULLY: Okay.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MR. TULLY: Well, that's okay, Your Honour. I'll bring you to
22 the part of this page --

23 PRESIDING JUDGE SMITH: Go ahead.

24 MR. TULLY: -- and I'll show you --

25 PRESIDING JUDGE SMITH: Ask you question.

1 MR. TULLY: -- what the distinction is.

2 PRESIDING JUDGE SMITH: Ask --

3 MR. TULLY:

4 Q. So let me go down to line 15, and I read, you say:

5 "After that happened, what I described, then one of them sat at
6 the tiller, and they put us in the trailer of the tiller ..."

7 So when you were talking --

8 THE INTERPRETER: Interpreter's note: We need the next page in
9 Serbian, please.

10 MR. TULLY:

11 Q. And you say:

12 "... they put us in the trailer of the tiller ..."

13 So when you're talking at the top of this page about where they
14 took the hunting rifle and the pistol from, you say they took it
15 directly from the tiller. But when you say that you were put into
16 the trailer of the tiller, you're drawing a distinction between those
17 two things. So what this page, and I'm putting to you, says is that
18 in your evidence to the SPO you said that that rifle and that gun,
19 that pistol, came out of where you were sitting in the tiller, in the
20 tractor, and you're changing your evidence today, Witness.

21 A. Do you know how big is the trailer of a tiller? First of all --

22 Q. Witness -- Witness --

23 A. -- the trailer --

24 Q. Witness -- Witness --

25 A. -- is approximately --

1 Q. Please. Please, Witness. I'm not asking about the size of the
2 trailer. I'm saying that here you were drawing a distinction between
3 the tiller --

4 PRESIDING JUDGE SMITH: Mr. Tully, let him finish his answer.

5 MR. TULLY: Okay. Yes, Your Honour.

6 THE WITNESS: [Interpretation] Thank you, Your Honour.

7 The trailer of the tiller can accommodate up to 15 people to be
8 transported and one person who is operating the gears connected to
9 this trailer. So there was quite enough room for the three of us and
10 the toolbox. There could have been four or five or six of us in the
11 tiller.

12 MR. TULLY:

13 Q. And, Witness, you're drawing a distinction between the tiller
14 and the trailer of the tiller, aren't you?

15 A. Yes, that's the difference. There's a tiller and its trailer.
16 I apologise. Perhaps I could make a drawing of this tiller for you
17 just to show what it looks like, and then I can clarify it in detail
18 if you want me to.

19 Q. No, Witness, it's okay. From this page --

20 PRESIDING JUDGE SMITH: Mr. Tully, maybe you should state your
21 case to the witness so that --

22 MR. TULLY: Well --

23 PRESIDING JUDGE SMITH: -- he knows what you're getting at.

24 MR. TULLY: Okay.

25 PRESIDING JUDGE SMITH: Because the relevance of all this --

Witness: Dejan Jeftic (Resumed) (Open Session)

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Cross-examination by Mr. Tully

1 MR. TULLY: Sure.

2 PRESIDING JUDGE SMITH: -- is escaping --

3 MR. TULLY: Sure.

4 PRESIDING JUDGE SMITH: -- the Bench.

5 MR. TULLY: Well, I can wrap it up, Your Honour.

6 Q. What I'm saying, Witness, to you is that your evidence when you
7 spoke to the SPO in your statement was that they took the rifle and
8 the pistol from the tractor you were sitting in, and you're changing
9 it today to say it was inside a toolbox in a trailer that you didn't
10 mention before, and that you couldn't have sat in that tractor and
11 not noticed the hunting rifle and not known it was there. What do
12 you say to that?

13 A. Well, the reason was that I couldn't see it or notice it.
14 Because no one asked me what is in this trailer. Nobody asked me or
15 told me at any point what was in the trailer of the tiller. Even
16 though I said that I did see the rifle once they stopped us and they
17 searched the trailer and seized the weapons that were in the trailer.
18 But I couldn't mention this box or trunk because no questions were
19 asked of me about it.

20 Q. And finally, Witness, the reason that you are saying this today
21 is because you've been untruthful in your evidence today; isn't that
22 the case?

23 A. Well, that's what you think, that I didn't tell the truth, but I
24 think that I'm completely truthful and I said everything that I knew
25 about this.

