

1 Thursday, 17 August 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Thaci and Krasniqi appeared
5 via videolink]

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

7 PRESIDING JUDGE SMITH: Madam Court Officer, please call the
8 case.

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

12 [Trial Panel and Legal Officer confers]

13 PRESIDING JUDGE SMITH: Unfortunately, I left all my notes up in
14 my office and picked up the wrong folder.

15 This morning we will begin hearing the testimony of 00072. I
16 note that Mr. Thaci and Mr. Krasniqi are both following by videolink.
17 Mr. Selimi and Mr. Veseli are present in the courtroom with us.

18 Madam Usher, you may bring the witness in.

19 MR. KEHOE: May I just address one issue that I talked to my
20 colleague about this morning.

21 PRESIDING JUDGE SMITH: Yes.

22 MR. KEHOE: And there appears to be some confusion in the
23 indictment with this witness's testimony, and I don't want to be
24 overly nitpicky about it, Judge, but I think we want to get this
25 right. There are two names in the indictment, Miodrag Burdzic and

1 Predrag Burdzic. And it appears to the Defence, going through the
2 collective interviews that this witness has put forth, that they are
3 the same people. One of them has the nickname of -- used -- she
4 says, I believe it was in one of the trials in Prishtine, the
5 presiding judge asked her specifically:

6 "Is it the same person, Miodrag Burdzic or Predrag?"

7 "A. Yes, it's the same. Some call him Miodrag, some Predrag."

8 So I don't know how Your Honours wants to handle it. If Your
9 Honours want to handle it, if you want us to handle it on cross or
10 direct examination, but --

11 PRESIDING JUDGE SMITH: I'm going to leave it to the lawyers to
12 straighten out this little issue because it doesn't seem to be very
13 big.

14 MR. KEHOE: It doesn't seem to be very big. That's why I
15 brought it up now.

16 PRESIDING JUDGE SMITH: And either you may question this or you
17 may or any of you, so I'm not going to worry about that too much.

18 MR. KEHOE: Okay.

19 PRESIDING JUDGE SMITH: Before we start, I just want to clarify
20 yesterday's discussion on the presentation queues.

21 I remind everyone that on 13 April 2023, we amended paragraph 83
22 of the Order on Conduct of Proceedings and ordered the parties and
23 participants "to only upload material additional to the calling
24 parties' list to their presentation queues."

25 It was the understanding of the Defence, which they stated

1 yesterday, that this ruling applied equally to all parties and
2 participants so that when Victims' Counsel or a Defence team lists an
3 item on its presentation queue, the subsequent teams do not need to
4 add the same item to their presentation queues.

5 I will just ask, is there any objection to proceeding that way
6 as far as the Prosecution is concerned?

7 MR. MICHALCZUK: Your Honours, we believe that the respective
8 Defence teams, they should be uploading their respective presentation
9 queues because for us, the most important thing is to know which
10 Defence team has got which documents for us to be able to, first,
11 object, if necessary, and make some arguments knowing that there's a
12 certain team with a certain strategy with certain documents.

13 PRESIDING JUDGE SMITH: So you do object to the belief expressed
14 by the Defence.

15 MR. MICHALCZUK: Yes, we do object to that, sir.

16 PRESIDING JUDGE SMITH: All right. So we will take that into
17 consideration. Does anybody want to comment on it? I understand
18 it's a question of wording in our own order, but we need to all be on
19 the same page with it.

20 MR. KEHOE: I understand, Judge. The idea is notice. The
21 Prosecution knows that the Defence is going to use this document
22 that's noticed. If one of the Defence counsel happens to see
23 something on ours that they want to use, are they going to be
24 precluded from using it because they overlooked it or --

25 PRESIDING JUDGE SMITH: Well, it's also simple just to put it in

1 also.

2 MR. KEHOE: Well, or we could just say, as often happens in
3 litigation, that incorporating into our queue is everything that
4 other Defence counsel incorporates in their queue that isn't listed
5 here. So, I mean, we can do that as well and that will satisfy them
6 to put them on notice that whatever anybody else is going to put in,
7 we're open to using that as well.

8 PRESIDING JUDGE SMITH: I understand the two positions.

9 Mr. Emmerson has something?

10 MR. EMMERSON: I may be saying substantially the same thing.
11 But the concern that I would have -- first of all, the Prosecution's
12 position involves a reversion to the status quo ante before the
13 ruling that Your Honours' just referred to. In other words, the
14 suggestion that each Defence team must identify in advance so that
15 the Prosecution can identify which documents that particular team is
16 interested in would leave us in the position that -- let us say
17 Mr. Kehoe cross-examines a witness at length on a particular document
18 that wasn't in the Prosecution's queue but is in his queue, we would
19 find ourselves in the position where we couldn't use that document
20 even if there was evidence that emerged that was damaging to a
21 different accused.

22 In other words, one couldn't cross-examine further down the line
23 on something that had been introduced in advance by one of the
24 Defence teams.

25 PRESIDING JUDGE SMITH: It's possible you could say that any

1 posting -- presentation by one Defence would allow all Defence to
2 access that.

3 MR. EMMERSON: Exactly.

4 PRESIDING JUDGE SMITH: Well, but that would be somewhat
5 understanding their position. But I understand the parties. I
6 understand the positions. I don't mean to cut you off.

7 MR. EMMERSON: No, no, no, it's fine. I've said --

8 PRESIDING JUDGE SMITH: Go ahead, Mr. Tully.

9 MR. TULLY: Just from a practical point of view, Your Honour,
10 the Prosecution may shoot itself in the foot by demanding a hardline
11 on this because, in practice, when it comes down to the crunch time
12 of releasing these queues and putting it together, it may lead to,
13 let's say, an overcopying of certain documents from other queues in
14 order to cover bases. Of course, with good faith, with no bad
15 intentions there, but it could be something that down the line leads
16 to further complications. Just to make that clear on the record.
17 Thank you.

18 PRESIDING JUDGE SMITH: We seem to make complicated matters that
19 shouldn't be, but we'll try to sort it out.

20 Go ahead.

21 MR. ELLIS: Yes, Your Honour, speaking as the team going forth,
22 I can well imagine there might be situations where a document is
23 raised in an earlier cross-examination that we then have a question
24 that we would wish to clarify or add something to. And it would seem
25 to us that it's not right that we be precluded from doing that

1 because it's not on our queue but it is on someone else's.

