

1 Thursday, 9 November 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

5 --- Upon commencing at 9.01 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 file
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 Before we start, I have a question for the Thaci Defence in
13 relation to statements admitted pursuant to Rule 143(2)(c).

14 I just want to make sure I understand your statement the other
15 day when that was admitted. Does the Panel understand correctly that
16 you are suggesting that once a statement is admitted pursuant to this
17 rule, the Panel can only rely on it for the truth of its content in
18 relation to those parts which were put to the witness during the
19 *viva voce* testimony?

20 MR. MISETIC: That is correct, and to the extent that they're
21 inconsistent with what the witness said in court. Otherwise, matters
22 that were in the statement that were not put to the witness by
23 definition could not be inconsistent with anything.

24 PRESIDING JUDGE SMITH: What I'm going to ask is if -- since
25 that is your position, if you would put together some -- briefly your

1 authorities on that issue and provide it to us by November 20th.

2 MR. MISETIC: Yes, we will do that.

3 PRESIDING JUDGE SMITH: Okay. And then response by SPO can be
4 within five days after that.

5 MR. BOYLE: Understood.

6 PRESIDING JUDGE SMITH: We don't need a reply. All right.

7 I note that Mr. Krasniqi is appearing via videolink today. The
8 other accused are all present in court.

9 Today we will start hearing the evidence of Prosecution
10 Witness W04043.

11 Madam Court Officer, please bring the witness in.

12 [The witness entered court]

13 PRESIDING JUDGE SMITH: He should remain standing, please.

14 Good morning -- oh, put your ...

15 Good morning, Witness. Can you hear me?

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

17 PRESIDING JUDGE SMITH: The Court Usher will now provide you
18 with the text of a solemn declaration which you are asked to take
19 pursuant to Rule 141(2) of our rules. So please look at the document
20 and then read it aloud. Read it.

21 THE WITNESS: [Interpretation] May I?

22 Conscious of the significance of my testimony and my legal
23 responsibility, I solemnly declare that I will tell the truth, the
24 whole truth, and nothing but the truth, and that I shall not withhold
25 anything which has come to my knowledge.

1 WITNESS: W04043

2 [Witness answered through interpreter]

3 PRESIDING JUDGE SMITH: Thank you, Witness. Now you may be
4 seated.

5 Witness, today we will start your testimony, which is expected
6 to last through this day. As you may know, the Prosecution will ask
7 you questions first. Victims' Counsel will not be asking you
8 questions. Therefore, once the Prosecution is finished, the Defence
9 will be asking you questions. Members of the Panel may also ask
10 questions of you.

11 The Prosecution estimate for your examination is one hour. The
12 Defence estimates that it will need two and a half hours. As regards
13 each estimate, we hope that the counsel will be judicious in the use
14 of their time. And the Panel may allow redirect examination if
15 conditions for it are met.

16 Witness, please try to answer the questions clearly with short
17 sentences. If you don't understand a question, feel free to ask
18 counsel to repeat the question or tell them that you don't understand
19 and they will clarify.

20 Also, please try to indicate the basis of your knowledge of
21 facts and circumstances that you will be asked about.

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

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

4 During the next days while you are giving evidence in court, you
5 are not allowed to discuss with anyone the content of your testimony
6 outside of the courtroom. If any person asks you questions outside
7 the Court about your testimony, please let us know.

8 Please stop talking if I ask you to do so and also stop talking
9 if you see me raise my hand. These indications mean that I need to
10 give you an additional instruction.

11 If you feel the need to take breaks, please make an indication
12 and we will accommodate you.

13 We begin with the direct examination by the Prosecution, to your
14 left.

15 And, Mr. Prosecutor, you have the floor.

16 MR. BOYLE: Thank you very much, Your Honour.

17 Examination by Mr. Boyle:

18 Q. Good morning, Witness. We have met before --

19 A. Good morning.

20 Q. -- but I will introduce myself again. I am Andrew Boyle with
21 the Specialist Prosecutor's Office, and I will be asking you some
22 questions for the next hour.

23 As was explained to you during your preparation session a few
24 days ago, rather than asking you questions about every relevant issue
25 you may have information about, it may be possible to admit some of

1 your prior statements containing such information into evidence. In
2 order to do so, there are a number of procedural steps that we have
3 to follow, which I will turn to after establishing your identity.

4 Mr. Witness, what is your name?

5 A. My name is Dragan Ivanisevic.

6 Q. And what is your date of birth?

7 A. 12 November 1962.

8 Q. And what is your nationality?

9 A. Serbian.

10 MR. BOYLE: And, Court Officer, I would like to call up
11 106336-TR-ET Part 1 RED2, and in Serbian that is 106336-TR-ST Part 1
12 RED.

13 Q. Mr. Ivanisevic, do you see the document on your screen?

14 A. Yes, I do.

15 Q. This document refers to an interview with the Specialist
16 Prosecutor's Office in April 2022. Do you remember meeting with the
17 Specialist Prosecutor's Office members in April 2022 and being asked
18 questions about what happened to you and others in 1999?

19 A. Yes, I remember.

20 Q. And do you recall reading this statement a few days ago?

21 A. Yes, I remember.

22 Q. Do you recall being provided with an opportunity to make
23 clarifications in relation to this statement?

24 A. Yes, I remember that too.

25 Q. Do you recall that you made a number of clarifications to this

1 prior statement?

2 A. Yes, I do.

3 Q. And do you recall that these clarifications and corrections were
4 included in a note which was read back to you?

5 A. Yes.

6 Q. And subject to the corrections set out in that note, is the
7 information provided in the statement I referred you to today
8 accurate and truthful to the best of your knowledge and belief?

9 A. Yes, they're true.

10 Q. And subject to the corrections set out in the note, does the
11 statement I referred you to today accurately reflect what you would
12 say if you were examined about the events recorded therein?

13 A. Yes.

14 MR. BOYLE: Your Honours, I would like to seek the admission of
15 Mr. Ivanisevic's prior statement pursuant to Rule 154. The relevant
16 ERNs of which are in three languages. In English, 106336-TR-ET
17 Part 1 RED2, and 106336-TR-ET Parts 2 through 4. In Albanian, that's
18 106336-TR-AT Part 1 RED2, and Parts 2 through 4. And in Serbian,
19 that's 106336-TR-ST Part 1 RED, and Parts 2 through 4.

20 As indicated in the Rule 154 motion for this witness, I'd also
21 seek to tender the associated exhibits for this statement. And those
22 numbers are -- the first one is SPOE00341540, it's a single-page
23 document; and the next one is 106334 to 106335.

24 I also seek the admission of the preparation note at 116792 to
25 116795, which contains the clarifications made during the witness

1 preparation session as concerns the proposed Rule 154 statement.

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 MR. MISETIC: No objection.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 The prior statements plus the associated exhibits, which are
6 SPOE0341540 and 106334 to 106335, and the note, the prep note, 116792
7 to 116795, are all admitted and will be assigned numbers by the
8 Court Officer.

9 THE COURT OFFICER: Thank you, Your Honours.

10 The statements Parts 1 through 4 will be assigned exhibit
11 numbers P694.1 for Part 1; P694.2 for Part 2; P694.3 for Part 3; and
12 P694.4 for Part 4.

13 The associated exhibit SPOE00341540 will be Exhibit P695.

14 106334 to 106335 will be Exhibit P696.

15 And the preparatory note 106792 to 106795 will be Exhibit P697.

16 And, Your Honours, I note that they're all marked as
17 confidential. Perhaps that can be clarified.

18 PRESIDING JUDGE SMITH: What's the position by the Prosecution
19 on the classification? Can they be made public?

20 MR. BOYLE: These can be made public.

21 PRESIDING JUDGE SMITH: Any objection to that by anybody in the
22 Defence?

23 Those documents, as just enumerated by the Court Officer, are
24 reclassified as public.

25 You may proceed.

1 MR. BOYLE: Thank you, Your Honour.

2 Your Honours, on 3 November 2023 the SPO circulated a proposed
3 summary of this witness's now admitted Rule 154 testimony to the
4 Panel, Defence, and Victims' Counsel. We have not received any
5 objection to the summary, and, therefore, before commencing the
6 supplementary questioning, I will provide a brief summary of
7 Mr. Ivanisevic's evidence contained in the documents that have just
8 been admitted.

9 PRESIDING JUDGE SMITH: You may proceed.

10 MR. BOYLE: The witness, Mr. Dragan Ivanisevic, was driving home
11 from a place near Prishtine on the evening of 9 February 1999 when he
12 was abducted by armed men wearing KLA uniforms.

13 Over the next hour or so, the KLA transported the witness in
14 various cars, including a white Lada standard, through different
15 locations in Kosovo.

16 The witness's abduction overlapped with the KLA abduction of
17 Veljko Markovic. The witness saw Markovic on the day of their
18 abduction several times, including when they were held together in
19 the trunk of a white Lada standard during transport from one location
20 to another.

21 During that time, Mr. Markovic told the witness, *inter alia*,
22 that he was a policeman but intended to tell his captors only that he
23 worked for the railroad. Mr. Markovic and the witness eventually
24 managed to open the trunk, and the witness successfully escaped while
25 Mr. Markovic remained in KLA custody.

1 After his escape, the witness learned from others, including
2 Mr. Markovic's family, that Markovic had last been seen on the same
3 day that the witness was abducted, driving a white Lada standard. He
4 also learned that Mr. Markovic worked as a policeman for a railroad,
5 the same information that he had received from Mr. Markovic directly
6 when they were held together in the trunk of a white Lada standard.
7 The witness also learned that Mr. Markovic had not returned home.

8 Q. Mr. Ivanisevic, in your statements that were just admitted, you
9 state that you were detained by the KLA around 6.00 p.m. on 9
10 February 1999 near Novo Selo. Did you ever learn at what date and
11 approximately what time Veljko Markovic and Nebojsa Djuric were last
12 seen?

13 A. Djuric. Yes, well, they were seen for the last time on an
14 evening. They were at a café. And when they left the café around --
15 between 4.00 and 5.00 -- this café was in Kosovo Polje. So they left
16 the café between 4.00 and 5.00 and that's the last time they were
17 seen.

18 Q. And can you tell us the date that you learned that they left
19 this café?

20 A. On 9 February.

21 Q. You also say in your admitted statements that Markovic and
22 Djuric were last seen together leaving the café, and you just told us
23 that. This café you mentioned, where was that located?

24 A. That was in Kosovo Polje.

25 MR. BOYLE: Court Officer, could we please call up SITF00319572

1 to 00320326 and go to page SITF00319587. And this should not be
2 shown publicly. Thank you.

3 Q. Mr. Ivanisevic, there is no Serbian version of this document, so
4 I will describe the relevant content to you so that it's translated
5 for you.

6 This is an ICRC list of missing persons in relation to events in
7 Kosovo that was produced in March 2001, and the missing persons on
8 this list are listed chronologically by date of disappearance.

9 MR. BOYLE: And if the Court Officer could zoom in a little bit
10 on the entries for 9 February 1999. Thank you.

11 Q. Mr. Ivanisevic, there are only two entries in this document with
12 a date indicated of 9 February 1999. One of them is for Djuric,
13 Nebojsa; and one for Markovic, Veljko. And it says that each of them
14 was last seen in Kosovo Polje. Is that the same location that you
15 just mentioned to us?

16 A. Yes.

17 Q. And in your statement that has been admitted, you explained that
18 you were stopped by the KLA on the road from Prishtine to Vucitrn
19 near a town called Novo Selo. Are you able to say approximately how
20 far Kosovo Polje is from where you were detained?

21 A. About 30 kilometres.

22 Q. Mr. Ivanisevic, you describe being placed in the back of a Golf
23 car with Mr. Markovic. From your observations of him, did you have
24 an opportunity to form an impression of his age?

25 A. Well, it was dark. But I would say he was around 35, but I'm

1 not sure because the visibility was not great. But approximately he
2 was about 35.

3 Q. Mr. Ivanisevic, with reference to this document that is still on
4 your screen, it has the dates of birth of the missing persons. And
5 it gives a date of birth for Mr. Markovic as 4 March 1965, so he
6 would have been 33, almost 34 at the time of your detention. Is that
7 consistent with what you just told us about your estimate of his age?

8 A. Yes, yes, it is consistent.

9 MR. BOYLE: Your Honours, I would like to tender this page of
10 this document.

11 PRESIDING JUDGE SMITH: Any objection?

12 MR. MISETIC: No objection.

13 PRESIDING JUDGE SMITH: Nothing?

14 SITF00319572 to 00320326 is admitted.

15 THE COURT OFFICER: Your Honours, I believe --

16 PRESIDING JUDGE SMITH: Just the page. Just the single page.

17 THE COURT OFFICER: The page is with ERN SITF00319587, and that
18 will be assigned Exhibit P698.

19 PRESIDING JUDGE SMITH: Thank you.

20 MR. BOYLE: [Microphone not activated]

21 THE INTERPRETER: Microphone, please.

22 MR. BOYLE: Thank you.

23 Q. Mr. Ivanisevic, when you first saw Mr. Markovic in the back of
24 the Golf car, how did he appear to you? What was your impression of
25 his demeanour?

1 A. He appeared pretty concerned, worried. He was sitting kind of
2 leaning forward. He was deep in thoughts. He seemed like he was
3 humiliated -- he felt humiliated.

4 Q. And were there any KLA near him at the time when you first saw
5 him?

6 A. Yes. Yes, there were.

7 Q. And can you describe the person or persons that were near him
8 and what they were doing.

9 A. The KLA member who was guarding him had an automatic weapon. He
10 was standing next to the car on the driver's side, and the door was
11 open, so he was pointing this weapon at him. And the man was seated
12 on the backseat of the Golf.

13 Q. Mr. Ivanisevic, you describe in your statement that at one point
14 -- Mr. Ivanisevic, you describe in your statement that at one point
15 you were forced to drive your own car, a Fiat, and you are speaking
16 with one of the KLA members that is in the car with you. Did that
17 man in the car with you ever mention any other abductions of other
18 persons to you?

19 A. While I was driving my car, he was seated next to me. And among
20 the questions that he asked, he said at one point, "Don't be afraid.
21 It'll be like what happened with Bigovic, Miso Bigovic." And then
22 from the tone of his voice, I had the impression that that did not
23 depend on him. That it wasn't up to him.