Witness: Dejan Jeftic (Resumed) (Open Session)

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Cross-examination by Mr. Baiesu

1 MR. TULLY: Those are my questions, Your Honour.

2 PRESIDING JUDGE SMITH: Mr. Baiesu.

3 MR. BAIESU: Thank you.

4 Cross-examination by Mr. Baiesu:

5 Q. Good afternoon, Witness. My name is Victor Baiesu and I
6 represent Jakup Krasniqi, and I have very few questions for you.

7 If I can refer you to the part of the SPO interview where you
8 say that you were taken to Budakove village in July 1998. In your
9 interview with the Prosecution, you mentioned a KLA member you
10 recognised at Budakove who was a man with the last name Krasniqi. Do
11 you recall saying that?

12 A. I mentioned Krasniqi. I mentioned a man. He was in civilian
13 clothes. And if I'm not mistaken, he sported a beard. He was short,
14 165 perhaps, and he drove a Renault 19. He was a man from Suhareke.
15 And if I'm not mistaken, across the Balkanbelt, he had a shoemaker's
16 shop maybe with his brother or his relative jointly. I never said
17 that he was in a uniform or that he was a KLA soldier.

18 Q. And you provided the Prosecution with the description that you
19 just gave now, and he had short black hair and a large beard;
20 correct?

21 A. Correct.

22 Q. And also you mentioned in your interview with the Prosecution
23 that you knew an individual called Jakup Krasniqi from Recane
24 village. Do you recall that?

25 A. I said that I knew Jakup who was my uncle Stanko Stankovic's

1 neighbour, but I never said that his last name was Krasniqi as far as
2 I can remember.

3 Q. And this Jakup Krasniqi was not -- this Krasniqi that you say
4 that you don't remember his first name, he was not a KLA member;
5 correct?

6 A. He was not in uniform. I can't say anything, because I knew
7 that man from before. I went to school in Suhareke, and I stood in
8 front of his shop waiting for a bus to take me home. Therefore, I
9 knew him even before.

10 Q. So you don't know his last name. You remember only his first
11 name and that was Jakup. Jakup from Recane.

12 A. Correct. I knew the man. He was a bit older at that time.
13 Maybe he was in his 60s at the time, which means he would be about 80
14 or even 90 years old. He was Stanko Stankovic's closest neighbour.
15 And Stanko Stankovic was kidnapped together with me. They were on
16 very good terms.

17 When the Prosecutor asked me, I told him that I'd never heard of
18 Jakup Krasniqi, who is one of the accused here. I never heard of his
19 name before this trial started in 2020.

20 Q. Thank you, Witness.

21 MR. BAIESU: I have no further questions, Your Honour.

22 PRESIDING JUDGE SMITH: Redirect.

23 MR. MICHALCZUK: Yes, just one question, Your Honours.

24 Re-examination by Mr. Michalczuk:

25 Q. Witness, in direct examination - and we have it on page 10978,

1 lines 2 and 5 - that you gave in December, and also in your
2 cross-examination in your answers to the questions by Mr. Kehoe - and
3 we had those questions and answers on pages 11008, lines 24, 25, to
4 11009, lines 1 to 18, and also today at pages 76, lines 11, 12, 24,
5 25, and at page 77, line 15, 16 of the provisional transcript - you
6 said that you were beaten together with [REDACTED] Pursuant to Post
Session Redaction Order F2081. and together
7 with the man from Recane, and that you saw them being beating
8 together with you, and that you heard screams of [REDACTED] Pursuant to
Post Session Redaction Order F2081. And then
9 during cross-examination, both in December and also today, and you
10 have them -- you have at pages 11010, lines 8 to 21, and today at the
11 provisional transcript 76 to 78 --

12 MR. MICHALCZUK: Your Honours, could we go into private session.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. MICHALCZUK: Excuse me, my apologies.

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 [Private session]

17 [Private session text removed]

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Witness: Dejan Jeftic (Resumed) (Private Session)

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Re-examination by Mr. Michalczuk

1 [Private session text removed]

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Witness: Dejan Jeftic (Resumed) (Private Session)

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Re-examination by Mr. Michalczuk

1 [Private session text removed]

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Witness: Dejan Jeftic (Resumed) (Private Session)
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1 [Private session text removed]

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9 [Open session]

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

12 JUDGE BARTHE: Witness, my first question pertains to the
13 uniforms the persons you recognised as being KLA members, that is,
14 Sokol Kabashi and Shukri or Shukrije Gashi, were wearing when they
15 stopped you and your two relatives, Krsta Jeftic and Stanko
16 Stankovic, close to your village on 4 July 1998.