2 PRESIDING JUDGE SMITH: All right. Thank you, everybody, for
3 your input.

4 Anything from Victims' Counsel on this issue?

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

6 PRESIDING JUDGE SMITH: All right. So we will get back to you
7 on that. Give it some more thought.

8 Today we, as I said, start hearing the evidence of 00072. We
9 hope to complete this testimony today, as I've said, as the one-week
10 break could be very difficult.

11 Please bring us into --

12 MR. MICHALCZUK: Your Honour, very briefly, before the witness
13 is brought in, may I make a submission? A very short one?

14 PRESIDING JUDGE SMITH: Yes.

15 MR. MICHALCZUK: Your Honours, I would like to go very briefly
16 into private session before the witness is brought in to raise a very
17 small matter.

18 PRESIDING JUDGE SMITH: We will go into private session then.
19 Thank you.

20 Sorry, Madam Usher.

21 Go ahead.

22 MR. MICHALCZUK: Your Honours --

23 [Private session]

24 [Private session text removed]

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24 [Open session]

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

1 [Trial Panel and Court Officer confers]

2 [The witness entered court]

3 PRESIDING JUDGE SMITH: She should stay standing.

4 Good morning, Witness. Can you hear all right?

5 THE WITNESS: [Microphone not activated]

6 PRESIDING JUDGE SMITH: Be sure to speak into the microphone as
7 much as possible.

8 I will read out a solemn declaration which you are asked to take
9 pursuant to our Rule 141(2). I will ask you to repeat the text aloud
10 and to indicate your consent. Do you understand what I'm going to
11 do?

12 THE WITNESS: [Interpretation] Yes.

13 PRESIDING JUDGE SMITH: So this is the statement, and please
14 repeat it after I do, after I state it.

15 Conscious of the significance of my testimony.

16 THE WITNESS: [Interpretation] Conscious of the significance of
17 my testimony.

18 PRESIDING JUDGE SMITH: And my legal responsibility.

19 THE WITNESS: [Interpretation] And my legal responsibility.

20 PRESIDING JUDGE SMITH: I solemnly declare.

21 THE WITNESS: [Interpretation] I solemnly declare.

22 PRESIDING JUDGE SMITH: That I will tell the truth.

23 THE WITNESS: [Interpretation] That I will tell the truth.

24 PRESIDING JUDGE SMITH: The whole truth.

25 THE WITNESS: [Interpretation] The whole truth.

1 PRESIDING JUDGE SMITH: And nothing but the truth.

2 THE WITNESS: [Interpretation] And nothing but the truth.

3 PRESIDING JUDGE SMITH: And that I shall not withhold anything.

4 THE WITNESS: [Interpretation] And that I shall not withhold
5 anything.

6 PRESIDING JUDGE SMITH: Which has come to my knowledge.

7 THE WITNESS: [Interpretation] Which has come to my knowledge.

8 WITNESS: W00072

9 [Witness answered through interpretation]

10 PRESIDING JUDGE SMITH: Now you can be seated.

11 THE WITNESS: [Interpretation] Thank you.

12 PRESIDING JUDGE SMITH: Witness, today we will start your
13 testimony, which is expected to last most of today, and possibly up
14 to seven and a half hours. We will do everything we can to finish
15 your testimony today.

16 As you may know, the Prosecution will ask you questions first,
17 and then counsel for Defence will have some questions. And once they
18 are finished, the Defence has the right to ask you questions.

19 Members of the Panel up here may also have some questions for you.

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

1 Witness, please try to answer the questions clearly and with
2 short sentences. If you don't understand a question, feel free to
3 ask counsel to repeat the question or tell them that you don't
4 understand and they will try to clarify for you. Also, please try to
5 indicate the basis of your knowledge of facts and circumstances that
6 you will be asked about.

7 When answering a question, please speak into the microphone and
8 wait five seconds before answering a question, and then speak at a
9 slow pace so that the interpreters can stay with you.

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

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

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

19 Do you understand all that?

20 THE WITNESS: [Interpretation] I do.

21 PRESIDING JUDGE SMITH: And do you accept the oath that you took
22 to tell the truth?

23 THE WITNESS: [Interpretation] Yes, I accept it.

24 PRESIDING JUDGE SMITH: All right.

25 We will begin with the Prosecution. This gentleman on your left

1 will begin the questions.

2 Go ahead, sir.

3 MR. MICHALCZUK: Thank you, Your Honours.

4 Examination by Mr. Michalczuk:

5 Q. Good morning, Witness. My name is Cezary Michalczuk and I'm the
6 counsel for the Prosecution. I'll be asking you questions today for
7 approximately one hour.

8 Could you please state for the record your name and your
9 surname.

10 A. My name is Dragica Bozanic.

11 Q. Could you also please give us your date of birth.

12 A. I was born in 1958, 14 September.

13 Q. In the past you have given several statements to different
14 authorities, and I will now call upon the screen which is before you
15 all those statements one by one. Please follow on the screens.

16 By the way, do you have your glasses with you? Because I know
17 you have some seeing impairment.

18 MR. MICHALCZUK: Your Honours, I will be calling all the prior
19 statements first, and I'll proceed after it with all the Rule 154
20 formalities, if that's okay.

21 Madam Court Officer, could you please call up the document -
22 it's going to be English and Serbian - on the screen, 041400-TR-ET
23 Part 1 RED. And the same number for the Serbian document with the
24 ending ST, please.

25 Q. Witness, do you see the documents on the screen before you?

Witness: W00072 (Open Session)

Page 6682

Examination by Mr. Michalczuk

1 A. Yes, I do.

2 Q. This is the interview dated 16 December 2016. Do you recognise
3 it?

4 A. Yes.

5 Q. Did you give that statement?

6 A. I did.

7 MR. MICHALCZUK: Madam Court Officer, could we proceed with
8 another set of documents. Again, English and Serbian on the screen.
9 The ERN number would be 005300-TR-ET RED, and the Serbian the same
10 without the ET.

11 Q. Do you see these documents on the screen, Witness?

12 A. I do.

13 Q. This refers to an interview dated 17 July 2013. Do you
14 recognise it?

15 A. Yes.

16 Q. Did you give that statement?

17 A. I did.

18 MR. MICHALCZUK: Madam Court Officer, can I have, please, the
19 next set of documents, both Serbian and English. For English it's
20 SITF00026363 to SITF00026393 RED, and the same number is for Serbian
21 document with the ST at the end.