24 Q. And when he referenced Miso Bigovic, did you know who that was?

25 A. [No interpretation].

1 MR. BOYLE: I apologise, I'm not getting interpretation.

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 THE INTERPRETER: Interpreter's apologies. I was on the wrong
4 channel. If you could please ask the witness to repeat.

5 MR. BOYLE: Absolutely.

6 Q. Mr. Ivanisevic, I am going to ask you the question again because
7 there was an issue with the interpretation.

8 Did you know who this Miso Bigovic was when he referenced the
9 name to you?

10 A. I do. I knew him. I talked to him later on, once we went to
11 Mitrovice as refugees. So I knew him by sight and I knew him
12 personally.

13 Q. But when the KLA individual in your car referenced the situation
14 of Miso Bigovic, did you know at that time anything about Mr. Bigovic
15 or about what had happened to him?

16 A. Yes, I did. He was released with the assistance of the OSCE
17 three days or perhaps five or six days after he had been abducted,
18 and that could be seen on TV.

19 Q. And did you know anything about where he had been detained or
20 where he had been released?

21 A. From what he said later on when we met, I could grasp that he
22 did not know where he was. Only when they released him they brought
23 him close to his village from the direction of Cicavica mountain.

24 Q. And did you learn anything about who had abducted him?

25 A. Yes. He said that these were men from the UCK, and he even

1 recognised them, and from Vucitrn, who questioned him in a camp or a
2 base of the UCK. But he didn't tell me the name -- or perhaps he
3 did, but I cannot remember it any longer.

4 Q. And do you know is Miso a nickname for another name?

5 A. Miso is probably an abbreviation or a nickname. We usually call
6 someone Miso if his first name is Milos or Milan or something like
7 that. I don't know his actual name. I know his son. I know him by
8 sight. Later on, I got to know him better. I know his relatives.

9 Q. And you mentioned just a little bit ago that it was your
10 impression that the individual that was in your Fiat with you, the
11 KLA individual, that your fate was not up to him. Can you explain
12 what you mean by that?

13 A. While I was driving my car, he asked me what my name was and
14 where I worked. And, *inter alia*, at one point he offered me
15 cigarettes. I first said I did not smoke, and then later on I said,
16 "Well, okay, let me have one." And among the number of things that
17 he asked me, he also said -- I could see that he was not really
18 comfortable. He asked me, among other things, about my cousin, and I
19 had the impression that they had worked somewhere together because he
20 asked me, "Where is he working now?"

21 And then he wanted to give me some relief, and he said, "Don't
22 worry. You're going to fare the same as Bigovic." And when he
23 uttered that, I could see that he himself did not really believe his
24 own words because it wasn't up to him. I could feel that judging by
25 his voice, by his tone.

1 Q. Going back briefly to when you were in the back of the Golf with
2 Mr. Markovic and he had the gun trained on him, did you get the
3 impression that he was concerned at all about what his circumstances
4 were?

5 A. Yes.

6 Q. And what about him gave you that impression?

7 A. The position in which he was sitting. His bearing. He was
8 dejected, humiliated, scared.

9 Q. And can you -- I apologise for cutting you off. Please
10 continue.

11 A. Later at one point, as we were being driven, and as they turned
12 into Zekici, close to the mill, in contrast to the place where they
13 abducted us, the distance from the place of abduction and that place
14 was perhaps 500 metres. And when they turned there, the man who was
15 watching us and had his rifle pointed at us looked at the driver, and
16 then I nudged him, but he just glanced at me, and then he said, "You
17 better kill us right here on the spot." And that was something I
18 confirmed, too.

19 Q. When you said you confirmed it as well, did you also -- are you
20 saying that you also told them that they should just kill you right
21 there on the spot?

22 A. Yes. I said yes, that would be better, to do it right here.
23 That's what I said.

24 Q. And what was it that made you say that to them?

25 A. What made me was that I thought we should be spared any possible

1 torture and also that our families would know what our fate was. So
2 the reason was to avoid being tortured and making sure that our
3 relatives would know what happened to us. At least that was my own
4 personal reason for saying that.

5 Q. And did any of the KLA individuals in the car respond when
6 yourself and Mr. Markovic said this?

7 A. No, there was no reaction then.

8 Q. Mr. Ivanisevic, in your admitted statements --

9 MR. BOYLE: And this is at P694.3, page 21.

10 Q. -- you describe when you were removed from the trunk of your
11 Fiat car and then placed in the trunk of the Lada standard car along
12 with Mr. Markovic. Can you please explain for the Court how
13 physically you and Mr. Markovic were arranged within the trunk of the
14 Lada standard?

15 A. Yes, I can. He was behind me. His head was on one side and his
16 legs behind my head, and my legs and feet were next to his head and
17 my head was on the other side. And as I was bent, I had to lift my
18 knees a bit because the trunk could only close completely.

19 Q. And what was the first thing that Mr. Markovic did when you were
20 placed in the trunk together?

21 A. The first thing, he searched for my hand and he told me, "Don't
22 be afraid. Don't be afraid." And we held each other like this. I
23 could see that he was very scared. And he asked me immediately, "Are
24 you a policeman?" The first question he asked was, "Were you with me
25 in the Golf?" And I said, "Yes." And then he asked me, "Are you a

1 policeman?" I said, "No. How about you?" And I just understood
2 that he said, "Yes." And as for the rest, I could only understand
3 that he would say that he was a railway worker.

4 When I asked him, "Are you a policeman?" He said, "Yes," but
5 then he then added that he would say, as a justification for himself,
6 that he was a railway worker. And later on, I learned that he was a
7 policeman who worked as an escort travelling on trains.

8 Should I continue?

9 Q. That's sufficient for now. Thank you.

10 In your admitted statement, you also state at one point that you
11 were or are a mechanic. Can you please tell the Court more about
12 what you mean by saying that you're a mechanic and what experience
13 you had in that regard at the time that you were abducted.

14 A. Until the end of 1998, I worked as a car mechanic. And as of
15 the new year, 1999, so that is to say a month and ten days or so, I
16 worked as a driver. I was transferred to the position of a driver.
17 And I had big experience as a car mechanic. That was what I
18 specialised in and that was what I did as my work, and I was well
19 versed in this line of work.

20 Q. And based on that experience, how would you rate your ability to
21 identify different types of car makes and models?

22 A. I am quite familiar with the models that were used at the time.
23 Quite well. My uncle on my mother's side had the same type of car.
24 It's a model from the early 1970s. That's when the production began.
25 If I'm not mistaken, in the early 1970s. But at least you could buy

1 it in our country in early 1970s. Around 1972 you could get a model
2 like that. And I was quite familiar with that model, Lada standard.
3 That's the model I'm talking about. I was quite familiar with it.

4 Q. [Microphone not activated].

5 Also in your admitted statement, you discuss the white Lada
6 standard and you say that it is also called something, a Zhiguli. Do
7 you know if a Lada standard or a Zhiguli also has another name
8 involving a number?

9 A. It's also known as Fiat 124. And the model was developed from
10 Fiat 124, the Italian model of the Fiat. The Lada. That is to say,
11 the Russians got a license and they were manufacturing this model of
12 Lada car.

13 Q. Do you know if there is a name that this car is known by that
14 references the size of the engine of the Lada?

15 A. Well, I know that it had 1200 cubic metres.

16 MR. KEHOE: Excuse me, Judge, we're not getting the transcript.

17 THE WITNESS: [Interpretation] I'm not sure what exactly you're
18 asking me about.

19 MR. KEHOE: Excuse me, excuse me.

20 PRESIDING JUDGE SMITH: Excuse me.

21 MR. KEHOE: We're not getting the transcript with the
22 translation -- excuse me, counsel. It goes back to your question
23 involving a number. We have not gotten the translation on anything
24 since then. Is that right with everybody?

25 MR. MISETIC: Mr. President, the live transcript is down.

1 MR. KEHOE: Right.

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 MR. MISETIC: Yeah.

4 PRESIDING JUDGE SMITH: My name is the same. We'll look into
5 it.

6 Witness, we're having a technical problem right now. We'll try
7 to fix it soon.

8 [Trial Panel and Court Officer confers]

9 PRESIDING JUDGE SMITH: We should be -- no, I thought we were
10 fixed but we're not.

11 [Trial Panel and Court Officer confers]

12 PRESIDING JUDGE SMITH: I've been told it ought to work now.

13 MR. BOYLE: [Microphone not activated]

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 MR. BOYLE:

16 Q. Mr. Witness, right before we paused to fix the transcript issue,
17 you referenced the 1200 size engine of the car. Have you ever heard
18 the car referenced as a Lada 1200?

19 PRESIDING JUDGE SMITH: Excuse me, Mr. Prosecutor.

20 Madam Court Officer, I'm still not getting any live feed.

21 [Trial Panel and Court Officer confers]

22 PRESIDING JUDGE SMITH: All right. We'll try again.

23 Go ahead.

24 MR. BOYLE: Thank you, Mr. President.

25 Q. Mr. Ivanisevic, I was asking you -- you referenced the 1200cc

1 size of the car's engine. Did you ever hear of this car as being
2 referenced as a Lada 1200?

3 A. Yes, I heard it. It's called 1200 anyway, and the standard was
4 a colloquial name for it. It's how the people used to refer to it.
5 That's not part of its production name. And the reason was that
6 other models were later developed from it.

7 Q. And when you had an opportunity to speak with Veljko Markovic's
8 father, did he ever tell you what type of car his son drove?

9 A. Yes, he did. He confirmed that he was driving that car, that
10 model, and of the same colour that I had seen. So that same model,
11 the make, and the colour. He confirmed that his son was driving just
12 such a car.

13 Q. And just to be absolutely clear, when you say "just such a car,"
14 you're referring to a white Lada standard?

15 A. Yes, yes.

16 Q. In the statement that has now been admitted, you say that the
17 man you were detained with was a little bit shorter than you. Can
18 you tell the Court how tall you are?

19 A. 179 is my height.

20 MR. BOYLE: And, Court Officer, could you please call up
21 SPOE00341655. That's a single-page document, and it can be shown
22 publicly. And this has Serbian, Albanian, and English all on the
23 same page.

24 Q. Mr. Ivanisevic, this is a missing notice for Mr. Markovic, and
25 you'll be able to see that it says:

1 "Mr. Markovic may have been driving his private vehicle, a white
2 Lada 1200, 17 or 18 years old ..."

3 Is that consistent with the car that you saw and that you were
4 placed in the trunk of with Mr. Markovic?

5 A. Yes, it is consistent.

6 Q. And it also says in this notice in describing Mr. Markovic that
7 he was about 175 centimetres tall and about 90 kilos. Is that
8 consistent with what you observed regarding the man that you were
9 detained with?

10 A. Yes, it is consistent. He was a little bit less tall and a
11 little bit fatter than I was. I was about 75 to 79 kilos at the
12 time. So my weight was between 75 and 79, but he was a bit fatter
13 and he was somewhat shorter. That's what I could judge.

14 MR. BOYLE: Your Honours, I'd like to tender this document.

15 MR. MISETIC: No objection.

16 PRESIDING JUDGE SMITH: No objection shown, SPOE00341655 is
17 admitted.

18 THE COURT OFFICER: Your Honours, that will be assigned
19 Exhibit P699.

20 And, Your Honours, I note it's currently classified as
21 confidential, but as it was shown to the public, it can be
22 reclassified as non-confidential?

23 PRESIDING JUDGE SMITH: Reclassified as public?

24 MR. BOYLE: That's correct, yes.

25 And, Court Officer, if we could have SPOE00341539 on the screen.

1 The Serbian is the same number with ST at the end, and this can also
2 be shown publicly.

3 Q. Mr. Ivanisevic, this is a document from the OSCE, and the
4 document, as you can see, is titled "Investigation of allegedly
5 kidnapped Serb policemen." And then it lists as victims Veliko
6 Markovic and Djuric Neboisa. And it states that OSCE investigators
7 spoke with an OSCE human rights officer who interviewed you,
8 Mr. Ivanisevic, on 13 February 1999.

9 Do you recall meeting with a representative of the OSCE a few
10 days after your escape?

11 A. Yes, I remember.

12 Q. And this report also states a number of details regarding your
13 abduction, including that you were at one point held in the trunk of
14 your own car, a Fiat, and that you were held in the trunk of a Lada.
15 Are those details accurate and consistent with what you have told us
16 today?

17 A. Yes, they're correct.

18 MR. BOYLE: Your Honours, I would tender this document.

19 PRESIDING JUDGE SMITH: [Microphone not activated]

20 MR. MISETIC: No objection.

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 No objection indicated. SPOE00341539 plus the Serbian is
23 admitted.

24 THE COURT OFFICER: Your Honours, that will be assigned
25 Exhibit P700. And the same question regarding the classification.

1 MR. BOYLE: This can also be public. Thank you.

2 PRESIDING JUDGE SMITH: The document will be reclassified as
3 public.

4 Go ahead.

5 MR. BOYLE:

6 Q. Mr. Ivanisevic, you state in your tendered statement that family
7 members of Nebojsa Djuric also came to visit you after you escaped.
8 Do you know or can you tell the Court why it was that they came to
9 visit you?

10 A. Well, they came to ask me if I knew anything more about their
11 son. His father and mother came to see me, and I think his sister
12 was there too. There were three of them. His father, his mother,
13 and his sister as far as I can recall. I'm not sure about the third
14 member. They came to see me to ask me what I could tell them about
15 him, whether I had seen him. But I did not see him.

16 Q. And when they came to visit you, did they tell you what they had
17 heard or learned about the disappearance of Nebojsa?

18 A. They heard that he had set off with Veljko Markovic and that he
19 hadn't been seen since. That's what they heard, because he too was a
20 policeman and this is what they heard from their -- from his
21 colleagues. And he was never seen again. He never came back.

22 MR. BOYLE: Court Officer, could we please have SPOE00341654 on
23 the screen. It's a single-page document with all three languages,
24 and it can also be shown publicly.

25 Q. Mr. Ivanisevic, this is a missing notice for Nebojsa Djuric.

1 And do you see where this document says that:

2 "[He] seemed to have disappeared riding with his colleague
3 Veljko Markovic in Markovic's vehicle, a white Lada 1200, 17 or 18
4 years old ..."