17 Can you describe how the uniforms of these persons, Sokol
18 Kabashi and Shukri Gashi, looked like? Was it a coloured uniform or
19 a camouflage uniform?

20 A. Their uniforms were black. They were overalls actually. So
21 their uniforms were in one piece. Maybe that explains it better.

22 JUDGE BARTHE: Thank you. And did they have a hat or beret, if
23 you can recall that?

24 A. I really can't remember. I don't remember what was on their
25 heads. It was 25 years ago. And there has been too much information

1 on YouTube, on the social media about the trial, so I can't remember.
2 But I do remember the black uniforms that they wore.

3 JUDGE BARTHE: It's not a problem. Do you know whether they had
4 armbands?

5 A. I know that Shukri Gashi had a radio set. Maybe something on
6 his left arm, but I really can't be sure. I don't remember. But I
7 know that he had a radio set.

8 JUDGE BARTHE: And how do you know that the soldiers who were
9 there belonged to the KLA? Did they have insignia on their uniform?
10 The other soldiers.

11 A. The others who were there, maybe 15 of them, none of them wore
12 uniforms, camouflage uniforms. For example, when we were taken to
13 Budakove village into the Palushi yard, there were a lot of uniformed
14 men there, some of whom wore camouflaged uniforms, some wore red
15 berets, the others had head bands with insignia, and some had
16 insignia on their shoulders. I'm talking about camouflage uniforms
17 with the insignia.

18 JUDGE BARTHE: And how do you know that Sokol Kabashi and Shukri
19 Gashi were with the KLA at the time?

20 A. When I asked him, "Neighbour, what's going on?" He said, "I
21 know nothing. The commander will decide what to do with you."
22 Because three days before that, I saw Shukri Gashi in the village.

23 JUDGE BARTHE: And you knew that he was a KLA member? Is that
24 what you're saying? Or you didn't know?

25 A. I didn't know. I supposed that that would correspond to the

Witness: Dejan Jeftic (Resumed) (Open Session)
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1 facts. I didn't really know that he was actually a KLA soldier, and
2 I couldn't really assert that now.

3 JUDGE BARTHE: Thank you. My next questions concern the
4 beatings you received while you were, according to your testimony,
5 detained later on. In your interview with the SPO on 4 September
6 2020, Exhibit P756.2, page 7, lines 9 to 12, you said that the
7 individuals who beat you were wearing uniforms and that there were
8 girls or women among them.

9 Could you try to explain again what kind of uniforms the people
10 who beat you, according to your testimony, were wearing? Especially
11 the colour of the uniform.

12 A. Those were mostly camouflage uniforms.

13 JUDGE BARTHE: Did the uniforms of the people who beat you have
14 insignia? Can you remember that?

15 A. I really couldn't assert that because I did not have so much
16 time to observe every detail at the moment. It was just at some
17 moments when the blindfold would slip from my eyes, then I would
18 manage to have a look. And, otherwise, I was trying to cover my face
19 to protect it from the blows.

20 JUDGE BARTHE: And you said in your SPO interview that there
21 were also -- or you were also beaten by girls or women. Did they
22 have a uniform, these girls or women? And if so, how did they look
23 like, the uniform?

24 A. I don't exactly remember whether it was two or three girls with
25 long hair in camouflaged uniforms. I couldn't say that none of them

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1 ever hit me. I don't remember it exactly, but I remember that I did
2 see them, two or three girls wearing camouflage uniforms.

3 JUDGE BARTHE: Witness, in December during your
4 cross-examination by the Thaci Defence, you were asked the following.
5 And for the record, I'm reading from page 10996 of the transcript,
6 lines 1 to 9:

7 "Q. So you run into Bajram Morina, he waves you through, and re
8 two almost 19-year-old men of fighting age, when you get the chance,
9 you start to run away; right?"

10 And your answer was, according to our transcript:

11 "Well, yes, because we realised we would be in trouble if we ran
12 into them once again. Because prior to that incident, there had been
13 many cases of kidnapping. Three of our relatives from Recane were
14 kidnapped. And just thinking about those incidents, one was well
15 aware of the security problems. And we wanted to avoid something
16 like that happening again."

17 My question is, first, do you remember saying this last time in
18 December?

19 A. Yes.

20 JUDGE BARTHE: The Panel would like to know who were the three
21 relatives from Recane who were kidnapped?

22 A. Mija and Milovan Krstic, who were brothers, and Boban, their
23 cousin. I'm not sure what exactly was the degree of their relation,
24 but they were all from Recane village.