22 Q. Witness, do you see also these documents before you?

23 A. Yes, I see it.

24 Q. They refer to the witness hearing conducted on 26 October 2010.
25 Do you recognise that statement?

1 A. Yes.

2 MR. MICHALCZUK: Madam Court Officer, if you could scroll down
3 to the last page of the English document, and this last page would be
4 SITF00026370. Yes, this is the one.

5 Q. Witness, there are some signatures at the bottom of that page.
6 Can you see them?

7 A. I see them.

8 Q. Is your signature there?

9 A. Yes.

10 Q. Thank you.

11 MR. MICHALCZUK: Madam Court Officer, could we now have just one
12 document which contains both English and Serbian version. The number
13 is SPOE00193498 to 00193547 RED. So this is the English version.
14 And the same document from pages SPOE00193523. Is it possible to
15 upload the same document on the left-hand side? So let's do it,
16 please. And in this one, let's move to page, again, SPOE00193523.

17 Q. Witness, do you see the statement in both versions on your
18 screen?

19 A. Yes.

20 Q. This refers to a witness hearing conducted on 10 December 2005.
21 Do you recognise it?

22 A. Yes.

23 Q. Did you give that statement?

24 A. As I've already said, I cannot read quickly with these glasses
25 that I have, but, yes.

1 Q. If you need another pair of glasses, please ask. This could be
2 provided. Because we'll be probably showing you also later some
3 documents, and it's better for you to be able to see clearly. Are
4 you fine with the glasses that you have?

5 A. Well, for starters, it's enough. But if I'd have to read more
6 or longer, it bothers my eyes to read.

7 Q. I do understand. The assistance will be provided, if necessary.

8 PRESIDING JUDGE SMITH: Just a moment.

9 Witness, when needed, the attorneys will read the document to
10 you so you don't have to strain your eyes. Do you understand that?

11 THE WITNESS: [Interpretation] Yes.

12 MR. MICHALCZUK:

13 Q. Witness, during your witness preparation session with me that
14 took place on the 10th and 11th July 2023, were you given an
15 opportunity to review all those prior statements?

16 A. Oh, I can't remember everything. I think that -- yes, yes, it
17 was so.

18 Q. Just to remind you, it was last month. I'm talking about 11th,
19 10th July this year.

20 A. Yes, yes. I received them. I read them. I took it with me,
21 but I left it up there where we are right now.

22 Q. Do you recall that you made some clarifications to these
23 statements during that preparatory meeting?

24 A. Yes.

25 Q. Were those clarifications that you made reflected in the note

1 that I read back to you at the end of the preparation meeting?

2 A. Yes.

3 Q. Can you confirm that what was read back to you in the note
4 reflected your clarifications fully and accurately?

5 A. Yes.

6 Q. Subject to the clarifications provided in the preparation note,
7 do your written statements accurately reflect your evidence and what
8 you would say if you were asked again the same questions in court?

9 A. Yes, they do. Everything is recorded in my statement. As I
10 said, everything stands as it is. I did not add anything. Whatever
11 was most important, I remembered it. I said it when I gave my first
12 statement, and that's how it is.

13 Q. Thank you.

14 MR. MICHALCZUK: Your Honours, having fulfilled the criteria
15 under Rule 154, I seek admission of the prior statements. And I'm
16 going to just read them quickly into the record.

17 So first is going to be 041400-TR-ET Part 1 RED, and the same
18 for the Serbian and Albanian versions of this statement.

19 The second one would be 005300-TR-ET RED. The Serbian would be
20 005300-TR RED, and Albanian would be 005300-TR-AT Part 1 RED.

21 The next one would be SITF00026363 to SITF00026393 RED. For
22 Serbian it's the same ERN number with ST at the end, and for Albanian
23 it's the same with the AT at the end.

24 And the last one, the fourth statement, will have the following
25 numbers. It would be, for English, SPOE00193498 to 00193547 RED, and

1 it is the same also for Serbian; whereas the Albanian version would
2 be SPOE00193498 to SPOE00193522-AT RED.

3 And, Your Honours, I further tender the associated exhibits to
4 these statements, and they are identified in the decision F01664.
5 And the relevant ERNs of these associated exhibits are set out in the
6 SPO Rule 154 motion, that is F01625 Annex 5. Do I need to read all
7 those ERNs?

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 MR. MICHALCZUK: Your Honours, I also seek the admission of
10 Preparation Note 1 dated 11 July 2023 with the ERN 114367 to 114371.
11 That concludes the Rule 154 submissions on my part.

12 PRESIDING JUDGE SMITH: [Microphone not activated]

13 MR. KEHOE: Subject to our prior objections to the motion, we
14 have no further objections.

15 PRESIDING JUDGE SMITH: Anybody else?

16 No objections being heard, the enumerated statements plus the
17 associated exhibits plus the preparation notes are all admitted under
18 154.

19 And you may give a number if you're ready to do it for each.

20 THE COURT OFFICER: Thank you, Your Honours.

21 The first statement under ERN 041400-TR-ET Part 1 RED and its
22 accompanying translations will be Exhibit P355.

23 The second statement, ERN 005300-TR-ET RED, together with the
24 Albanian and Serbian versions, will be Exhibit P356.

25 Third statement, SITF00026363 to SITF00026393 RED and the

1 Serbian and Albanian versions to it will be Exhibit P357.

2 Fourth statement, SPOE00193498 to 00193547 RED, which is
3 combined with the Serbian, and then the Albanian version,
4 SPOE00193498 to SPOE00193522-AT RED, will be Exhibit P358.

5 The associated exhibits, first one with ERN, for Serbian, 033103
6 to 033109, and the English and Albanian versions as listed in filing
7 F1625 Annex 05, will be Exhibit P359.

8 The second associated exhibit, SPOE00200658 to 00200679,
9 together with the Albanian and Serbian versions, will be
10 Exhibit P360.

11 The third associated exhibit --

12 PRESIDING JUDGE SMITH: Excuse me, 360?

13 THE COURT OFFICER: 360, yes.

14 The third associated exhibit, SPOE00191479 to 0019484 RED and
15 the Albanian translation will be Exhibit P361.

16 The fourth associated exhibit with SPOE00191289 to 00191299 RED
17 and the Albanian translation will be Exhibit P362.

18 And, lastly, Your Honours, the preparation note with ERN 114347
19 to 114371 will be Exhibit P3 63.

20 Thank you, Your Honours.

21 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.