5 Is that consistent with the information that you learned
6 regarding Djuric's disappearance?

7 A. Yes, it is consistent.

8 Q. And that information regarding the car, is that consistent with
9 the car that you saw and that you were placed in the trunk of?

10 A. Yes, it is.

11 Q. Mr. Ivanisevic --

12 MR. BOYLE: I apologise. I would like to tender this document,
13 Your Honours.

14 PRESIDING JUDGE SMITH: SPOE00341654 is admitted plus the
15 translations.

16 THE COURT OFFICER: Your Honours, that will be assigned
17 Exhibit P701. And should it be reclassified as public?

18 MR. BOYLE: And reclassified as public, yes. Apologies.

19 PRESIDING JUDGE SMITH: This will also be reclassified as
20 public.

21 MR. BOYLE:

22 Q. Mr. Ivanisevic, I'd like to now move to when you escaped from
23 the trunk of the Lada standard. And you explained in your statement
24 that when you escaped, your captors chased after you and fired guns
25 at you. Can you please describe for the Court what that -- what

1 occurred when you escaped from the car, how long did the individuals
2 search for you, how many of them were there, et cetera?

3 A. When I opened the trunk, I asked Veljko, "What are we going to
4 do? Shall we run?" I asked this person who was next to me. And he
5 said, "They will shoot." But I said, "Well, let them shoot, but I
6 will run," and I told him that I had opened the lid of the trunk.
7 And then he put out his arm to check that, and then he decided too,
8 and he tried to open the lid a little higher, but he -- and he kept
9 saying, "It's not the right moment. It's not the right moment." I
10 knew that too because the car was driving relatively fast. Maybe 50,
11 60 kilometres per hour.

12 But at one point, because we were coming upon a hill, up until
13 then it was flat, but then we realised because it was going to go
14 uphill that it would be easy for us to try and escape and then hide
15 behind the hill, because he kept saying they would shoot. And then
16 he said, "Okay, let's go." We lifted the lid, but they noticed
17 immediately that it was open, and they stopped the car. I set off,
18 and I only heard him say, "Not now." But I was already on my way
19 out. I jumped out, I landed on my legs, and I started to run away
20 from the car.

21 I just heard them stop. They opened all the doors. I was
22 perhaps some 30 metres away by then. They fired one shot. I slipped
23 and fell, but I jumped up immediately and started to run off behind
24 the hill. And I heard footsteps behind me, I heard someone running
25 after me. And when he saw me again, he fired again, and I fell down

1 again.

2 And then I had to go uphill because there was a clearing there,
3 but uphill there was some bushes. So I went uphill, perhaps some 20
4 to 30 metres. It couldn't have been more. And, again, when he
5 arrived there, there were at least three shots fired, bam, bam, bam,
6 individual shots.

7 And then a little later I rested a bit, I stopped. I wanted to
8 hear -- try to figure out where they were. As far as I could hear,
9 there was no one approaching. So then I started to kind of go around
10 the place, because I didn't want to go straight ahead because I might
11 have run into them. So I tried to go around. And in my judgment, I
12 think I was going a bit back in the same direction.

13 As I was moving this way, there was this -- on my left-hand
14 side, I could see the place from where I had escaped, and then I
15 heard several bursts of fire, rrr, rrr, rrr. It sounded like that.
16 I fell again. I was wet because I had been running. I was sweating.
17 And there was a brook that I crossed so I was wet.

18 And then as I went further, there was a clearing. There was --
19 the moon was out, and there was a clearing. There was snow on the
20 ground, so the visibility was very good. At one point, I saw a car
21 turning around and searching with the headlights, but then it turned
22 around and left. And as I crossed this clearing, this hillock, I
23 crawled because it was a wide clearing. But then I saw a house and
24 some four to five houses. I could see the light from there. I knew
25 that I could be seen by them, so I crawled -- or, rather, I was on my

1 fours figuring they would think I was an animal.

2 So when I reached the top of the hill, I went over and I started
3 going down. And then I saw -- on this hill, I saw three figures. It
4 looked like there was some guards. And then there was again this car
5 suddenly. It reappeared some 200 metres off. They quickly opened
6 the door, they got out of the car, they spread out, and they started
7 moving towards me, and they kept using search lights that was on the
8 car. And this was the same type of vehicle that was in Novo Selo
9 when they caught me. It was the same headlight.

10 And I thought -- I went towards these three guards, because I
11 thought these guys would catch me. So then I kind of backed -- went
12 back. There was some low bushes there, and there was a fence for
13 cattle and sheep and so on. So I kind of tried to mix with the
14 animals so that they wouldn't see me. And as I was crawling, there
15 were two more cars arriving there. They were at the same spot. They
16 all went out of their cars and spread out and were moving in my
17 direction.

18 While I was crawling, they were very close already. I couldn't
19 see them, but I could hear them. They whispered something to each
20 other. I can't say exactly how far they were. Maybe 6, 7 metres.
21 But I could hear their -- I hear them walking on the snow. There was
22 the crunching sound of their steps. And I could also hear them
23 behind them from up on the hill. And again I heard them whispering.

24 Then I came close to the river. I couldn't see the road because
25 there was a lot of snow, but I could see two cars moving slowly on

1 the other side of the brook. So I thought that the guys who were up
2 on the hill had seen me. However, they had gone. They had left.
3 They crossed some bridge, and I could no longer see them.

4 And then this third car turned around and it lit the road
5 towards -- in my direction, actually. At that point, I was in the
6 brook itself, the bed. I was there on the bed of the brook. And so
7 as this vehicle was -- as it was pointing its lights on the road,
8 that car too, I saw that it turned around and left.

9 And then I started moving towards the woods. And then I
10 realised that those three figures weren't really guards, because they
11 would have seen me, they were just some bushes. Then I could hear
12 occasional bursts of fire. I wasn't too close, but I could also hear
13 them shouting, shooting. I heard cars going back and forth along
14 this road that I had crossed. I could also hear from the other side
15 of the hill that there were vehicles moving. I think these were some
16 jeep vehicles judging by the sound of the engine.

17 I kept on walking for a long time when I got up on to the hill.
18 But previously, as I was going towards the hill, I could see some
19 kind of glow in the sky. In my -- according to me, and the way I
20 oriented myself, I thought I should go that way because that would
21 have been the glow of a village. And as I came closer, I did see a
22 village. This was probably Vucitrn. I mean, I figured this out
23 later as I connected things.

24 But I saw -- I had seen some lights. These were probably the
25 lights from the zinc factory. And as I started --

1 Q. Mr. Ivanisevic --

2 A. -- going down, I was walking along the road --

3 Q. I apologise. Could you just tell us whether you eventually made
4 it to safety?

5 A. Yes.

6 Q. Thank you. And can you just briefly tell us how it was that you
7 made it to safety?

8 A. When I realised where I was, it was already light. I could
9 see -- previously, I could see my own village and Vucitrn, but I
10 could not figure out that that's what it was because there was a lot
11 of snow. But when I looked towards the left, I could see the zinc
12 factory which was close to the railway station in Vucitrn, and then
13 everything became clear to me.

14 Now I could also see the railway, because I hadn't seen it
15 before because there was a lot of snow covering it, but now I could
16 see it. I did not dare take the road because it would have taken me
17 through an Albanian village, so I didn't dare go there. But I
18 went -- I crossed the rail tracks, and then I walked along the tracks
19 towards the zinc factory.

20 Q. I apologise, Mr. Ivanisevic.

21 A. At this point, I could already see --

22 Q. Did there come a time when you encountered a policeman?

23 A. Yes, yes.

24 Q. And when you met with the policeman, where did he take you?

25 A. He took me to the Vucitrn police station.

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1 Q. Thank you, Mr. Ivanisevic. I very much appreciate you answering
2 my questions.

3 MR. BOYLE: I have no further questions, Your Honour.

4 PRESIDING JUDGE SMITH: Mr. Misetic, any cross?

5 Cross-examination by Mr. Misetic:

6 Q. Good morning, Witness. My name is Luka Misetic. I am counsel
7 for Mr. Thaci, and I have a few questions for you.

8 I first have some background questions. You had military
9 training; is that correct?

10 A. Yes, that's correct.

11 Q. And when did you serve in the military?

12 A. In 1982 to 1983.

13 Q. And did you have any military service in 1998 or 1999?

14 A. In 1999, I was mobilised. I was drafted when the war started.

15 Q. Can you tell us roughly what month would that be?

16 A. As of 25 March, the third month, up until 14 June 1999.

17 Q. And in what unit did you serve?

18 A. It was a unit of the Territorial Defence.

19 Q. In what location?

20 A. In Vucitrn.

21 Q. So did you serve in Vucitrn from 25 March to 14 June?

22 A. I was in this area. Sometimes we would go to assist in other
23 places. I wasn't in Vucitrn all the time but in the surrounding
24 villages.

25 Q. Okay. But the entire time from 25 March to 14 June, you were

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1 either in Vucitrn or in surrounding villages; is that correct?

2 A. I was in my village and in some locations where they would send
3 us as relief.

4 Q. As someone who follows the news, I'm sure you're aware of a
5 crime committed in Vucitrn in early May 1999. Are you familiar with
6 that? Do you know anything about the killing of about a thousand
7 people in Vucitrn on or around 3 May 1999?

8 MR. BOYLE: Objection, relevance.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 MR. MISETIC: I'm exploring the witness's participation in the
11 events of 3 May 1999. It would affect credibility.

12 PRESIDING JUDGE SMITH: Was that on the direct examination?

13 MR. MISETIC: Well, it goes to his personal character,
14 background.

15 PRESIDING JUDGE SMITH: All right. Briefly. He can answer if
16 he knows anything about it.

17 MR. MISETIC:

18 Q. My question is do you know anything about the massacre of about
19 a thousand civilians on 3 May 1999 in the area of Vucitrn where you
20 were serving?

21 A. No, I don't. This is the first time that I hear of these 1.000
22 people.

23 Q. Do you know anything about any killing of civilians in the
24 Vucitrn area? And I correct the date, it's 2 May 1999.

25 A. No, I don't.

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1 Q. Never heard of it; correct?

2 A. I heard that there were killed civilians. But as for the date
3 and that there were as many, no.

4 Q. All right. Well, let's put the date aside. At any time between
5 25 March and 14 June 1999, do you have any knowledge of the killing
6 of civilians in the Vucitrn area?

7 A. I heard that there were killings, individual killings.

8 Q. And who did you hear that from?

9 A. Well, I can't exactly tell. Probably from people I know.
10 People I was in touch with.

11 Q. People in your unit?

12 A. No, no.

13 Q. Witness, let me ask you some questions about the events of 9 and
14 10 February. When you were -- after you had fled but before you
15 arrived at the police station, had you heard about what happened to
16 Mr. Markovic? Did you see it in the news?

17 A. No, I didn't hear it on the news. But much, much later I heard
18 that his mortal remains were found.

19 Q. Well, I'm just -- I'm asking a different question. Had you
20 heard that Mr. Markovic and Mr. Djuric had been abducted and were
21 missing? When is the first time you heard news that Mr. Djuric and
22 Mr. Markovic were missing?

23 A. I heard it on the second or third day after I had returned to my
24 workplace.

25 Q. On the 10th, you went to the -- in the morning, you went to the

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1 Serbian police and reported what happened to you; correct?

2 A. Yes, I did.

3 Q. And you gave them a statement; is that correct?

4 A. Yes, I did.

5 MR. MISETIĆ: And if we could please put the statement on the
6 screen, SITF40004070 to SITF40004093 at pages 9 to 10 in both the
7 Serbian and in the English.

8 Q. You've seen this statement of yours before, have you not?

9 A. Yes.

10 Q. And this is the statement you gave to the Serbian police on
11 10 February 1999?

12 A. Yes.

13 MR. MISETIĆ: Turn the page in both the Serbian and the English.
14 If we could scroll to the bottom.

15 Q. Is that your signature at the bottom?

16 A. Yes, it is.

17 Q. And did you read the statement before you signed it?

18 A. That I don't remember. Perhaps I did.

19 Q. This is your statement; correct?

20 A. Yes, that's right. It is the statement. And it's partly
21 correct. Not in all of its details, though.

22 Q. Well, the statement was prepared after the police had
23 interrogated you three times; correct?

24 A. The statement was not prepared.

25 Q. Well, somebody typed it; correct?

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1 A. As I was telling them, a police employee was typing.

2 Q. Okay. But this was typed after you had been interrogated by the
3 police three times; correct?

4 A. I gave the statement three times, and an OSCE representative was
5 also present. Now, whether this is -- probably this was typed up as
6 I was telling them what I had to tell them. They did question me
7 three times. And as far as I know, it was being typed while I was
8 telling my story or giving my statement. I know -- and all I know is
9 that as I was doing it, the employee was typing this.

10 Q. Okay. And did you get the sense that they were particularly
11 interested in getting the details from you because two of their
12 colleagues had gone missing and you were claiming that you had come
13 in contact with someone who said they were a police officer? Is that
14 why they -- was it your impression that that's why they were
15 questioning you three times?

16 A. No, not because of that.

17 Q. Well, do you know or did they tell you why they were questioning
18 you three times?

19 A. No, they didn't. It was just that I surmised.

20 Q. And they questioned you three times, but you always came back to
21 the same story; correct?

22 A. Yes.

23 MR. MISETIC: Mr. President, I'd ask that this statement be
24 marked and I tender it into evidence.

25 PRESIDING JUDGE SMITH: Repeat that.

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1 MR. MISETIĆ: I'd ask that it be marked, and I tender it into
2 evidence.

3 PRESIDING JUDGE SMITH: [Microphone not activated]

4 MR. BOYLE: No objection.

5 PRESIDING JUDGE SMITH: SITF40004070 to SITF40004093 in Serbian
6 and English is admitted.

7 THE COURT OFFICER: Your Honours, that will be marked as
8 Exhibit 1D68. And I note it's marked as confidential. Shall it be
9 reclassified?

10 MR. MISETIĆ: I don't have any objection to it being public.

11 MR. BOYLE: No objection.

12 PRESIDING JUDGE SMITH: It's reclassified as public.

13 [Microphone not activated].

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

15 Q. Witness, you were asked some questions by the Prosecutor this
16 morning about where Mr. Marković and Mr. Djurić were last seen, and
17 you said it was at a café in Kosovo Polje. How do you know that?