25 JUDGE BARTHE: And were these the people the KLA soldiers said

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1 they would take you to before they started beating you, as you said
2 last time?

3 A. No. I think you can find this in my statement where it's
4 mentioned one of the soldiers mentioned that they would take us to
5 the lake to feed the fish, because those relatives of ours, Milovan,
6 Mija, and Boban, were there. I think that's noted in my statement,
7 unless I'm mistaken.

8 JUDGE BARTHE: Thank you. This would have been my next
9 question. Could you tell us more what would happen to your
10 relatives, the three, Milovan, Boban, and the other relative of
11 Krstic? In other words, are they still alive or are they dead?

12 A. Well, look. If we look at the relations, I have many other
13 relatives that disappeared. For some of them, the remains were
14 exhumed, such as the 14 members of the Kostic family from Retimlje
15 village, and some people from Opterushe village as well. And as for
16 the three, I think that we don't know to this day what befell them.

17 JUDGE BARTHE: I understand. I think you said during your
18 testimony here last year that you were told by the doctor who
19 examined you after the events in question that six of your ribs were
20 broken, and you also discussed this with Mr. Kehoe from the Thaci
21 Defence today, I think.

22 Is that right? Were you told that six of your ribs were broken
23 by the doctor who examined you?

24 A. Yes, that was his assumption when he checked us up, me and Krsta
25 Jeftic, in one and the same apartment. Unfortunately, I say once

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1 again, he's dead now. He died in 1999. There were many who died or
2 were killed. It's too late for the discussion and evidence of that
3 sort now, and I'm really sorry about this because there would be many
4 things to prove, what our relations were like with Albanians and
5 among the Serbs, and the entire situation as a whole.

6 JUDGE BARTHE: It's not a problem. I'm asking you what kind of
7 injuries you had. Did you have any other injuries?

8 A. Well, except for some bruises and lacerations that I had,
9 whatever you want to call them, on my arms and my trunk, nothing
10 less -- nothing else.

11 JUDGE BARTHE: Thank you. And do you still have problems,
12 physical or mental, that you connect with your detention and
13 mistreatment in the summer 1998?

14 A. Well, there are sometimes moments. Most often when there's talk
15 about war and women, children getting killed. That affects me the
16 most. But otherwise, no.

17 JUDGE BARTHE: Thank you. And, finally, Witness, have you ever
18 returned to your village in Kosovo since the events in question? And
19 if not, can you tell us why not?

20 A. No, I never went back down there. I have been informed that I
21 am on some sort of secret list, and that if I try to cross the
22 border, that I would be arrested, though I don't know for what
23 reason, nor would I have any explanation of that.

24 JUDGE BARTHE: And what about your relative Krsta Jeftic? Did
25 he go back to Kosovo after the two of you went to Belgrade?

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1 A. No, both of us left on 17 March 1999. The only safe and secure
2 place that we could go to was the army, so we went to the army on 17
3 March. And, unfortunately, on the 24th, the NATO aggression against
4 the Republic of Serbia began. And then for six -- or, rather, eight
5 months we were not in touch either with our families or with each
6 other.

7 JUDGE BARTHE: Thank you, Witness. I've nothing further.

8 PRESIDING JUDGE SMITH: Judge Mettraux.

9 JUDGE METTRAUX: Thank you, Judge Smith.

10 Good afternoon, Witness. I have a few clarifications that I
11 would like to seek from you. The first one is at how many locations
12 in Budakove were you detained at? Was it one or more than one?

13 A. If we talk about detention, we were detained only in the
14 basement belonging to Jahir Kokollari's house. If we don't count the
15 yard of Lumi Palushi's house and the questioning in the bunker that
16 was behind his house. So if you don't count that, then just one
17 location.

18 JUDGE METTRAUX: And how big of a place is Budakove? If you can
19 give us a sense of how big that location is.

20 A. Well, the village is divided into so-called Mahalas, and it's
21 quite spread out. I don't know how I would explain that. Budakove,
22 Kodrovci [phoen], all the way to Papaz, it's all connected. There is
23 also the Hodze Mahala, and then it stretches out towards Vraniq and
24 downwards towards Bukosh. So I am not sure how I could define that
25 or give you specific numbers. But I would say it's a middle-sized

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1 village judging by the number of its inhabitants.

2 JUDGE METTRAUX: And would you be aware approximately where in
3 that village the KLA headquarters were located? Do you know where
4 they were?