22 You may continue.

23 MR. MICHALCZUK: Yes.

24 Your Honours, I would like to read the summary of evidence of
25 this witness. It's very brief. I sent it to the parties and the

1 Panel on 14 August 2023.

2 PRESIDING JUDGE SMITH: Go ahead.

3 MR. MICHALCZUK: In July 1998, Witness Dragica Bozanic lived
4 with her family in her village in the municipality of
5 Orahovac/Rahovec. During the night between 17 and 18 July 1998, the
6 witness, her family members, and other members of the Serbian
7 community of her village were attacked by the KLA in her house.

8 In the morning of 18 July 1998, the Serbs of her village
9 surrendered to the KLA and then were driven to a nearby village.
10 Upon arrival, the KLA separated men from women. Men, including the
11 witness's husband and son, were put into the basement of a house,
12 whereas women stayed in the same building in its upper part. The
13 witness could hear the Serb men being beaten.

14 The witness was questioned by the KLA about her cousin and her
15 son who both served in the Serbian army.

16 In the morning of 19 July 1998, the KLA soldiers brought the
17 witness to her husband who gave her a handwritten letter to be
18 delivered to the Serb inhabitants of Zociste/Zocishte village, urging
19 them to surrender to the KLA. On that occasion, the witness saw
20 bruises on her husband's face.

21 On the same day, all Serb women from the witness's village were
22 driven by the KLA soldiers to Zociste/Zocishte where the witness
23 delivered the letter from her husband. The detained Serb men were
24 kept behind.

25 The women were later taken to a monastery where they stayed for

1 two days until fighting resumed. Then, the KLA moved all civilians
2 to Semetiste/Semetishte and detained them for one night in the local
3 school building. Some of them Serbs were interrogated by the KLA
4 there.

5 The next day, the witness and other Serb detainees were released
6 to the ICRC. The witness never saw her husband and son alive again.

7 This concludes the summary of this witness's evidence.

8 Your Honours, I will now have a few clarifying questions to be
9 put to this witness.

10 PRESIDING JUDGE SMITH: Go ahead.

11 MR. MICHALCZUK:

12 Q. Witness, I have a few questions for you. In your prior
13 statements, you indicated that your husband was a teacher. Is that
14 the case?

15 A. Yes, he was a teacher, a professor, and he was also a director.
16 A principal, that is.

17 Q. Was your husband also a member of Serbian military or police in
18 1998?

19 A. No, my husband never served the army. He had a kidney disease
20 and, as a result of that, he never served the army.

21 Q. Did all the men of your village have the obligation to undergo a
22 military service?

23 A. Well, as far as I know, the other men did have this obligation,
24 but my husband did not.

25 Q. That obligation, did that also include the Albanian inhabitants

1 of the village?

2 A. Yes, this was in force up until the year - let me try and
3 remember - 1982. It was in 1982 when four men started down there the
4 protests and so on. And after that, they stopped going to do the
5 military service. The Albanians did not go into the army to do their
6 military service, and the Serbs continued to do so.

7 Q. But before that time, did also Albanians from the village have
8 to undergo the mandatory military service in the Yugoslav Army?

9 A. Yes.

10 Q. Speaking of your husband, did he socialise with Albanians from
11 your village?

12 A. Yes, he did.

13 MR. MICHALCZUK: Your Honours, could we go briefly into private
14 session for the reasons mentioned before.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 Private session, please.

17 [Private session]

18 [Private session text removed]

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7 [Open session]

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

9 MR. MICHALCZUK:

10 Q. Witness, did the person whose name I mentioned a while ago in
11 the private session, did that person know your husband well?

12 A. Yes.

13 Q. How come?

14 A. Well, how come. We lived in the same village, so we knew one
15 another. He made the doors and the windows for our house when we
16 built the house. He would come to visit us. And he also came to see
17 if he could reach an agreement with my husband, that they, the
18 Albanians, had no reason for making any trouble. There were few of
19 us Serbs, only ten households. So they reached an agreement that if
20 anything should happen from our side, that he would guard us. He
21 would protect us and we would protect them, if trouble came from
22 their side and the other way around. And they agreed that it would
23 go like that.

24 But, unfortunately, it was my husband who kept his word, because
25 they called him asking if they should come and provide any assistance

1 and he did not allow that. But the other man did not keep his word,
2 and they just collected us. They attacked us on the 17th -- between
3 the 17th and 18th July. On 18 July, they collected us from our
4 courtyard. And when I saw this man, I was very surprised because the
5 agreement that had been reached was otherwise.

6 So they got us there. They broke into the houses. They
7 searched for something. I don't know for what. They told us, "Sit
8 down, all of you. Sit down on the ground." So we sat down.

9 My son was injured because they had thrown a hand grenade in our
10 house and he fell down, and he was bruised by bricks on his face and
11 his eyes were injured, too. And when I saw that, I cried all the
12 time, and I was not sure what I was to do anymore.

13 Q. Witness, I don't mean it as a disrespect towards you or your
14 loved ones. I would like just to come back to my question very
15 briefly. And the story that you are telling, we have already in your
16 statement, so the Court and the parties are aware of this.

17 So speaking about that person that we mentioned -- whose name we
18 mentioned in the private session, since when had he known your
19 husband?

20 A. Well, I couldn't tell you exactly, but they knew each other
21 well. And lately -- really, I mean, when we were building our house,
22 he came to make and set our doors. So if they hadn't known each
23 other so well, he certainly wouldn't have come to visit my husband to
24 try and reach an agreement with him, because there were other Serbs,
25 other men in the village, and he could have gone to somebody else for

1 this agreement.

2 So I know that my husband was not a bad man, and he socialised
3 more with Albanians than with the Serbs. They used to go out
4 together. They would meet in shops. So I don't know what else I
5 could tell you. I know quite well that he really did socialise with
6 the people that he used to socialise with.

7 Q. You mean the people from the village; is that correct?

8 A. Yes, from the village and -- yes, both others from the village
9 and with this particular man. And everybody knows that.

10 Q. I understand. In your prior statements, you indicated several
11 men who were detained by the KLA in your village in July 1998. You
12 gave several names of men. And my question to you is this: Was any
13 of these men active members of the Serbian army or police at the time
14 of that detention or arrest?