18 A. I know it because when I went to work three days later, I heard
19 in my workplace who they were. Because I reported that there had
20 been one person with me with such and such a car, and because these
21 two failed to return home, the time of their departure from the café
22 restaurant was matching. And the story came from the waiter who said
23 that they had set off in the direction of Vucitrn or Mitrovica.

24 Q. Okay. So are you saying that you heard this from people who
25 were discussing it at work?

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1 A. That was the first time I heard that.

2 Q. And have you subsequently continued to acquire information about
3 the case of Mr. Markovic and Mr. Djuric, additional information?

4 A. If you're asking me, his father came to visit me four or five
5 days later and he asked me about Veljko. He asked me about his son
6 Veljko, because he had heard which car was involved in the incident.
7 And then later on, I heard about the fate of Veljko Markovic, that
8 his remains were found and were transported to the centre next to
9 Kursumlija, the centre for forensics, where all the remains were
10 being taken. The remains of all those who were found were taken to
11 this place between Merdare and Kursumlija.

12 Q. Okay. But you have continued to acquire information about the
13 cases of Mr. Markovic and Mr. Djuric since the events of 9 February
14 1999; correct?

15 A. It was only once that I heard about the fate of Veljko Markovic,
16 and that was three, four, or five years later.

17 Q. You were asked some questions about the relationship between
18 Kosovo Polje and where you were stopped, which I believe is Novo Selo
19 Madjunsko; is that correct?

20 A. Yes.

21 Q. To get from Kosovo Polje or Fushe Kosove to Novo Selo Madjunsko
22 you have to go towards Prishtine, and then from Prishtine go
23 north-west to Novo Selo Madjunsko; is that correct?

24 A. Yes.

25 Q. So Kosovo Polje is south-west of Prishtine, and Novo Selo

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1 Madjunsko is north-west of Prishtine; is that correct?

2 A. Yes, yes.

3 Q. At this time, which forces controlled Kosovo Polje?

4 A. This was state-controlled territory.

5 Q. And Prishtine was under whose control at this time?

6 A. Likewise, it was under the control of the state.

7 Q. What about Novo Selo Madjunsko?

8 A. At the time, people had already noticed KLA members passing
9 through Novo Selo, Pestovo, but allegedly this area was still under
10 the control of the state.

11 Q. Now, Klecke would be south of Kosovo Polje; correct? The
12 opposite direction of Novo Selo Madjunsko; is that correct?

13 MR. BOYLE: I'm sorry, if we can just get foundation for his
14 knowledge regarding Klecke.

15 MR. MISETIĆ:

16 Q. Do you know where Klecke is? Do you know where Klecke is in
17 Kosovo?

18 A. I don't know exactly. Not exactly. But approximately, if you
19 go from Prishtine towards Pec, then it's on the left side of the
20 road. But I don't know exactly.

21 Q. But you know it's in the opposite direction of going -- if
22 you're sitting in Kosovo Polje, it's in the opposite direction of
23 Prishtine; is that correct?

24 A. I really don't know exactly where Klecke is, whether it's in the
25 opposite direction or a bit further to the south. It's possible that

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1 it's in the opposite direction and that Kosovo Polje is between
2 Prishtine and Klecke.

3 Q. Okay. So is it fair to say, though, that it's your
4 understanding that Mr. Markovic, at least, was taken from Kosovo
5 Polje in Serb-controlled territory and continuously driven through
6 Serb-controlled territory to where you were, which was also, I should
7 say, government-controlled territory; correct?

8 A. Could you please repeat the question because I did not
9 understand it completely.

10 Q. I'm saying that, as you have testified now, Mr. Markovic was
11 picked up in Kosovo Polje, and then you saw him in Novo Selo
12 Madjunsko. And to get from Kosovo -- is that not right?

13 A. I didn't -- I didn't say that Markovic was abducted in Kosovo
14 Polje. I only saw him when they kidnapped me. I saw him in the car
15 close to Novo Selo.

16 Q. Okay.

17 A. And I didn't see where he was ...

18 Q. Let me ask you a different question. Before -- as I understand
19 from your statements, you got in your car at around 6.30 p.m. on the
20 evening of February 9th, 1999; is that correct?

21 A. Can you please repeat this again? Perhaps with some more
22 details. I'm sorry.

23 Q. You were stopped --

24 MR. BOYLE: I'm sorry, if we could just have a reference to
25 where that time is coming from, because I think that there was some

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1 clarification given in Preparation Note 1, paragraph 13.

2 MR. MISETIC: Well, I believe I was reading from his 1999
3 statement, but -- yes, I'm reading from his 1999 statement.

4 Q. In 1999, the day after this took place, you said:

5 "I went to Obilic in my private car and at around 1830 hours I
6 set out from Obilic in my white Fiat."

7 Is that accurate?

8 A. No.

9 Q. So the statement that you gave the day after the event in
10 question, it's incorrect that -- and the statement you signed, it's
11 incorrect that it was 1830?

12 A. At that moment, I was not really considering the exact time when
13 I set out not from Obilic but from the village of Milosevo. At that
14 time when I came there, I said that it was around 6.00 p.m., or
15 between 6.00 and 7.00, and they noted that it was 7.00.

16 Q. Well, they actually noted that it was 6.30, and that you were
17 stopped at 7.00. Is that not accurate?

18 A. No, no.

19 Q. So according to your -- what you told the Prosecutor last week,
20 you've moved the time back about an hour, so now you say it was 5.30
21 when you left and approximately 1745 or 1800 when you encountered the
22 KLA. So the police got it wrong by about an hour on 10 February and
23 you nevertheless signed the statement; is that correct?

24 A. Yes, I did sign it, and that was what I said, because at the
25 time I wasn't really thinking about the exact time. I said it was

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1 between 6.00 and 7.00, and this is how they noted it. I just know,
2 when I try to remember very precisely, that it was around 6.00 p.m.
3 I left the café restaurant in Milosevo at around 5.30.

4 Q. How long had you been in the café in Malisevo?

5 A. It's Milosevo. Not Malisevo but Milosevo. It's a place
6 between -- it's on the regional road Prishtine-Vucitrn. Milosevo.

7 Q. How much time -- I apologise, Milosevo. How much time did you
8 spend in the café in Milosevo?

9 A. Well, about an hour or an hour and a half at most.

10 Q. And in that hour or hour and a half, you had three or four
11 drinks; correct?

12 A. Yes.

13 Q. What kind of drinks were they?

14 A. Well, we call it *rakija*, that's brandy.

15 Q. So you had three or four *rakija* in an hour or an hour and a
16 half, and then you set out in the car; correct?

17 A. Yes.

18 Q. Tell us, from your own experience, how does three or four *rakija*
19 in an hour or an hour and a half affect you?

20 A. Well, I couldn't really -- I can take it pretty well.

21 Q. Does it affect your ability to -- does it affect your judgment
22 at all?

23 A. Well, not much. Perhaps a little.

24 Q. Does it affect your vision?

25 A. No, no.

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1 Q. Let me ask you some questions about the men who stopped you.
2 Would you agree with me that the police, when they interrogated you
3 three times, were very interested in learning as many details as they
4 could about the people that stopped you?

5 A. They did not ask me at all about the people who had stopped me.
6 They only asked me about the event as such.

7 Q. So they didn't ask you what the men were wearing?

8 A. That they did, and I told them anyway. They did ask me about
9 that, yes.

10 Q. So they were very interested in you providing a description of
11 the people that stopped you; correct?

12 A. They were interested in learning who that was, but they didn't
13 ask for a detailed description of their faces. They didn't ask me
14 about their uniform.

15 Q. But you didn't recognise anyone; correct?

16 A. No, I didn't.

17 Q. And you couldn't identify anyone by name or by nickname;
18 correct?

19 A. No, I could not.

20 Q. And you didn't tell the police that they were wearing uniforms
21 that had "KLA" or "UCK" on them; correct?

22 A. I did say that, because I did see the UCK insignia.

23 Q. Well, your statement to the police doesn't say that the people
24 wearing camouflage had "UCK" or "KLA" on the uniform. Why is that
25 detail not in your 1999 statement?

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1 MR. BOYLE: Objection, calls for speculation regarding the
2 individuals that took his statement.

3 PRESIDING JUDGE SMITH: Sustained.

4 MR. MISETIĆ:

5 Q. Witness, this is your statement. You signed it; correct?

6 A. Yes, I did sign it.

7 Q. You signed a statement that had no reference to any KLA or UCK
8 patches or symbols on a uniform; correct?

9 A. I did not consider this statement important --

10 Q. And so --

11 A. -- at the time.

12 Q. -- your testimony would be that you did tell the police that it
13 had "KLA" or "UCK," and if it's not in your statement, it's because
14 the police didn't put it in the statement; correct?

15 A. I did say that they had the insignia. Now, whether the police
16 included it in the statement or not, I really don't know that.

17 Q. Now, you told EULEX in your statement that the military uniforms
18 were greyish in colour; is that correct?

19 A. The leader of the group, who was sitting next to me, was wearing
20 the uniform of our army. He had that one. The others had dappled
21 uniforms. Another one also had a grey uniform, one who was in
22 Cicavica, in Resnik. Two had leather jackets and dappled trousers.

23 Q. Okay. When you say "our army," you mean the Yugoslav Army;
24 correct?

25 A. Yes, yes. He wore a jacket of the Yugoslav People's Army.

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1 Q. So your testimony is that the KLA person had a Yugoslav Army
2 jacket on? Yugoslav national army jacket on but he was KLA? Is that
3 your understanding?

4 A. Yes, because he had a patch with a UCK sign.

5 Q. Well, where was the "UCK" on a Yugoslav Army jacket? And how
6 did you know it was a Yugoslav Army jacket?

7 MR. BOYLE: Sorry, could we just have that reflected in the
8 transcript.

9 PRESIDING JUDGE SMITH: The record should indicate that the
10 witness touched his left shoulder area.

11 MR. MISETIĆ:

12 Q. And how was it a Yugoslav Army jacket?

13 A. On the left arm.

14 Q. So I'm confused now. It had both a Yugoslav Army patch and an
15 UCK patch on it?

16 A. No. The jacket never had the JNA insignia on it. There was no
17 patch or insignia on it. Because I wore the same uniform, I had worn
18 it, and I know that it did not contain any insignia.

19 Q. The first time you ever mentioned that there were UCK emblems on
20 any of the individuals is when you spoke to the SPO in 2022; correct?

21 MR. BOYLE: Objection, misrepresents the evidence. The witness
22 has stated that he said that to the police in 1999.

23 MR. MISETIĆ: Mr. President, it's cross-examination, so ...

24 PRESIDING JUDGE SMITH: Go ahead. Overruled.

25 You may answer the question.

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1 MR. MISETIĆ:

2 Q. You've been interviewed by the Serbian police and you didn't
3 mention UCK patches. That's correct, isn't it?

4 A. I did mention the UCK patches. I certainly did.

5 PRESIDING JUDGE SMITH: Yes, you've misstated the record. He
6 previously stated he told them. He just didn't know why it wasn't in
7 the --

8 MR. MISETIĆ: And I'm challenging that by saying he didn't.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 MR. MISETIĆ: Yes.

11 Q. And, Witness, you also didn't mention anything about KLA
12 insignia or emblems in your statement to EULEX; correct?

13 A. I did tell it to EULEX that I saw the UCK emblems. I told that
14 to OSCE as well. I went to OSCE in Prishtine with Veljko's father,
15 and I always said that they had the UCK emblems. Always. On every
16 occasion.

17 MR. MISETIĆ: Well, if we could have SITF00010993 to 00011013
18 RED at SITF00010994. If we could get to that paragraph, "When I
19 arrived near the village of Novo Selo Maxhunsko ..."

20 Q. What EULEX recorded is that you said:

21 "When I arrived near the village of Novo Selo Maxhunsko, I saw
22 two cars parked on the side of the road. There was a Golf II vehicle
23 and a Opel Escona.

24 "As I got closer, two men exited the Golf and pointed a
25 flashlight at me. I could see that they were armed and were wearing

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1 some kind of mixed military uniform, grayish in colour if I remember
2 well."

3 There's no reference in the EULEX statement to an UCK or KLA
4 emblem. Is it your position that that's because the EULEX
5 investigators also didn't record you saying there was a UCK patch
6 even though you told them?

7 A. I'm sure I mentioned it. The EULEX investigator came to see me
8 at my home, and he noted everything down. And I'm sure I did say it
9 because I remember at that moment when he asked me about the
10 uniforms, I mentioned dappled uniforms but also the greyish olive
11 green.

12 And I said that the uniforms were different that they were
13 wearing, but one of them had worn a grey uniform, the one who pointed
14 a gun at my temple. He was wearing a solid grey uniform.

15 MR. MISETIC: Mr President, I apologise. I lost track of time.
16 So it's time for the break.

17 PRESIDING JUDGE SMITH: Witness, we'll give you a half-hour
18 break, so you will be escorted out of the courtroom by the Court
19 Usher. And you cannot speak to anyone about this testimony --
20 Witness, Witness, you may not speak to anyone about your testimony
21 outside of the courtroom. Do you understand that? All right.
22 That's all. Thank you. You may leave the courtroom.

23 THE WITNESS: [Interpretation] Yes, okay.

24 [The witness stands down]

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

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

2 --- On resuming at 11.31 a.m.

3 PRESIDING JUDGE SMITH: Madam Court Officer, go into private
4 session, please.

5 [Private session]

6 [Private session text removed]

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1 [Private session text removed]

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13 [Open session]

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

15 PRESIDING JUDGE SMITH: Thank you.

16 And please, Madam Usher, please bring the witness in.

17 [The witness takes the stand]

18 PRESIDING JUDGE SMITH: All right. Witness, we are ready to
19 continue your cross-examination. Mr. Misetic will have some more
20 questions for you.

21 Go ahead, Mr. Misetic.

22 MR. MISETIC: Thank you, Mr. President.

23 Q. Witness, I want to start by correcting the record and being fair
24 to you. I do want to continue a little bit more discussion on those
25 UCK patches that you say you saw. But for the record, you did give a

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1 statement in 2001 where you mentioned UCK insignias.