5 A. If we consider that the place they took us to was their staff,
6 where they tied our hands and blindfolded us, that's in the centre of
7 the Budakove village where the bus terminus was. Now, whether there
8 was another place that was really a staff or something, I don't have
9 the information about that. I considered the place they brought us
10 to as their staff. But whether it was really like that or what
11 happened later, that's something I know nothing about.

12 JUDGE METTRAUX: And how far was that place near the bus
13 terminus relative to the one or two locations in which you were
14 detained were? How far away were they, if you can tell?

15 A. Well, approximately, judging by the drive, when they took us
16 there, it was between 1 and 2 kilometres. Perhaps 2. But it would
17 really be difficult for me to determine that specifically. But not
18 too far away.

19 JUDGE METTRAUX: And is it fair to say that at all times during
20 the events that you recounted, you remained under guard and custody
21 of members of the KLA; correct?

22 A. Yes, yes, certainly. No one else could guard us except them.
23 It couldn't have been anybody else, I mean. But the guards who
24 guarded us -- as I said, a while ago, I got a cigarette from one of
25 the guards, and I would really like to learn his name to be able to

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1 thank him. Because at such moments, even a little thing like that
2 meant really a lot.

3 JUDGE METTRAUX: You told us as well that at some stage
4 neighbours of yours came to ask for your release; is that correct?

5 A. Yes, two teachers. One of them was Shukri Gashi's brother.
6 Shukri Gashi who kidnapped me, Fadil Gashi. Unfortunately, he died
7 in the meantime, and so did Jetish Gashi, or, rather, Kabashi, who
8 was next door to Krsta Jeftic. He was his next-door neighbour. The
9 two of them came to appeal to the others to let us go because we were
10 really innocent and we'd been kidnapped. And they told them, "Better
11 you return where you came from or you will end up down there where
12 they are."

13 And later on, I learned that many other neighbours also tried to
14 intervene so that they would be released, and I believe that that was
15 actually fruitful and that thanks to that we were, indeed, released
16 after 24 hours. There was also a case of Krsta's father and one Isak
17 Berisha who used to go to Albania and put horseshoes on horses, they
18 were really good friends. So he went to see this man and asked for
19 his help.

20 JUDGE METTRAUX: Witness, do you know how your neighbours knew
21 that you were detained and where to find you? Was it just generally
22 known in the area that you had been arrested and where you were?

23 A. Yes, of course.

24 JUDGE METTRAUX: And my last question. You said that Shukri
25 Gashi told you that your fate would be decided by someone he refers

1 to as "the commander." Do you know who he was referring to?

2 A. No, I don't know who he was referring to. Perhaps that was just
3 an excuse for him. So he referred to a commander, but I really
4 couldn't tell now. He knows it best what he meant by that sentence,
5 "The commander will decide." Because nobody knew who I was nor did I
6 hear of anyone - Hashim Thaci or Kadri Veseli or any of them - nor
7 could they know who I was, at least till the moment when I was
8 kidnapped. Otherwise, I cannot assert. And Shukri Gashi knew me
9 well because he was my neighbour and we grew up together.

10 JUDGE METTRAUX: Thank you for your answer. Those were my
11 questions. Thank you.

12 PRESIDING JUDGE SMITH: Any question from the Prosecution based
13 upon the Judge's questions?

14 MR. MICHALCZUK: No questions, Your Honour.

15 PRESIDING JUDGE SMITH: Mr. Kehoe.

16 MR. KEHOE: Yes, Your Honour.

17 PRESIDING JUDGE SMITH: Go ahead.

18 Further Cross-examination by Mr. Kehoe:

19 Q. Witness -- let me move right over here. Witness, I have a
20 couple of questions for you, sir.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 THE INTERPRETER: Microphone, please.

23 PRESIDING JUDGE SMITH: We can go a little over. Is it five
24 minutes?

25 MR. KEHOE: Five, ten minutes at most, Judge. I mean, I think

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1 -- is that okay? I mean I --

2 PRESIDING JUDGE SMITH: Yeah, I don't know about the rest of
3 everybody, so -- go ahead. Go ahead.

4 MR. KEHOE: Okay.

5 Q. You just talked in response to some questions by Judge Barthe
6 about somebody saying that they were -- that you had told the
7 Prosecutor that you were going to be taken down to the lake. I put
8 to you, sir, that there is nothing in your statement to the
9 Prosecutor about taking anybody down to any lake, is there? Nothing.