15 A. As far as I know, they were not.

16 Q. What were their professions at that time, July 1998?

17 A. They were farmers. Those who were employed would go to work;
18 those who were not would not. Mostly they were just farmers,
19 agricultural workers.

20 Q. I've got two questions about two particular individuals, two men
21 from your village. Spasoje Spasa Burdzic, when was he born, if you
22 know?

23 A. Right there in Opterushe village.

24 Q. My question was when was he born.

25 A. Well, as for their years of birth, I have forgotten them. But

1 as I already said, I even tend to forget the year when my son and my
2 husband were born. I only try to remember from time to time so I
3 wouldn't completely forget this information.

4 Q. I understand. Bozidar Bosko Bozanic. Maybe you remember the
5 year when he was born?

6 A. He was born in 1938. At least that's what I think.

7 Q. Okay. Thank you. These men from your village arrested in July
8 1998 by the KLA, did they take part in any fighting against the KLA
9 before 17 July 1998?

10 A. No.

11 Q. Was there any fighting in the region involving the KLA before
12 17 July 1998? To the best of your knowledge.

13 A. No, no. Except for that day between the 17th and the 18th, when
14 we were attacked, and the fighting then lasted from 1.00 until the
15 morning. And before that, no. Nothing ever happened.

16 Q. Speaking about your village at that time, could you tell the
17 Court where the houses of Albanians and Serbs were located in the
18 village in relation to each other. Far from each other? Close to
19 each other?

20 A. There were more Albanian houses. As I said, it may have been
21 260 Albanian households and 10 Serb ones. We were not far away. It
22 was just across the road where they lived, and there were these ten
23 houses. So the neighbours behind our house were Albanians and in the
24 other direction as well. So we were not separated in any way.

25 Q. I understand. Where were the fields worked by the Serbs of your

1 village located in relation to the fields of the Albanian inhabitants
2 of the village? Close to each other? Far from each other?

3 A. Yes, the fields were mixed. There were Serb-owned ones and
4 Albanian-owned ones. Everything was mixed and everything just went
5 on normally.

6 Q. But the fields were close to each other, next to each other, far
7 from each other? Could you clarify it a bit more?

8 A. Yes, yes, right. There were fields. There would be their
9 field, and then the next one was one owned by a Serb, and it was
10 mixed in that way.

11 Q. How often were the Albanians and Serbs of the village seeing
12 each other while working in their respective fields?

13 A. On a daily basis. Every day. I used to go out into the fields
14 as well and till them. We would go out there in the fields. And
15 previously that's how it went. People would step aside to let me
16 walk by. There was a mutual respect of that kind. But,
17 unfortunately, the agreement did not work out as planned.

18 Q. Before the events of July 1998, did the Albanian and Serbian
19 communities of your village interact socially with one another?

20 A. Hardly. And in the latest period, very rarely or not at all.

21 Q. I'm not talking about the period immediately before the attack
22 that happened in July 1998. I'm talking about the period before
23 that, before any interacting tensions, so to speak. Did they
24 interact socially or not?

25 A. Well, as I've told you, they did socialise but not as before.

1 However, we did not expect that the things that happened to us would
2 befall us. And simply the socialising was not as it had been before.

3 Q. I understand. From your statements, it seems that two members
4 of the Serbian community of your village served in the army. I'm
5 talking about your older son and the person named Zlatko Bozanic; is
6 that correct?

7 A. Yes.

8 Q. On the day when the attack by the KLA happened, 17 July 1998,
9 were these two persons present in the village?

10 A. No. My son -- my husband had sent my son to volunteer in the
11 army so that he would serve his service, his mandatory service. And
12 he wasn't meant to stay there for a long time. He should complete
13 that, come back, get married. That was the custom. So he was sent
14 to the army on 24 July by my husband. He volunteered.

15 And as for Bozanic, Zlatko, he was a mercenary in Prizren. He
16 went to work there for money, because he wasn't able to get a job as
17 a teacher. So he went to work for the army. He was paid. He was a
18 mercenary. He wasn't really a military -- he wasn't a soldier. He
19 was just a military mercenary. He worked for the military. Everyone
20 knows that in our village.

21 Q. To the best of your knowledge, was it known in the village that
22 your son and Zlatko Bozanic were not in the village on 17 July 1998?

23 A. Yes, they did know. Some people told my husband when our son
24 went and joined the army, "How come you didn't tell us? We would
25 have come to say goodbye." Now, I don't know who these were. They

1 were probably some older people who would say that. They also knew
2 that Zlatko was in Prizren, that he was in the military, and paid by
3 the army.

4 Q. Are we talking about the Albanian villagers who, as you said,
5 said to your husband, "How come you didn't tell us? We would have
6 come to say goodbye"?

7 A. Yes.

8 Q. Let me slightly change the topic if I may. When you were
9 detained, were you informed by the KLA members about the reasons for
10 your detention? For your detention.

11 A. No.

12 Q. We know that also some other women were detained and they were
13 with you, first, in one location, you mentioned Pegan and then
14 Zocishte and Semetishte. Did any of these women tell you the reason
15 that they were given the reason for their detention?

16 A. No, no one said anything to us. Either to us from my village or
17 to the people from the other village. They just said, "We did not
18 capture you in order to kill you. Because had we wanted to kill you,
19 we would have done that in your own yard." So that's all they said,
20 and people were still kept, detained there in that house.

21 Q. You said, "They just said, 'We did not capture you in order to
22 kill you ...'" Who said that to whom and when, if you could tell us?
23 So who said that first?

24 A. I don't know the man. These were armed men, young men. There
25 was also a woman with them, but I don't know who they were. I didn't

1 know them. But this wasn't -- these words weren't uttered in that
2 house where we were detained. They were said to us when we were in
3 our own yard outside our home when they actually came to capture us.

4 Q. I understand. So they were said on that day when the fighting
5 stopped in your village. Were they said by those armed men who
6 attacked your house? Is that what you are saying? Just to clarify
7 this issue.

8 A. I didn't know the man who said that.

9 Q. I'm not saying that you should tell us the name or you should
10 give more details about that person. But these words that you
11 mention that, you know, "we didn't want to kill you," or something to
12 that effect, were they said by those people or one of those people
13 who attacked your house in your village after the attack ended? Is
14 that what you're saying?