2 MR. MISETIC: And that, for the benefit of the Panel, is
3 U000-8450 to U000-8452.

4 Q. Now, I do want to ask you a couple more questions. In your
5 personal experience, how common was it to see people with UCK patches
6 in government-controlled territory?

7 A. It was not common. Up until that moment, I hadn't seen them.
8 Up until the moment when I was kidnapped, I had only seen it on TV.
9 It wasn't common to see it in real life.

10 Q. When you were stopped by this group, was it a checkpoint? Was
11 it a -- what was it? They were standing by the side of the road and
12 ordered you to stop?

13 A. No, it wasn't a checkpoint. It was at the entrance to the
14 Novo Selo village. Can I describe this?

15 Before I got to that point, it was dark, and I saw several
16 vehicles there on the approaches to the village, and one of the
17 vehicles moved. I can't tell you exactly whether there were two or
18 three. There were certainly two, but perhaps also a third vehicle,
19 which is irrelevant, really. And I passed by them, and then I
20 remembered that I was supposed to meet my friends in a café.

21 And so I turned the car around and started driving towards
22 Prishtine, and then I changed my mind. I changed my mind. And they
23 had already left. And when I turned the car back again, I saw that
24 one of the vehicles moved a little, and they were on the side of the
25 road. I just saw a man, a member of the KLA jumping out of the

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1 backseat of the car with an automatic rifle. And I saw another one
2 who was on the right-hand side, and a third one was near the Opel
3 Ascona who pointed a pistol at me.

4 The man who jumped out of the backseat, he asked me something,
5 and I don't understand Albanian too well. He asked me something in
6 Albanian, but I didn't understand. So I thought, okay, this is it.
7 And I thought to myself, well, I'll have one opportunity only. Then
8 he addressed me in Serbian and asked me what my name was. I told
9 him. Then he told me, "Get out."

10 When I got out of the car, he used his automatic rifle and kind
11 of searched me. And he said, "Well, you're driving too fast."

12 Q. Well, Witness, I'm just referring to something you said in the
13 2001 statement that I just referenced. It says:

14 "As I thought that this was a police check ..."

15 Why did you think it was a police check?

16 A. I said that when I gave the statement, because I was asked three
17 times. If I said that I was checked, I said that during the
18 interviews at the police station. I was interviewed three times.
19 Once, they started from the middle of the story. Perhaps they were
20 trying to check if I was telling the truth. I don't know.

21 Q. Okay. Witness, let's move on then to your encounter with the
22 person you now believe was Mr. Markovic. You say -- first of all, it
23 was dark; correct?

24 A. Yes.

25 Q. And when you first encountered that person, he was seated in a

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1 car facing forward, leaning forward; is that correct?

2 A. He was in the backseat of the car and leaning forward. He was
3 dejected.

4 Q. So you couldn't get a clear view of his face at that point;
5 correct?

6 A. No, I couldn't really see his face.

7 Q. And you did not speak to him when you got into the backseat of
8 the Golf; correct?

9 A. Not at that time, no.

10 Q. And when the police interviewed you the next day, they were
11 interested in a description of the person you encountered in the
12 Golf; correct?

13 A. Yes.

14 Q. And you were not able to provide a description of the clothing
15 the person was wearing; correct?

16 A. I did give a description. He had a dark jacket with a white
17 stripe here on the side.

18 Q. The part about the jacket and the white stripe is not in your
19 1999 statement even though you signed it. Do you have an explanation
20 for why that detail is not in your 1999 statement?

21 A. They were just interested in the event itself formally. I told
22 them my side of the story. They weren't really listening. They were
23 just typing on a typewriter. I described every time everything.
24 Maybe they didn't -- weren't able to catch up. And in the OSCE, the
25 statement that I gave for the OSCE in Prishtine, perhaps it's written

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1 down there.

2 Q. Well, they interrogated you three times and you said they were
3 interested in the description, but the description is not in your
4 1999 statement. And I would just -- are you saying that it's just an
5 omission by the police?

6 A. It is possible that it's an omission. When I said that I
7 couldn't see them clearly, that I could only see the jacket, they
8 didn't inquire further. I just said that he was shorter, that he was
9 stout, that he had a dark jacket with a white stripe on the side of
10 the jacket, and they didn't ask for any further description.

11 Q. I'd like to next move to when you encountered this person in the
12 trunk of the Lada.

13 MR. MISETIĆ: And if we could go to your EULEX statement,
14 SPOE00078072 to SPOE00078079 at page 00078076. And if we could go to
15 the portion that says: "Then, they ordered me to enter the trunk ..."

16 It's there, right. Second paragraph.

17 Q. I will read it to you, but, Witness, this was read back to you,
18 and you signed it. It says:

19 "Then, they ordered me to enter the trunk of the Lada. There
20 was already a person inside, so the space was extremely limited.

21 "I recognised that this was the prisoner who was sitting next to
22 me in the Golf.

23 "He reached for my hand, he seemed very scared. He asked me
24 'are you a Police officer?' I answered that I was not and I asked
25 him 'Are you?' and he replied something like 'Yes, I work at the

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1 railway station.'" "

2 That was read back to you in Serbian, Witness, and is that your
3 recollection of the conversation with the person in the trunk?

4 A. Yes, it is.

5 Q. You previously stated that it was very dark in the trunk of the
6 car, correct, and difficult to see?

7 A. I saw this as I was getting into the trunk. That's when I saw
8 him. After that, I couldn't see him anymore. There was just this
9 conversation between us.

10 Q. Well, you --

11 A. That I heard.

12 Q. You couldn't see any signs of mistreatment on his body, correct,
13 because it was dark?

14 A. No, I couldn't see any signs. Anything of that.

15 Q. You also couldn't see because there were car lights and car
16 beams, so you couldn't see well; correct?

17 A. Yes, there were many reasons. There were car lights, there were
18 shadows. Also, I was trying to figure out what to do, and I hadn't
19 really seen him well previously.

20 Q. And then with respect to this conversation, brief conversation
21 you had with him, you told the Prosecutor that the conversation went
22 something like this.

23 MR. MISETIĆ: And this is at P694, Part 3, page 23, lines 9 to
24 17.

25 Q. "And then I asked him, Are you a police officer? And then he

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1 said something, Yes, but then it was quite noisy already because of
2 the wheels spinning and the car was spinning -- picking up speed by
3 that time so I didn't hear it correctly. But he said something about
4 the railways."

5 That's the extent of the conversation that you can recall; is
6 that right?

7 A. I heard him say that he was a policeman. I did hear that. This
8 second part, I could only gather that he would say that he was a
9 railway person or that he worked for the railroad company. But I did
10 hear him say that he was a policeman. And then I understood him to
11 say that he would try to justify himself by saying that he was
12 working for the railroad company.

13 Q. I'm trying to distinguish between what your understanding is and
14 what you actually heard him say. And so is it correct what you told
15 the SPO, as I read it back to you, that what you heard him say was,
16 "Yes," and then something about the railways?

17 MR. BOYLE: Asked and answered.

18 PRESIDING JUDGE SMITH: Overruled. You may answer.

19 THE WITNESS: [Interpretation] I provided additional
20 clarification. I could clearly hear him say, "Yes, I am." As for
21 these other words, because of what was to happen, whether he said "I
22 will say" or "I will justify myself," I couldn't gather that. But
23 the only thing that I did hear was "railways" or "railroad company"
24 or "railway person." That's what I heard clearly, that he was a
25 railroad worker.

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1 MR. MISETIĆ:

2 Q. Now, you were shown some pictures of Veljko Marković when his
3 father visited you; correct?

4 A. I was shown his photograph at the OSCE by Lynn Holland, an
5 employee of the OSCE, because his father had brought that photo to
6 them before he visited me and before we went there together.

7 Q. And you weren't able to recognise or identify Veljko Marković in
8 any of those pictures; correct?

9 A. Not his face, no. Only his stature. The photo which I was
10 shown by Lynn Holland, that was -- he was -- in this photo, he was
11 wearing this same jacket with a white stripe. I recall that really
12 well. He was seated on some kind of sofa and he had this same jacket
13 on, but I could not recognise his face.

14 Q. And this is the jacket that is in your subsequent statements but
15 not in your 1999 police statement; correct?

16 A. That's possible. I know that I did mention it. Why it hadn't
17 been noted down, I don't know. But many details are missing.
18 Especially the EULEX statement, the details and the sequence of
19 events is very incorrect.

20 Q. And, finally, Witness, you were shown two exhibits, P699 and
21 P701, which were notices about Veljko Marković and Nebojsa Djurić
22 being missing, and it's noted in those notices that they were last
23 seen together in the Lada 1200.

24 It's correct, isn't it, that you only saw someone you believed
25 to be Mr. Marković but you never saw a second person?

1 A. Yes. The other person, Nebojsa Djuric, I did not -- I never saw
2 him.

3 Q. Okay. How common -- you were asked some questions based on your
4 training as a mechanic about Lada cars. How common was the Lada,
5 standard Lada in Kosovo in 1999?

6 A. Not very common at that time. There were other models of Lada,
7 but not -- at this time, not very common. It was an older car, an
8 older model, and it wasn't driven very much at that time anymore.

9 MR. MISETIC: Thank you, Mr. President. I have no more
10 questions.

11 PRESIDING JUDGE SMITH: Thank you, Mr. Miseti.

12 MS. O'REILLY: We have no questions, Your Honour.

13 PRESIDING JUDGE SMITH: All right.

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

15 PRESIDING JUDGE SMITH: Mr. Ellis -- or, I'm sorry.

16 [Trial Panel and Court Officer confers]

17 Cross-examination by Mr. Baiesu:

18 Q. Good afternoon, Witness.

19 PRESIDING JUDGE SMITH: Before you begin, we are going to need
20 to take a short break, about ten minutes. We'll leave the courtroom
21 for ten minutes.

22 You can escort the witness out.

23 [The witness stands down]

24 PRESIDING JUDGE SMITH: And we are adjourned for ten minutes.

25 --- Break taken at 11.57 a.m.

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1 --- On resuming at 12.04 p.m.

2 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
3 in.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right, Witness, the questioning will
6 continue now.

7 Mr. Baiesu, you have the floor.

8 MR. BAIESU: Thank you, Your Honour.

9 Q. Good afternoon, Witness. My name is Victor Baiesu. I represent
10 Jakup Krasniqi, and I have very few questions for you -- or, rather,
11 more clarifications about what you said earlier today.

12 Earlier, when you described your escape, you said:

13 "... I asked Veljko, 'What are we going to do?'"

14 MR. BAIESU: For the record, this is page 24, lines 22 and 23 of
15 today's provisional transcript.

16 Q. Just to clarify, Witness, you asked these questions of the man
17 who was next to you in the trunk. You cannot confirm whether the man
18 in the trunk was Veljko Markovic; correct?

19 A. Yes, I addressed my question to the man who was next to me in
20 the trunk, but I did establish that it was the same person who was
21 with me on the backseat of the Golf.

22 Q. Another clarification.

23 MR. BAIESU: For the record, this is page 38, lines 8 to 10 of
24 today's provisional transcript.

25 Q. And I will read it out to you.

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1 "A. I didn't say that Markovic was abducted in Kosovo Polje. I
2 only saw him when they kidnapped me. I saw him in the car close to
3 Novo Selo."

4 Again, Witness, just to confirm, you cannot confirm that the man
5 you saw was Veljko Markovic, can you?

6 A. I couldn't have claimed at the time that it was Veljko Markovic.
7 I just described him based on the description and what happened later
8 when his father came to visit me. Based on that, I concluded that
9 this was Veljko Markovic.

10 Q. But, Witness, you cannot identify the witness who was in the
11 car -- the person who was in the car?

12 A. Could you perhaps clarify your question? I could not identify
13 him in a detailed manner, but I could provide a description, describe
14 his build, the jacket that he was wearing.

15 Q. But at the time when he was in the trunk, you did not know who
16 that person was. You didn't know his identity.

17 MR. BOYLE: Objection, asked and answered.

18 THE WITNESS: [Interpretation] Not the first and last name, no.
19 So not by those details. I did not know by his first and last name.

20 PRESIDING JUDGE SMITH: You turned your microphone off,
21 Mr. Prosecutor, so I didn't hear you. You just said "object."

22 MR. BOYLE: I apologise. Objection, asked and answered.

23 PRESIDING JUDGE SMITH: Overruled at this time.

24 Go ahead.

25 He has answered several times, but you can clarify more if you

1 need to.

2 MR. BAIESU:

3 Q. Thank you, Witness. I have no further questions.

4 MR. BAIESU: Thank you, Your Honour.

5 PRESIDING JUDGE SMITH: Redirect.

6 MR. BOYLE: Thank you, Your Honour.

7 Court Officer, if we could please call up SPOE00208166. And
8 could we please zoom in on quadrant D3, the letters across the top
9 and the numbers down the side. A little bit more, please. Yeah.
10 Thank you very much.

11 And I'm told it's possible to give the witness a pen with which
12 to mark. If that could be done, please.

13 Re-examination by Mr. Boyle:

14 Q. Now, Mr. Ivanisevic, I'm going to ask you to mark some of the
15 locations that you've been discussing. I apologise, the names on
16 this map are not in Serbian, they're in Albanian. But hopefully
17 we're able to make progress nonetheless.

18 First of all, could you please mark, if you're able to, the
19 location where you said you started out from on 9 February, Milosevo.
20 And I might be able to further direct your attention if you need my
21 assistance.

22 A. I think that I will be able to find my bearings. Just a second.

23 MR. BOYLE: Maybe if we could -- Court Officer, would it be
24 possible to zoom in just a bit more? Thank you.

25 THE WITNESS: [Interpretation] Yes, I can see Milosevo here.

1 MR. BOYLE:

2 Q. Could you use -- please use the pen that you were given to maybe
3 circle Milosevo.

4 A. Just a second. I see that it reads here Milosevo. Just a
5 second, please. I have to check. Here is Obiliq. It should be
6 here. Here. Here it is. Milosevo.