10 A. I don't know which statement you looked at, but I think it's
11 noted in the --

12 Q. Any statement --

13 A. -- statement --

14 Q. Any statement that --

15 A. -- as far as I remember.

16 Q. Any statement that you gave, did you say that you were going to
17 be -- that you were threatened for taking people down to a lake? Any
18 statement?

19 A. I think yes.

20 Q. Where?

21 A. I think yes.

22 Q. Do you know?

23 A. But really --

24 MR. MICHALCZUK: Excuse me. Counsel's misstating the evidence.
25 It's Part 1 of SPO statement.

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1 PRESIDING JUDGE SMITH: What?

2 MR. MICHALCZUK: It's Part 1 of the SPO statement. So counsel
3 is misstating the evidence.

4 MR. KEHOE: No, I'm not misstating the evidence. They're
5 talking about a lake.

6 Q. Let us move on, sir. Your testimony to Judge Barthe about not
7 going back home after you were released. You did go back home after
8 your neighbours got you released, didn't you?

9 A. It's not noted anywhere that I ever said that I did go back
10 home. Can you just confirm to me what statement contains that, that
11 I went home?

12 Q. I'm just asking you a question. When you were released, you
13 went back home to your village, didn't you?

14 A. No, we went to Recane village. We returned to Stanko
15 Stankovic's house where we had come from.

16 Q. Fine. That you went to Recane, but you stayed in the area.
17 When did you join -- when were you called up to join the Serb army?

18 A. That was on 17 March 1999, so next year.

19 Q. And after NATO began the bombing and the war ensued, it was only
20 after that that you did not go back to your village; isn't that
21 right?

22 A. No, I did not go back to my village since the kidnapping.

23 Q. Sir, let me -- well, you did -- you went back to Recane, didn't
24 you, and you went back to Stanko Stankovic's village in Recane,
25 didn't you?

1 A. But that's not my house, and I did not go to my village,
2 Mr. Kehoe.

3 Q. You did go back to Recane after you were released with Stanko
4 Stankovic; right?

5 A. Yes. And on the same day, we were transported to Suhareke.

6 Q. Now, let me go to --

7 MR. KEHOE: If I could just have just two minutes, Judge. It's
8 to cover one item.

9 The Prosecutor put the item on the screen of 025430 at 435. And
10 we'll go on to the page where the Prosecutor had 435, and he read
11 paragraph 8.3.

12 Q. Tell me, sir, you were read paragraph -- and we'll go into the
13 accuracy. You were read paragraph 8.3 about [REDACTED] Pursuant to Post
14 Session Redaction Order F2081. and the one from
15 Recane were beaten at that location from 8.00 to 11.00. It doesn't
16 say that you saw it or heard it, does it?

17 A. What do you mean I didn't see or hear when we were all in the
18 same situation at that time?

19 Q. Does it say in this paragraph that you saw or heard it; yes or
20 no?

21 A. I'm sorry, could you please repeat the question? Does it say
22 what?

23 Q. I'll withdraw the question. I want to move on to 8.4. If you
24 go down three lines, it says -- well, it says that -- let me just
25 read 8.4:

"Dejan spoke to one of the KLA that was guarding them and the

1 guard said he was from Drenica. The guard came back into the
2 basement at 5.30am and took Dejan, Krsta and Stanko out and put them
3 into the same car in which they had arrived. [REDACTED] Pursuant to
Post Session Redaction Order F2081. was still in the
4 basement when they left ..."

5 A. No, no, [REDACTED] Pursuant to Post Session Redaction Order F2081.
was taken out before us. This is the fifth time
6 that I'm answering the same question, Mr. Kehoe. On the 5th in the
7 morning, both [REDACTED] Pursuant to Post Session Redaction Order F2081.
and the young man from Recane were
8 taken out of the basement.

9 MR. MICHALCZUK: Your Honours, excuse me. I think we are in the
10 open session.

11 PRESIDING JUDGE SMITH: Just a second [indiscernible].

12 MR. MICHALCZUK: We are in the open session. I think we should
13 go into private session.

14 MR. KEHOE: Just briefly.

15 PRESIDING JUDGE SMITH: All right. Into private session.

16 [Private session]

17 [Private session text removed]

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Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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Further Cross-examination by Mr. Kehoe

1 [Private session text removed]

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1 [Private session text removed]

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6 [Open session]

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

8 Thank you.

9 PRESIDING JUDGE SMITH: Unless there's something else, we're
10 adjourned until Monday morning at 9.00 a.m.

11 --- Whereupon the hearing adjourned at 4.12 p.m.

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