15 A. Yes.

16 Q. The last time when you saw your husband and your son was in
17 Peqan; is that correct?

18 A. Yes.

19 Q. Did the KLA members provide you with any information regarding
20 them after you had left Peqan?

21 A. No.

22 Q. At some point, we know from your statements that you were
23 released to the ICRC, the Red Cross; is that correct?

24 A. We were released -- well, that was when they captured us the
25 second time. There were two occasions. There was when I handed a

1 letter to my husband. That was when they originally took us. And
2 then they sent us to stay at the monastery in Zocishte where we
3 stayed for two nights.

4 And then on the second night, in the morning, after that night,
5 the monastery in Zocishte was attacked. A shell landed on the
6 monastery's sleeping quarters for the monks. And then we all went
7 out into the yard. The monks said that we have to surrender, so they
8 spread out some kind of white sheet as a symbol that we are
9 surrendering.

10 And then we were, again, rounded up there and taken from the
11 monastery to the centre of the village. They put us on buses, and
12 then they took us to another village, Semetishte, using the same
13 road. Now, we spent a whole day and a whole night there. We were
14 all questioned one by one. We were guarded all night. They were
15 around us all the time. We didn't dare move. And there was a man
16 who was kept for the entire night. The monk, when he was taken out,
17 he was kept the entire night away, and then when he came back in the
18 morning, he kept hiding his hands so we wouldn't see the bruises
19 there. And then my aunt asked him about where they were. She said
20 he said that they were not far away. And then I asked about the
21 International Red Cross. She mentioned that he said that the
22 Red Cross would come to take us.

23 But it was difficult. Even with the help of the Red Cross, it
24 was very hard to get out. It took a lot of difficulty to be
25 released. It took a long time.

1 Q. Were you given by the KLA any release papers, any release
2 documents?

3 A. No.

4 Q. To the best of your knowledge, were the other detained Serbs
5 given such release documents by the KLA?

6 A. No. As far as the place where we women and elderly men were
7 concerned, no. There, we weren't issued anything.

8 Q. Let me move on and slightly change the topic again. From your
9 prior statements, we know that one of the women from your village,
10 detained together with you, was Slavica Banzic. Did she ever tell
11 you anything about seeing the Serb detained men from your village?

12 A. Yes, this was in Peqan village. She managed to get down there.
13 I don't know how. I wasn't very alert because I took a lot of
14 medication then. She went into the basement. She managed to get
15 there, and she saw the men. She said that there was hay on the
16 ground, and they were all on the ground. They were not allowed to
17 get up. She just got to the door and saw that they were there.

18 Q. Did she tell you that she recognised anybody, or did she
19 recognise all the men from your village? What did she tell you?

20 A. Yes, she saw her husband. She saw my son. Well, there were
21 eight of our men there.

22 Q. When did Slavica Banzic tell you about all this? When was it
23 when she told you?

24 A. That same evening when she went down to the village and came
25 back and she saw them there, that's when she told us.

1 Q. Was it still in Peqan or later in Zocishte when she told you
2 about it?

3 A. In Peqan.

4 Q. In your statements you also mentioned a woman named Petra Kostic
5 from the village of Retimlje and that in July 1998 you met her in
6 Zocishte monastery. Did she tell you anything about what happened to
7 the Serb men from her village of Retimlje?

8 A. Yes, she did. I didn't meet her there at the monastery. We
9 were friends. Our daughter is married to one of her relatives. When
10 she saw us, she started crying, "My God, what happened to them? What
11 happened to us?" Because what happened was they were rounded up
12 and -- we were rounded up in the morning, whereas they were rounded
13 up in the afternoon in Retimlje. So we both sat there and cried.
14 What could we do?

15 Q. Did Petra Kostic tell you who rounded them up in Retimlje?

16 A. Yes, she said the same things that I said. She was an elderly
17 woman, so she knew people. She was acquainted with more people. She
18 knew people, she knew their names, and she said that they were from
19 their own village as well. Perhaps there were some other men with
20 them, but she said, "I couldn't look and try to figure out who they
21 were. I was just worried about my sons and wondering what would
22 happen."

23 Q. Was she talking about the -- similarly to your case, was she
24 also talking about Albanians from her village who rounded the Serbs
25 from Retimlje up?

1 A. Yes.

2 Q. Did she say that those Albanian people were in uniforms,
3 civilian clothing? Did she tell you anything about that?

4 A. They were both in civilian clothing but also in other clothes.
5 It seems to me that these were the same people, the same kind of
6 people both in their village and in our village. But in their
7 village, they were the men from their village.

8 Q. Speaking about Petra Kostic still, did she mention to you in any
9 context Srecko Simic?

10 A. Srecko Simic, she did mention. But he was captured with us. He
11 was from our village. He was in the same house with us. But in the
12 morning, they came and they addressed him. They said, "You, old man,
13 you're coming with us, and we'll bring you back," but they never
14 brought him back.

15 Q. And what did Petra Kostic tell you about Srecko Simic?

16 A. She said that they had taken him to Retimlje, down to Retimlje.
17 We knew that Srecko was taken, but he didn't tell us anything about
18 it, and they did not return him after that. We've never seen him
19 either in our -- where we were or where they were.

20 Q. Let me just briefly come back to that issue. So Petra Kostic
21 told you something about Srecko Simic. Do you remember what exactly
22 did she tell you about him?

23 A. No. She just said they brought Srecko to where we were, and
24 they hoped that their sons would be released and all the other
25 Kostics, that they would be released, but that's all she said. I

1 guess she was hoping for that, but it didn't happen. She never saw
2 him or Petar or anyone else again.

3 Q. Did she say whether Srecko Simic conveyed any message to the
4 village of Retimlje, or she didn't say anything to that effect?

5 A. No, she didn't.

6 Q. In your statements, you also mentioned another woman named
7 Miljana Nikolic, another woman from Retimlje, and that in July 1998
8 you met her in Zocishte monastery. Did Miljana Nikolic tell you
9 anything about what happened to the Serb men from her village?

10 A. Well, nobody else said anything. She just kept crying and kept
11 repeating, "My God, why did this happen? We didn't deserve this."
12 She didn't say anything else. She was very reserved. She was very
13 quiet. She just kept crying.

14 Q. Did she mention any family members --

15 A. She was pregnant at the time, but she was just saying -- crying.

16 Q. Did she mention any family members of hers who were detained?

17 A. Yes, her husband and her son. A young son. He was 16 or 17.

18 Q. The last person I would like to ask you about is a woman named
19 Olgica Bozanic, and you indicated in your statements that you knew
20 that person. Who is she, Olgica Bozanic?