7 Q. Thank you very much, Mr. Witness. And then if you could --

8 JUDGE METTRAUX: Mr. Prosecutor, could he put perhaps a number
9 next to that location?

10 MR. BOYLE: Absolutely. Thank you for that.

11 Q. Could you please place a number 1 next to that location,
12 Mr. Ivanisevic.

13 A. [Marks]

14 Q. Thank you. And now are you able to locate on the map Novo Selo,
15 where you were stopped?

16 A. Yes.

17 Q. And could you please place the number 2 next to that location.

18 A. [Marks]

19 Q. You also mention in your testimony that it was roughly around a
20 location called Pestovo where you began, I believe, driving in your
21 own car, the Fiat. Are you able to locate that on the map?

22 A. I can find Pestovo, but I started driving my car from this
23 place, 4 or 500 metres from Novo Selo, right next to the regional
24 road. That was the spot from which I started driving my own car.
25 And Pestovo, I will mark it. It's right here, and my own village is

1 close by. So let me mark Pestovo.

2 And this is approximately the point from which I started driving
3 my car, 4 or 500 metres away from the place where they abducted me.
4 When they turned to Zekici by the mill, that was the point from which
5 I started driving my car.

6 Q. And did you pass through Pestovo on your journey on the 9th?

7 A. Yes. Yes, I did.

8 Q. I see you've already marked Pestovo as number 3. And then are
9 you able to identify the approximate location where you escaped from
10 the trunk of the Lada on this map?

11 A. I think it was somewhere around here.

12 Q. And could you please place the number 4 next to that
13 designation.

14 A. [Marks]

15 Q. Thank you very much.

16 MR. BOYLE: Your Honours, were there other locations that you
17 wanted me to get an indication of?

18 PRESIDING JUDGE SMITH: [Microphone not activated]

19 Klecke was mentioned several times as to its location. I think
20 Mr. Misetic brought that up. Perhaps it would be good just to have
21 that shown on the map.

22 MR. BOYLE: I could ask him. My recollection of his testimony
23 was that he wasn't quite sure where Klecke was.

24 PRESIDING JUDGE SMITH: Ask him again. Maybe he knows --

25 MR. BOYLE:

1 Q. Ivanisevic, could you identify --

2 MR. BOYLE: And we need to move the map for these purposes.

3 PRESIDING JUDGE SMITH: [Microphone not activated]

4 MR. BOYLE: Yes.

5 Q. Mr. Ivanisevic, are you able to identify on the map where the
6 location known as Klecke was?

7 A. Well, I cannot exactly -- I don't know exactly where it is.
8 It's possible that it's somewhere in this area on the road towards
9 Pec. It's to the left of the road leading towards Pec, but I
10 can't -- I really don't know where Klecke is. It's quite far from my
11 own area where I live and where I used to live.

12 PRESIDING JUDGE SMITH: That's all right. He's indicated he
13 doesn't know for sure where it is, and I don't want him guessing.

14 MR. MISETIC: Mr. President, I apologise for interrupting the
15 redirect. Could I ask that he mark where Kosovo Polje is on the map.

16 MR. BOYLE: No objection to that.

17 Q. Mr. Ivanisevic, could you please mark on this map where Kosovo
18 Polje is.

19 A. Here it is. I think it's this, here.

20 Q. And if you could please designate that with a number 5.

21 A. Yes, that's where it is.

22 MR. BOYLE: Unless there are other locations, I'm done with my
23 redirect.

24 PRESIDING JUDGE SMITH: Everyone else satisfied with the
25 locations? Okay. Thank you.

Witness: W04043 (Open Session)

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Questioned by the Trial Panel

1 MR. BOYLE: Thank you very much.

2 PRESIDING JUDGE SMITH: Any other redirect?

3 MR. BOYLE: No other redirect.

4 PRESIDING JUDGE SMITH: All right.

5 MR. BOYLE: Thank you.

6 JUDGE METTRAUX: I think you'll need to tender it.

7 PRESIDING JUDGE SMITH: Yeah, offer it.

8 MR. BOYLE: Ah, thank you for the reminder. Yes, I ask to
9 tender this map into evidence.

10 PRESIDING JUDGE SMITH: SPOE00208166 is admitted with the
11 markings made by the witness.

12 THE COURT OFFICER: Your Honours, the marked map will be
13 assigned Registry ERN REG00978, and that will be assigned
14 Exhibit P701. Thank you, Your Honours.

15 PRESIDING JUDGE SMITH: All right.

16 Judge Barthe had some questions.

17 JUDGE BARTHE: Thank you very much.

18 Questioned by the Trial Panel:

19 JUDGE BARTHE: Good afternoon, Witness. Can you see me and hear
20 me well?

21 Good afternoon. I have a few more questions for you. Earlier
22 this morning, you were asked by Mr. Misetic from the Thaci Defence
23 about the fact that you had consumed alcohol on the day of the events
24 in question, that is, on 9 February 1999. Do you remember that you
25 were asked about that?

Witness: W04043 (Open Session)

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Questioned by the Trial Panel

1 A. Yes, yes.

2 JUDGE BARTHE: And you confirmed what you had already said in
3 your SPO statement, P694.2 at page 10, lines 1 to 6, that you had
4 three or four drinks of, as you said today, *rakija*; correct?

5 Can you answer so that it is -- okay.

6 A. Yes, yes.

7 JUDGE BARTHE: Thank you.

8 Now, for a person who is not used to drinking *rakija*, can you
9 tell us how big or how much a drink of *rakija* is? Is it a large or a
10 small size glass?

11 A. Not -- those are small glasses of this size that I'm showing to
12 you now. Now, whether -- but small glasses.

13 JUDGE BARTHE: So a small size glass; right?

14 A. Yes, yes.

15 MR. MISETIC: I'm sorry to interrupt, Judge. Can we, for the
16 record, just say he was -- it was about a shot glass? Thank you.

17 PRESIDING JUDGE SMITH: Mr. Misetich has correctly stated that
18 you have shown us about what we call a shot glass. Is that correct?

19 A. Well, I'm not sure how they are called here, but that's usual
20 for that type of drink, those small glasses. How much they could
21 contain, well ... small glasses. Like this.

22 JUDGE BARTHE: Thank you. And my next question is when exactly
23 did you have -- if you can recall that now, or today, when exactly
24 did you have your last drink? Was that at the beginning or the end
25 of your visit to the café bar in Milosevo?

1 A. Well, I drank the last glass perhaps between half an hour and
2 15 minutes before I left. Half an hour before I left, I would say.
3 Half an hour before I left the café bar.

4 JUDGE BARTHE: And did you eat anything before, during, or after
5 you had the drinks in the café bar?

6 A. Yes, I had eaten before. I had gone home, I had eaten at home,
7 and then I left home to meet some friends, and that how it was.

8 JUDGE BARTHE: That was lunch; correct? You had lunch at home?

9 A. Yes, yes, lunch. Yes.

10 JUDGE BARTHE: And, again, the question: How did you feel when
11 you left the café bar and when you were driving your car? Did you
12 have any problems walking or driving the car?

13 A. No, no, I didn't have any problems. I could feel just a slight
14 influence of alcohol, but I didn't have any problems walking or
15 driving. I could just feel a bit of reaction in my body.

16 JUDGE BARTHE: Thank you. Was it snowing at the time when you
17 were driving the car?

18 A. No, it was not snowing, but it had snowed previously, but it
19 wasn't snowing at the time.

20 JUDGE BARTHE: In other words, there was snow or mud on the
21 streets; is that correct?

22 A. There was snow alongside the road, and the road itself was
23 clean. The asphalt was clean, without any snow.

24 JUDGE BARTHE: And I think you were already asked by
25 Mr. Misetic. You didn't have any visual problems; is that correct?

Witness: W04043 (Open Session)
Questioned by the Trial Panel

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1 A. Not then.

2 JUDGE BARTHE: Thank you. Witness, when you were in the trunk
3 of your car, the Fiat, and later in the trunk of the Lada car
4 together with the person you believe to be Mr. Markovic, did you have
5 any physical problems; for example, any problems breathing?

6 A. No, no, I did not.

7 JUDGE BARTHE: So I would like to change the topic now. From
8 your perspective today, Witness, almost 25 years after the events in
9 question, what were, from your point of view, the reasons for your
10 abduction, if you can say that?

11 A. No, I couldn't say. I'm only aware that there were instances of
12 abductions before it happened to me and that it happened after it had
13 happened to me. There were murders committed later as well. And the
14 reason? Well, it was ethnically motivated. That was the reason. So
15 before it happened to me, there were abductions and killings, and
16 also after my case people were killed too. But for ethnic reasons,
17 ethnically based. I'm wondering if you understand what I'm trying to
18 tell you.

19 JUDGE BARTHE: I think I do. And I also think that you said in
20 your SPO statement, P694.3, page 14, lines 1 to 21, that you were
21 asked by what you called a small man who you believed to be the
22 leader of the group if you had weapons and if there was a militia in
23 your village; is that correct? Do you remember saying that to the
24 SPO in your interview?

25 A. Yes, I remember that.

Witness: W04043 (Open Session)

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Questioned by the Trial Panel

1 JUDGE BARTHE: Thank you. I've nothing further.

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 JUDGE METTRAUX: Thank you, Judge Smith.

4 Good afternoon, Witness. I've only a few questions for you.

5 The first one is, in February 1999, were you involved in any military
6 activity?

7 A. No, I was not. No. Not at that time.

8 JUDGE METTRAUX: In February 1999, were you providing any form
9 of assistance to Serbian or Yugoslav forces?

10 A. No, no, I wasn't.

11 JUDGE METTRAUX: Going to a separate issue of the time you spent
12 with a person that you thought is Mr. Markovic. How long do you
13 estimate you spent in the car with him? And I mean the Golf car
14 first, in the backseat. How long do you estimate you spent with that
15 person there?

16 A. It was a very short time. We drove for about 4 or 500 metres.
17 How long could it last? Perhaps one minute. And then later on in
18 the trunk, up to five minutes at most or even shorter. I cannot
19 really specify precisely, but I would say less than five minutes.
20 Three, four minutes perhaps. It's difficult for me to say, but it
21 was very short. Certainly less than five minutes. Three minutes, I
22 would say. Three minutes.

23 JUDGE METTRAUX: And how long do you estimate you spent in the
24 trunk of the car with him?

25 A. That's what I was saying, three minutes was the time estimate.

1 What I was just telling you now, that lasted for about three minutes.
2 And the first period was perhaps a minute or two, the first part
3 while we were in the Golf. And the second part, when we were in the
4 trunk, lasted no more than five minutes. I would say around three or
5 between three and five minutes.

6 JUDGE METTRAUX: I've another question on answers you gave
7 earlier. You were asked about what you learned later about the fate
8 of Mr. Markovic. Do you recall those questions?

9 A. Last year, whether this question was asked or not, I don't
10 recall. But I did say it.

11 JUDGE METTRAUX: And I think you --

12 A. And I mean -- I mean the interview with the Prosecution. I just
13 know that I did say it. Maybe the question wasn't put. I can't
14 really recall, but I do know that I did say that.

15 JUDGE METTRAUX: Well, I'll ask you this. You've indicated
16 earlier today that you learned that the remains of Mr. Markovic were
17 found; is that correct?

18 A. Yes, that's what I said, that I heard about that.

19 JUDGE METTRAUX: And do you remember learning where, in what
20 general location those remains were found? Is that information you
21 have?

22 A. No, I wouldn't know that.

23 JUDGE METTRAUX: And do you recall who you heard it from, that
24 the remains of Mr. Markovic had been found?

25 A. I do remember that. I can tell you.

Witness: W04043 (Open Session)
Questioned by the Trial Panel

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1 JUDGE METTRAUX: Yes, please.

2 A. I heard it from my cousin, who happened to run into a relative
3 of Veljko Markovic's. And when he heard the last name from my
4 cousin, he then put the dots together and he asked him then whether
5 he was related to me. And that's how they put the two and two
6 together. They learned that, indeed, I was his relative. And then
7 he was -- he told my cousin that his remains were recovered, that the
8 UCK showed or pointed to the place where the remains were, and the
9 remains were then taken to this centre between Merdare and Kursumlija
10 I think either in 2000 or 2001.

11 Many of the recovered remains were transferred there because
12 there was a forensic centre. Then the relatives would come to try to
13 identify them.

14 JUDGE METTRAUX: And did you come to learn anything about the
15 cause of the death of Mr. Markovic? Was any information provided to
16 you in respect of that?

17 A. No, no.

18 JUDGE METTRAUX: And, lastly, did you ever receive information
19 that Mr. Markovic had been released by those who had captured him?

20 A. No, no.

21 JUDGE METTRAUX: Thank you, sir.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 JUDGE GAYNOR: Thank you, Judge Smith.

24 Witness, first of all, I'd just like to call on your expertise
25 on car models. Am I right in understanding that the Lada standard

1 and the Lada 1200 and the Zhiguli are essentially the same car model?

2 A. Yes.

3 JUDGE GAYNOR: Now, I just want to turn to your own car. What
4 model was your own car?

5 A. It was the Polish Fiat 125P.

6 JUDGE GAYNOR: And why do you call it the Polish Fiat 125?

7 A. Because it was manufactured in Poland.

8 JUDGE GAYNOR: And earlier in your oral evidence today, in what
9 you told us, you referred to your car as being a Fiat 124. And in
10 your earlier interview with the Prosecution, you said it was a 125.
11 So could I just clarify, was it a 124 or 125?

12 A. Fiat 124 was like Lada, similar to Lada and to Zhiguli. They
13 had the license from Fiat for the Fiat 124 and that vehicle, under
14 that license, was produced elsewhere -- manufactured elsewhere.

15 Now, my model, the Lada 125P, that was manufactured in Poland.

16 JUDGE GAYNOR: And was the 125P, was it essentially the same
17 model as the Lada standard or as the Lada 1200 or the Zhiguli? Was
18 it essentially the same model of a car?

19 A. No, no, it's not the same model. No. It may -- perhaps it is
20 similar, but it's not the same.

21 JUDGE GAYNOR: Is the Fiat 124 essentially the same model as the
22 Lada standard?

23 A. Yes, the model itself, but the engine is different. That's the
24 only difference. Everything else is the same. And it's the same
25 with Fiat 124, the Lada Zhiguli, except that the Fiat had a Ford

1 engine and Lada had a Russian engine.

2 JUDGE GAYNOR: Okay. Now, I want to ask you about the release,
3 the trunk release mechanism when you're inside the trunk. Was the
4 trunk release mechanism inside your own Fiat, was it similar to the
5 trunk release mechanism inside the Lada standard?