21 A. Olgica Bozanic was the daughter of Petra. She was married. She
22 was born as a Kostic, but she was married to a Bozanic man. So she
23 was a sister-in-law of sorts.

24 Q. In relation to you?

25 A. Well, we lived in the same compound and we shared the same yard.

1 There was a big house. We were all -- we all lived in the same
2 house. There were several entrances and several different parts of
3 the house. But her husband and she worked in Rahovec, so then they
4 would come every week or every Sunday to the house there.

5 Q. From your statements, I understand she was not in your house
6 when the attack happened on 17 July 1998. But did you ever tell her
7 what happened to you and your family and the other Serbs from your
8 village?

9 A. Yes, Olgica was not present when we were attacked. She was in
10 Rahovec because that's where they lived. But when we saw each other
11 the first time after these events, I told her everything. I told her
12 my story and -- because she was a very reasonable woman, and
13 everything she knows -- everything I knew, she knows. She knows my
14 truth, Olgica. She was the first person I told my story, because
15 when I saw her for the first time after the events, I considered her
16 a very reasonable, educated woman, and I felt that people should know
17 what had happened.

18 So she knows all about the events because -- and she also goes
19 to all the meetings that deal with these issues from Opterushe and
20 other places, but she's the one -- she's our spokesperson, as it
21 were. She takes care of all of our issues related to the events, and
22 she knows everything about them.

23 Q. Speaking about "us," what do you mean by she's speaking on
24 behalf of "us"? What do you mean by that?

25 A. I don't understand what you're asking me. I haven't understood

1 your question.

2 Q. Yes, my apologies. I will try to make it clearer. You said
3 that Olgica Bozanic is your spokesperson, as it were. "She takes
4 care of all our issues related to the events, and she knows
5 everything about them." So my question is: You said "she is our
6 spokesperson." By saying "our spokesperson," what do you mean by
7 "us"?

8 A. Well, me, my own story, my truth, my aunt, my mother-in-law.
9 There were four other women from the village. So I told her the
10 story. She knows the whole story just as I've said in my statement.
11 And so I told her, "If you can, please go on. You take care of these
12 matters because I am unable to do it. I'm not well." So she is --
13 she works on behalf of us, as it were, through this association. But
14 she's not a witness, but I am a witness.

15 Q. When was it when you told her your story? When was it, if you
16 remember?

17 A. I can't exactly remember the date, but this was soon after we
18 were released. And when I went to my uncle in Vrnjacka Banja with my
19 aunt and my daughter-in-law, where she, too, had visited her uncle in
20 Kraljevo, and when she heard that I was there, we met up and that's
21 when I told her about it. She was there for about four to five -- it
22 would have been four to five days. Not very long.

23 Q. I understand. To the best of your knowledge, did Olgica Bozanic
24 try to obtain information about the missing persons from your
25 village?

1 A. Oh, she did a lot. She tried everything. To this day, she's
2 been busy with this. But unfortunately ...

3 Q. Did she, in her pursuit for the truth, if you will, did she also
4 approach the KLA or any KLA representatives to find out what happened
5 to the missing persons from your village?

6 A. No. As far as I know, we had no access to our village anymore.
7 No one could go there.

8 Q. I'm not talking only about your village. I'm asking you whether
9 you know anything about Olgica Bozanic reaching out to any KLA
10 members or representatives, trying to find out what happened to the
11 missing men from your village?

12 A. No. As far as I know, she didn't. She would tell me because I
13 asked her to let me know. Whenever she undertook something to find
14 out something, I asked her to let me know. And as far as I know, she
15 hadn't tried to approach any of them.

16 Q. Did she manage to obtain any information about the fate of the
17 missing men from your village?

18 A. No. The only thing was that when a DNA analysis was performed,
19 and this -- I don't know through what channels this was done. But
20 when we were supposed to take over the bones in 2006. That's the
21 only thing I know.

22 Q. I've got two or three last questions for you. Did you take part
23 in any demonstrations, marches, or protests organised with regard to
24 the missing Serbs in 1998?

25 A. Yes. We set out from Rahovec towards Dragobil together. The

1 president of the Rahovec municipality suggested that, so that we
2 gathered together and we marched for about 13 kilometres. We decided
3 to do it come what may. If they were to kill us, let it be. And
4 this had to do with an agreement with William Walker.

5 Q. And when did that protest or march or gathering take place? Do
6 you remember when?

7 A. I think -- I don't know exactly as, unfortunately, I did not
8 note everything down, because I did not know what was in store for
9 me. I didn't write down or note anything. But I know that it was
10 winter-time and that we were walking on foot. We had this meeting
11 and conversation with William Walker, the president of the
12 municipality was there, but we did not manage to achieve anything by
13 that.

14 Q. That protest, was it still in 1998? You said winter, but was it
15 still the same year, 1998?

16 A. Well, no, it wasn't in 1998, because William Walker was not
17 there yet in 1998.

18 Q. One last question about this issue. Could you clarify to the
19 Court, what was the particular reason why you decided to take part in
20 that march?

21 A. When they learned that they were kept there, those who had been
22 kidnapped, we went there for that reason. So that William Walker
23 would help us if they were still alive, so that he would do something
24 for them. But, unfortunately, nothing came out of that.

25 Q. How big was that march? My question is, more precisely, did

Witness: W00072 (Open Session)

Page 6708

Questioned by Victims' Counsel

1 many people attend that particular march?

2 A. Yes, we did go together, and there were quite a number of us.

3 Yes.

4 Q. Hundreds of people? More than that? Less than that?

5 A. Well, I did not count as many as 100, and there weren't that
6 many people, I think, who could have joined. Everyone was afraid
7 what would happen. Would they kill us all? If they should do that,
8 they would kill the whole group of us that was there. I was not
9 afraid for myself personally, but others who had come to support
10 us -- well, then, of course, it was only normal for them to feel
11 afraid.

12 Q. I understand.

13 MR. MICHALCZUK: Your Honours, I don't have any further
14 questions for this witness.

15 PRESIDING JUDGE SMITH: Thank you.

16 Mr. Laws.

17 MR. LAWS: Thank you, Your Honour.

18 Questioned by Victims' Counsel:

19 Q. Good morning, Mrs. Bozanic. As you know, I am counsel for
20 victims in this case. I'm going to start by asking you some
21 questions about the history of your family. All right?