6 A. Yes, it was similar.

7 JUDGE GAYNOR: Did you have any trouble locating it when you
8 were in either of the two trunks?

9 A. No, no, no. No, it was just there, because I was inside. It
10 was close at hand. It was absolutely not difficult to reach it.

11 JUDGE GAYNOR: Thank you. Just one other question about the
12 snow. After you jumped out of the car and you were running away,
13 carrying out your escape, were you crossing fields before you got to
14 the river that you crossed? Were they open fields that you were
15 crossing?

16 A. I don't know what river you're referring to. These were mainly
17 rivulets or just small brooks. This was a brook or a small river. I
18 did cross some clearings, but I mainly tried to keep to the bushes.
19 There were bushes and there was also -- there were also some trees
20 but not very high. Or just bushes. I don't know how to describe it.

21 JUDGE GAYNOR: And how deep would you describe the snow? Would
22 you say it was up to your knees, for example, while you were running
23 away?

24 A. Yes, there was a lot of snow, and at some points I would get up
25 to here deep, but they were up to the knee mainly. But at some

1 points, I would even get into a snow mound up to my waist. There was
2 a lot of snow. Everything was covered in white.

3 JUDGE GAYNOR: While you heard the shots being fired, were you
4 running during that period while you were listening to the shots --
5 while you heard the shots being fired?

6 A. Yes, while I was running I heard the shots. I heard the shots
7 while I was running. While I was running away.

8 JUDGE GAYNOR: That's all for me. Thank you very much, Witness.

9 PRESIDING JUDGE SMITH: Any follow-up questions from the SPO?
10 Anything, Mr. Misetic?

11 Any follow-up questions? Thank you.

12 Witness, your testimony is -- oh, I'm sorry.

13 MR. BAIESU: I'm sorry. I'm sorry. I was standing. Can I -- I
14 have basically two questions of follow-up.

15 PRESIDING JUDGE SMITH: Go ahead.

16 Further Cross-examination by Mr. Baiesu:

17 Q. Witness, I would refer you to what you said earlier in response
18 to one of Judge Barthe's questions. I will quote from page 64, lines
19 3 to 5:

20 "I could feel just a slight influence of alcohol ... I could
21 feel just a bit of reaction in my body."

22 Witness, what is the -- do you know what is the alcohol content
23 generally of *rakija*?

24 A. Well, it depends. There are some really light ones and there
25 are some that are really hard liquor.

Witness: W04043 (Open Session)

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Further Cross-examination by Mr. Baiesu

1 Q. So you would agree with me that sometimes homemade *rakijas* could
2 have quite a high percentage of alcohol, couldn't you?

3 A. Well, I believe that was 45 degrees, as they call it, 45
4 per cent, whereas the light one is about half of that.

5 Q. Thank you, Witness.

6 MR. BAIESU: Thank you.

7 PRESIDING JUDGE SMITH: Thank you.

8 Witness, your testimony is completed. The Court Usher will
9 escort you out of the room. We thank you for being with us and
10 giving us the information that you have.

11 [The witness withdrew]

12 PRESIDING JUDGE SMITH: We will start with Witness 4444 after
13 the lunch break. There's no reason to start for ten minutes. So we
14 are adjourned until 2.30.

15 --- Luncheon recess taken at 12.43 p.m.

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

17 PRESIDING JUDGE SMITH: We will start now hearing the evidence
18 of Prosecution Witness W04444.

19 Madam Court Officer, please bring the witness in.

20 MR. KEHOE: Your Honour, I just have one comment before the
21 witness comes in.

22 PRESIDING JUDGE SMITH: Oh, okay.

23 MR. KEHOE: I raised this in an *inter partes* e-mail with the
24 Prosecution yesterday, and it has to do with the summary of the
25 evidence that they intend to read. It doesn't reflect -- in the

1 spirit of accuracy, it doesn't reflect what the witness is going to
2 say. You know, had this witness said he thought that he was being
3 abducted by the KLA, I'm sure that would have been in these summaries
4 as they have been in the past.

5 *[REDACTED] Pursuant to In-Court Redaction Order F01919RED.*

6 *[REDACTED] Pursuant to In-Court Redaction Order F01919RED.* and he said
that at numerous occasions,

7 and I can give the page citations as well as the proofing note where
8 he said that. He said on 066 --

9 MS. VAN WELDE: I'm sorry to interrupt, but I think it might be
10 better that we discuss this in private session.

11 MR. KEHOE: I don't think we've --

12 PRESIDING JUDGE SMITH: [Microphone not activated]

13 MS. VAN WELDE: Because of names that are being mentioned.

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 MR. KEHOE: *[REDACTED] Pursuant to In-Court Redaction Order
F01919RED.*

16 but we can go into private session.

17 PRESIDING JUDGE SMITH: [Microphone not activated]

18 [Private session]

19 [Private session text removed]

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19 [Open session]

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

21 PRESIDING JUDGE SMITH: Good afternoon, Witness.

22 THE WITNESS: [Interpretation] Good afternoon. I couldn't hear
23 you.

24 PRESIDING JUDGE SMITH: The Court Usher will now provide you

25 with the text of the solemn declaration which you are asked to take

1 pursuant to Rule 141(2) of the rules. Read the document and then
2 read it out loud.

3 THE WITNESS: [Interpretation] Solemn declaration subject to the
4 Rule 149. Conscious of the significance of my testimony and my legal
5 responsibility, I solemnly declare that I will tell the truth, the
6 whole truth, and nothing but the truth, and that I shall not withhold
7 anything which has come to my knowledge.

8 WITNESS: W04444

9 [Witness answered through interpreter]

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 I'm sorry. Witness, today we will start your testimony, which
12 is expected to last approximately one day. As you may know, the
13 Prosecution will ask you questions first, and the Victims' Counsel
14 will be next. And then once they are finished, the Defence has the
15 right to ask questions of you. And, finally, members of the Panel
16 may have questions for you.

17 The Prosecution estimate for your examination is one hour.
18 Victims' Counsel will take approximately 15 minutes for questions.
19 The Defence estimates that it will need 4.5 hours. As regards each
20 estimate, we hope that counsel will be judicious in their use of the
21 time. The Panel may allow redirect examination if conditions for it
22 are met.

23 Witness, please try to answer the questions clearly with short
24 sentences. If you don't understand a question, feel free to ask
25 counsel to repeat the question, or tell them you don't understand and

1 they will clarify.

2 Also, please try to indicate the basis of your knowledge of
3 facts and circumstances that you will be asked about.

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

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

11 During the next days while you are giving evidence in court, you
12 are not allowed to discuss with anyone the content of your testimony
13 outside of the courtroom. If any person asks you questions outside
14 the Court about your testimony, please let us know.

15 Please stop talking if I ask you to do so and also stop talking
16 if you see me raise my hand. These indications mean that I need to
17 give you an instruction.

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

20 We begin with the questions from the Prosecutor from the SPO on
21 your left side.

22 Madam Prosecutor, you may begin.

23 MS. VAN WELDE: Thank you, Your Honour.

24 Examination by Ms. Van Welde:

25 Q. Good afternoon, Witness. Can you hear me all right?

1 A. No. If you can turn the volume up a little bit, please.

2 Q. Can you hear me better now?

3 A. Yes, I can.

4 Q. We have already met, but just for the record, I will introduce
5 myself again. My name is Lies Van Welde, and I am here today to ask
6 you some questions on behalf of the SPO.

7 As explained during the meeting we had last week, rather than
8 asking questions about every issue you may have relevant information
9 about, it may be possible to admit your prior statements containing
10 such information into evidence. There are a few procedural steps to
11 follow in order to do so. And before turning to these, we will first
12 confirm your identity.

13 MS. VAN WELDE: Your Honour, if we could please move into
14 private session to confirm the witness's identity.

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 [Private session]

17 [Private session text removed]

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11 [Open session]

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

13 PRESIDING JUDGE SMITH: [Microphone not activated]

14 MS. VAN WELDE:

15 Q. Witness, have you been previously interviewed by the SPO?

16 A. Yes.

17 MS. VAN WELDE: If the Court Officer could please pull up
18 066662-TR-AT Part 1 on page 1, which is not for public broadcast, and
19 we don't need the English on the screen.

20 Q. Witness, looking at the document on your screen, do you
21 recognise this as your SPO interview?

22 A. I do.

23 Q. And as part of your preparation for your testimony today, did
24 you have the opportunity to review the contents of this interview?

25 A. Can you please repeat your question?

1 Q. As part of your preparation for your testimony today, did you
2 have the opportunity to review the contents of this SPO interview?

3 A. I did.

4 Q. And during your preparation session last week, did you have the
5 opportunity to make clarifications and corrections to this SPO
6 interview?

7 A. Yes, I did.

8 Q. Were these changes reflected in a note that was then read back
9 to you?

10 A. They were.

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

13 A. I do.

14 Q. Subject to the changes provided in that note, does this
15 statement accurately reflect what you said and what you would say if
16 asked again in court today?

17 A. Can you please repeat your question?

18 Q. Of course. Subject to the changes provided in the note that was
19 read back to you, does this statement accurately reflect what you
20 said and what you would say if asked again in court today?

21 A. Exactly.

22 MS. VAN WELDE: Then having fulfilled the Rule 154 criteria, and
23 in accordance with decision F1901, the SPO hereby tenders all parts
24 of 066662-TR, both the English and Albanian versions, along with the
25 Preparation Note, 116788 to 116790. And this also includes the

1 associated exhibits identified at paragraph 38 of decision F1901. I
2 can also read those ERNs if that is helpful.

3 PRESIDING JUDGE SMITH: [Microphone not activated]

4 MS. VAN WELDE: Yes. That is 066661 to 066661 and 064890 to
5 064893 and its English translation, that is the same ERN with ET at
6 the end.

7 PRESIDING JUDGE SMITH: [Microphone not activated]

8 MR. KEHOE: No objection subject to our prior objections.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 MS. O'REILLY: No objection.

11 PRESIDING JUDGE SMITH: [Microphone not activated]

12 MR. ELLIS: No objection, Your Honour.

13 PRESIDING JUDGE SMITH: No objections have been entered.

14 066662-TR-AT and the English, plus 116788 to 116790, and the
15 associated exhibits, 066661 to 066661 and 064890 to 064893, are
16 admitted.

17 THE COURT OFFICER: Your Honours, for the statement under
18 066661-TR-AT and ET Part 1 to 4, Part 1 will be Exhibit P703.1;
19 Part 2 will be Exhibit P703.2; Part 3 will be Exhibit P703.3; and
20 Part 4 will be Exhibit P703.4.

21 For the preparation note under ERN 116788 to 116790, it will be
22 Exhibit P704.

23 Associate exhibit with ERN 066661 to 066661 will be
24 Exhibit P705.

25 And associated exhibit 064890 to 064893 and its English

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Examination by Ms. Van Welde

1 translation will be Exhibit P706.

2 PRESIDING JUDGE SMITH: Thank you.

3 You may continue.

4 MS. VAN WELDE: Thank you, Your Honour.

5 So on 4 November we circulated the proposed summary of this
6 witness's now admitted Rule 154 statement, and so with your leave I
7 will now read that summary in open session.

8 PRESIDING JUDGE SMITH: Go ahead.

9 MS. VAN WELDE: Witness 4444 was arrested by eight or nine armed
10 KLA members, most of whom were wearing masks. He was put into a
11 vehicle with a mask on his head and his hands tied behind his back.
12 The vehicle picked up another arrested person. Both were taken to a
13 room in a building and detained together.

14 Witness 4444 was beaten so badly that he could not breathe, he
15 fell down, and lost consciousness.

16 Witness 4444 was not given any explanation or reason for his
17 arrest or detention.

18 After four days, Witness 4444 was released by prison guards in
19 black uniforms while the other detainee remained in the room.

20 After his release, Witness 4444 had to take medication to
21 relieve the pain caused by the beatings.

22 Your Honour, I do have a few questions to ask the witness. If
23 we could please go to private session for that.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 Private session to protect the witness's identity.

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Examination by Ms. Van Welde

1 [Private session]

2 [Private session text removed]

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Witness: W04444 (Private Session)

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Examination by Ms. Van Welde

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Witness: W04444 (Private Session)

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Examination by Ms. Van Welde

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Witness: W04444 (Private Session)

Page 9790

Examination by Ms. Van Welde

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Witness: W04444 (Private Session)

Page 9791

Examination by Ms. Van Welde

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Witness: W04444 (Private Session)

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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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Questioned by Victims' Counsel

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Cross-examination by Mr. Roberts

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Witness: W04444 (Open Session)
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1 [Open session]

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

3 MR. ROBERTS: Thank you.

4 And just, obviously, for the Court Officer, if I ever refer to
5 and ask for parts of the interview to be displayed, that's not for
6 public view as well. It's obviously just for the witness. And the
7 same for any other documents.

8 Q. So, Witness, as we heard earlier, your evidence is that you were
9 taken from your village by eight to nine people in a vehicle, and
10 then you were taken to where you were detained. That's correct?

11 A. Yes.

12 Q. And of these eight or nine people, I think seven had masks on
13 and two didn't but their faces were painted. And so you weren't able
14 to recognise any of them, were you?

15 A. No, I didn't recognise them.

16 Q. And you said that they had some uniforms on, but they didn't
17 have any insignia. That's correct, isn't it?

18 A. Correct.

19 Q. And you were taken around the middle of the day, around
20 11.00 a.m., so presumably it was quite light. So had they worn
21 insignia, you would have been able to have seen them?

22 A. Yes, I would have seen them, but they didn't have any.

23 Q. So to be clear, without recognising who they are, and also
24 without there being any insignia on their uniforms, you can't know to
25 whom these individuals belonged, can you?

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1 A. I didn't know.

2 Q. And you told the SPO that you had your hands tied while you were
3 put in the vehicle, and then you collected another individual, and
4 then you were taken to the location where you were kept for the next
5 four days, but you didn't feel scared because you hadn't done
6 anything. Do you recall that evidence to the SPO?

7 A. Yes, that was the question. What you just put to me.

8 Q. Sorry, do you mean that that's correct what I put to you?

9 A. Can you repeat the question because I don't think I understood
10 it properly.

11 Q. Certainly. I'll try and break it up to make it more easy to
12 follow. So when you were taken you had your hands tied and you were
13 put in a vehicle. That's correct?

14 A. No, they put me in the vehicle, then they tied my hands.

15 Q. Okay. And then you collected another individual?

16 A. I heard it, because I didn't see him. I heard that they took
17 someone. I don't know where because I had this mask on.

18 Q. Yes. And you had the mask on throughout the duration of the
19 journey, didn't you, to where you were ultimately detained?

20 A. Throughout the journey, yes, I had a mask on. And inside also.
21 When we entered inside, I also had a mask on.

22 Q. Yes. So you couldn't see anything -- any other individuals or
23 where you were going during that time?

24 A. Nothing. I couldn't see anything.

25 Q. But just to be clear, during that time you were in the vehicle,

1 nothing was done to you, was it? You were not mistreated during that
2 time?

3 A. No. No, they didn't mistreat me. They were correct until we
4 entered that place.

5 Q. And just to be clear about your ability to recognise anyone,
6 that continued throughout your detention or throughout the time
7 during the location where you were taken to. You never recognised
8 anyone even when the mask was removed?

9 A. No, I didn't recognise anyone.

10 Q. Now, just to be clear, my understanding from your SPO interview
11 in 2019 is that you allege you were beaten for 20 minutes when you
12 first arrived at the place you were detained. Do you recall giving
13 that evidence to the SPO in 2019?

14 A. Can you repeat the question, please? I didn't understand it.

15 Q. Certainly. When you spoke to the SPO in 2019, you told them
16 that you had been beaten for approximately 20 minutes. Do you recall
17 that?

18 A. Yes, I was beaten, but I didn't see the watch. Maybe for 5 or
19 for 20, I can't say.

20 Q. Yes, so it could have been less than that. It could have been
21 less than 20 minutes?

22 A. It could have been 5, 10, but to me it seemed a long time
23 because I lost consciousness.

24 Q. This was the only time you were beaten or mistreated during your
25 detention, though, wasn't it?

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1 A. Yes, the only time.

2 Q. Witness, are you a participating victim in this case?

3 A. I think yes, I am a victim.

4 Q. And did you fill out an application form to participate as a
5 victim in this case?

6 A. No.

7 Q. Did someone fill out a form on your behalf to participate as a
8 victim in this case?

9 A. I don't know.

10 Q. To your understanding, do you believe you are a participating
11 victim in this case?

12 A. As far as I know, yes.

13 MR. ROBERTS: If we could display on the screen, this is Annex
14 46, and this is not for public view, to notification of application
15 forms. I'll give you the reference which is F01676/A46. And I
16 believe this is in English and Albanian. This is obviously not for
17 public display.

18 But maybe if we could have two versions of it and then display
19 side by side. So we can have the English version which starts at
20 page 6 -- sorry, starts at page 7, and the Albanian version which
21 starts at page 2.

22 Q. So, Witness, please don't read it out, but you can confirm
23 that's your name on the screen in front of you? If I can actually
24 just ask you to start with, can you see a document in front of you on
25 the screen?

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1 A. Yes, I can.

2 Q. And this appears to be -- if you can read at the top of that.

3 MR. ROBERTS: If we can just scroll down on the Albanian just so
4 we can see the top of that page.

5 Q. In English, it translates as "Application for Admission as a
6 Victim Participating in Proceedings."

7 A. Yes.

8 Q. Did you fill this document out? Yourself, I mean, personally.

9 A. Yes.

10 Q. And did you do it in handwriting, by hand, or typed? Do you
11 remember?

12 A. I don't remember. I don't know. Probably it was a handwriting,
13 but I am not very sure.

14 MR. ROBERTS: And if we can just go to page 5 of the English,
15 and I will try and confirm the Albanian. And the Albanian version is
16 at page 6 of the entire document.

17 Q. And I'll just read out what it states at the bottom. It says:

18 "I hereby certify that:

19 "- I was able to read this application form to participate in
20 proceedings before the Kosovo Specialist Chambers in a language ... I
21 understand or failing that, it was read to me in a language that I
22 understand;

23 "- I provide my signature below and my initials on each page of
24 this form and of the supporting documents;"

25 And, finally:

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1 "The information provided in this form is correct to the best of
2 my knowledge."

3 Do you see that, those three affirmations, in the Albanian
4 version of the document?

5 A. Can you repeat it? I am not clear.

6 Q. Maybe it's easier to read it on the screen. If you look at the
7 Albanian version of the document, there are, just below Section 6,
8 which in English is "Signature," there is a phrase in which the
9 person who's signing or filling out this document confirms various
10 things.

11 Can you see that in front of you?

12 A. Form attached to the document you mean?

13 Q. Maybe I'll read it out again. It states in the English version:
14 "I hereby certify that:"

15 Or confirm that. Can you see where that's written in the middle
16 of the screen?

17 A. Yes, yes.

18 Q. And there are three things that are confirmed by the person
19 completing this application form.

20 A. The form was read out to me in Albanian.

21 Q. Right. So you provided the information, and it was read back to
22 you in Albanian, and then you confirmed it; is that correct?

23 A. Correct.

24 Q. Okay. If we can move now to the substance of the information
25 you provided. So the Albanian version is page 3 of that document,

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1 and the English version is page 8 of that document. So I'll just
2 read from part of the section which is indicated:

3 "Please indicate the alleged crime in an indictment confirmed by
4 the Kosovo Specialist Chambers as a direct result of which you became
5 a victim."

6 So you're describing the crime that occurred. And you stated in
7 the middle of that:

8 "They put a mask on me and ill-treated me for over an hour ..."

9 Do you see that in the middle of the Albanian version of
10 Section 1 of that document?

11 A. Yes, I see that.

12 Q. So that's at least three times as long as what you told the SPO
13 and what you told the Court moments ago, isn't it?

14 A. I didn't have a watch to measure how long they beat me. It
15 might have been 5 minutes, 10 minutes, 20, or an hour. What do I
16 know?

17 Q. So you have no idea as to how long it took or how severe the
18 beating was?

19 A. I have no idea. I have no idea.

20 MR. ROBERTS: Okay. We can leave that document. Although, I'll
21 be referring back to it later, so it would be good to have it to
22 hand.

23 Q. Now, you also told the SPO that you were beaten up until you
24 lost consciousness. That was in your 2019 interview. Is that
25 correct?

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1 A. That's correct.

2 Q. And you told the SPO that you were punched and kicked during
3 this time; is that correct?

4 A. Yes.

5 Q. But you explicitly denied being hit by a wooden stick, didn't
6 you, in your 2019 interview?

7 A. I don't know. I didn't see. I couldn't see because I had a
8 mask on.

9 Q. But you did state in your 2019 interview that you were not being
10 beaten by a wooden stick.

11 A. Now I have forgotten. It's 20 some years after.

12 MR. ROBERTS: If we can put the victim participation form back
13 up on the screen, actually. Again with that section of the English
14 and Albanian.

15 Q. And now when you filled out this form, which I believe was in
16 the middle of 2022, you're stating that you were probably beaten by a
17 wooden stick. So that's quite different from what you told the SPO
18 three years previously.

19 A. I have forgotten. I don't know.

20 Q. But you confirmed that you did tell whoever filled in this form
21 on your behalf that you were beaten with a wooden stick because this
22 was read back to you in Albanian, as you confirmed earlier.

23 A. If I have confirmed it, then that's how it was.

24 Q. But then when you came here and spoke to the SPO a few days ago,
25 couldn't remember --

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1 MR. ROBERTS: Again, if we can go to Preparation Note 1, and
2 that's P704, paragraph 5. And I believe that's just in English, so
3 I'll read that out.

4 Q. And so in paragraph 5, according to the SPO in this note, you
5 say that you were, in fact -- oh, sorry, I'll move on to the next
6 sentence.

7 "[You] had a sack or mask over [your] head, and could not tell
8 if they were using instruments to beat [you] or not."

9 Do you remember telling the SPO that on 4 November? So that
10 would have been on Saturday, I believe.

11 A. Yes, yes.

12 Q. So is it fair to say that now you cannot remember how you were
13 beaten, but certainly in the application to participate as a victim
14 you have a much longer length of beating and a beating that also
15 included wooden sticks?

16 A. Can you repeat the question, please?

17 Q. Certainly. I'm suggesting that in your application to
18 participate as a victim in 2022, you have a somewhat different, and
19 if I may say exaggerated, version of what happened in comparison to
20 what you said in 2019.

21 A. What I said now, it is true.

22 Q. You're saying now when you can't remember. Is that what you
23 mean? When you say you can't remember, that's what's true?

24 A. I didn't remember then. Now, I said what I remembered.

25 Q. In relation to where you were beaten, I think in 2019 you

1 originally told the SPO that you were not beaten on the head. And I
2 know that was raised by Prosecution counsel earlier today. Do you
3 remember telling the SPO that in 2019? You were very definite about
4 that.

5 A. Maybe I have said that, but I have forgotten.

6 Q. Well, if I can just quote what you said in your SPO interview,
7 which is P703.2, and that's page 7:

8 "Q. Did you feel... first of all, you mentioned that they were
9 hitting you all over, were they hitting you on the head?

10 "A. No, on the head, no. Only on this part here."

11 So you were very clear that they weren't hitting you on the
12 head, weren't they -- weren't you, sorry, when you spoke to them in
13 2019?

14 A. Since I have given this interview, that's how it has been. Then
15 I remembered. Now I don't remember.

16 Q. But, in fact, it was only during your preparation session when
17 you claimed you'd been hit in the head -- on the head.

18 A. I lost consciousness and I don't know.

19 Q. Well, that's what I would suggest to you, that you needed to
20 suggest that you had been hit on the head to support your evidence
21 that you had lost consciousness. Do you agree with that proposition
22 or not?

23 A. Can you repeat the question? I didn't understand it.

24 Q. I can, yes. Now, I would suggest to you that you had changed
25 your evidence to now claim that you had been beaten on the head to

1 support your assertion that you had lost consciousness. Do you agree
2 with that or not?

3 A. I think that I lost consciousness because they must have hit me
4 on the head. That's my opinion. Because you cannot lose
5 consciousness if they beat you on the body.

6 Q. Exactly. That's my point. So as you had told the SPO very
7 clearly that they had beaten you only on the body, and, therefore,
8 that wouldn't have justified why you lost consciousness, you changed
9 your story in order to make it consistent. That's the suggestion I'm
10 putting to you.

11 A. I don't know how one can lose consciousness if he or she's not
12 hit on the head.

13 MR. ROBERTS: Your Honours, I think I've done as much as I can
14 in public session. If we can move back into private session now
15 because I believe this will identify at least where he was detained.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 Private session to protect the witness's identity.

18 [Private session]

19 [Private session text removed]

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Cross-examination by Mr. Roberts

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Cross-examination by Mr. Roberts

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Witness: W04444 (Private Session)

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Cross-examination by Mr. Roberts

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Cross-examination by Mr. Roberts

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24 [Open session]

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

1 PRESIDING JUDGE SMITH: And I understand you have some
2 corrections you wish to make to the ERNs.

3 THE COURT OFFICER: Yes, Your Honours. Thank you. Correction
4 for the record for the map that was marked by the previous witness.
5 I assigned it Exhibit P701, where it should have been P702.

6 And for the current witness, I erroneously quoted the ERN for
7 the statements as -- it should have been 066662 instead of 066661.
8 Thank you, Your Honours.

9 PRESIDING JUDGE SMITH: Thank you.

10 How much longer do you have, Mr. Roberts?

11 MR. ROBERTS: Probably half an hour to 45 minutes, Your Honour.

12 PRESIDING JUDGE SMITH: All right.

13 MR. ROBERTS: I'll look over the weekend and see, but around
14 that amount of time, I would suggest.

15 PRESIDING JUDGE SMITH: Mr. Kehoe.

16 MR. KEHOE: It certainly depends what my colleague covers,
17 because I'll try not to do that again. But I shortened my time to an
18 hour and a half, but I think it will probably be somewhere around an
19 hour or so.

20 PRESIDING JUDGE SMITH: Okay. Thank you.

21 MS. O'REILLY: I think we'll be less than we -- forecast was an
22 hour, but perhaps 20 minutes, half an hour or so.

23 PRESIDING JUDGE SMITH: Thank you.

24 Mr. Ellis.

25 MR. ELLIS: We do have some material. We're aiming at half an

1 hour, but it might be a little more.

2 PRESIDING JUDGE SMITH: Thank you.

3 So we are adjourned until 9.00 Monday morning. Thank you for
4 your attendance.

5 MR. ROBERTS: Your Honour, just, sorry, very briefly, before we
6 leave, I'm sorry for leaving it to the last minute. We've obviously
7 received from the Prosecution the list of witnesses and the order
8 they intend to call them next week.

9 Can we just get clarity that that is exactly what's going to
10 happen and that that's acceptable for the Trial Panel. Because
11 obviously there are -- it's a new way of scheduling witnesses, if I
12 can put it that way. So just if there are going to be any changes or
13 any issues with what the Prosecution has proposed. And I'm not
14 suggesting that I have any issues at the moment, but if there are any
15 problems to be resolved, that we do that as early as possible and
16 preferably not on Monday morning.

17 PRESIDING JUDGE SMITH: Is everything set for next week?

18 MS. VAN WELDE: Yes. We have sent an e-mail around today, and
19 so we can start the next witness if there is time left on Monday.
20 Yeah.

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MS. VAN WELDE: Yes, we can.

23 PRESIDING JUDGE SMITH: All right.

24 And bearing in mind that -- is it Tuesday and Wednesday that we
25 have -- we have the videolink on Tuesday and Wednesday.

1 MS. VAN WELDE: Yes.

2 PRESIDING JUDGE SMITH: All right. Everyone knows we're --

3 MR. ROBERTS: So to be very clear, that witness will not finish
4 on the Thursday and will continue over until the next block.

5 PRESIDING JUDGE SMITH: Yes, yes.

6 MR. ROBERTS: Thank you, Your Honour.

7 PRESIDING JUDGE SMITH: And everyone is aware of the hours now
8 that we're going to be using on Tuesday and Wednesday to deal with
9 the videolink. Any questions about that? All right. Thank you very
10 much.

11 We're adjourned.

12 --- Whereupon the hearing adjourned at 3.59 p.m.

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