22 A. Yes.

23 Q. It's correct, isn't it, that you were born in Kosovo?

24 A. Yes.

25 Q. Were your parents also born in Kosovo?

1 A. Yes.

2 Q. And were your grandparents also born in Kosovo?

3 A. Yes.

4 Q. As far as you know, if we went back further than that, would the
5 answer be the same?

6 A. As far as I know, the parents of my grandparents were and so
7 were their parents. So, yes.

8 Q. Did you consider Kosovo your home?

9 A. Yes.

10 Q. Could you describe, please, your life there before the war. How
11 would you describe it for us?

12 A. We lived normally. When I was a child and as I was growing up
13 and got married, life was normal. Everybody lived in the same way.
14 We were just not of the same religion, but we socialised. And when
15 we celebrated Easter, they would come to greet us. We would go to
16 visit them when they had their religious holidays. When I got
17 married, again, there were celebrations together. We lived mixed in
18 the same village. We lived nicely together.

19 And on a bus as I was going out into the field or in the street,
20 people would stand up to free a seat for me if I was older than them.
21 My father-in-law was also a good man and was widely known. And that
22 was how it'd work. People would tell one another, "Please, would you
23 get up so that the lady could sit down?" So even the elderly people
24 would vacate a seat on a bus for me to sit down. So everything was
25 nice and good.

1 But since the digging of trenches started, and when we saw that
2 happening, we still did not believe what would happen to us. We were
3 not aware of that, because we trusted what had been agreed on that
4 one occasion that I mentioned.

5 Q. For you, personally, was it a happy life?

6 A. Yes. Life was happy and good. We did our farming. We went
7 everywhere together with our co-villagers. We had our gardens next
8 to each other. We would talk. So, yes, it was happy. When the
9 events I talked about happened, my life changed completely in all of
10 its aspects. Mentally, physically. In terms of my behaviour, I am
11 no longer the same person that I used to be.

12 But thank God I now have a granddaughter who was born amid all
13 this misfortune, and I think this preserved my mental health, so I'm
14 still normal. And to be strong still 25 years later and to keep
15 searching for my son and my husband and everyone else who perished in
16 this way is really very hard. It's not easy, and I would not wish
17 any other parent to live through what I have been through.

18 When they took my son away from me, snatched him from my arms,
19 so to speak, it's as if you lost one half of your heart, and the
20 other half I still have left for the other part of my family. And
21 this is how I live on, and I shall die with this. And I will take
22 these thoughts with me when I expire my last breath, I will be
23 thinking about my son and my husband. And as I said, I would go to
24 the ends of the world, to the ends of the earth just to reach the
25 truth.

1 I haven't said anything that is bad, and I'm not saying anything
2 that did not happen. I talked about what caused me the most pain.
3 And I didn't know that I would reach this point. But I gave a
4 statement about things that hurt me the most, and my statement stands
5 as it is and I stand by it.

6 I think that for a parent, even five years would be too much,
7 let alone 25 years of living in uncertainty. They had no strength to
8 say: Well, they were killed. There they are. Where they are
9 buried, go there and take over their remains.

10 We were not bad people. We had no conflict with anyone. My
11 husband or my father-in-law, they had no disputes with anyone. No.
12 And that is why I'm very sorry that things happened in this way.

13 We were not very numerous. Four men and five or six women.
14 They could have come to our place and they could have told us,
15 "Leave. Leave everything here and just go away," rather than round
16 us up in this way and take away a young man who had not finished
17 their education and had not done their military service.

18 My son was 16. So what would a child like that know? He was a
19 peasant child. He did go to school, but a peasant child minds more
20 the way he's brought up at home. My children were praised by all the
21 Albanians in the village, and they told my husband also that my
22 children were good, our children. They told that to my husband and
23 to me, that we really had nice children.

24 Q. Thank you. Is it correct that you no longer live in Kosovo?
25 You don't need to tell us where you do live. But you no longer live

1 in Kosovo?

2 A. No, I do not live in Kosovo. Since the day when they kidnapped
3 us and when they released us, they told us, "Go to Serbia. Go to
4 whoever you have there. There's nothing for you to do here in your
5 village, in Opterushe. There is nobody left there, and you shall not
6 be there anymore."

7 So the ICRC took us over, and we were at their premises in
8 Prishtine, where I gave my first statement. And then on the
9 following day, we were transported further. My husband's cousin came
10 for us. And together with my aunt and with my mother-in-law, I left
11 together with him.

12 Q. Does it feel possible to you that you could ever return to live
13 in Kosovo?

14 A. No, no. After such a misfortune, what could I expect to happen
15 in future among the Albanians? No return was possible. Even if it
16 had been possible, I wouldn't have returned. Too many bad things had
17 happened, and I have this bad image that I'm facing all the time, so
18 I would never go back there.

19 Q. Thank you, Ms. Bozanic. I've no further questions.

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

21 Mr. Kehoe.

22 Cross-examination by Mr. Kehoe:

23 Q. Witness, my name is Greg Kehoe. I would just like to say at the
24 outset that I represent President Thaci, but we would -- our
25 condolences on your loss and I'm sorry for your loss.

1 Ma'am, I just want to ask you a few questions about some of the
2 matters that were brought up. And you were asked this morning some
3 questions about whether any of the men that were in the village on
4 17 July had been in the Serb army, and you said no. Now, I think you
5 also said in your statements that many of the men that were in your
6 village were armed with various weapons, rifles, pistols, et cetera;
7 is that right?

8 A. Yes.

9 Q. And during the -- when the conflicts began in Kosovo, it's
10 correct that the Serb authorities provided weapons to the civilians
11 in individual villages, didn't they?

12 A. I apologise, but I don't hear you well.

13 MR. KEHOE: I think she's having a problem being heard.

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 THE WITNESS: [Interpretation] Yes.

16 MR. KEHOE:

17 Q. Now, when matters became difficult in Kosovo in the 1990s, it's
18 true, is it not, that the Serb authorities provided weapons to
19 civilians in the individual villages, didn't they?

20 A. That was before. Now, what year it happened I wouldn't know.
21 But it did not happen then. It was perhaps in the year -- well, I
22 don't know which year. But quite a while before those events.

23 Q. But it is a fact that the men that were in your village that --
24 had received weapons from Serbia, didn't they?

25 A. Yes.

1 Q. And the Serb authorities were giving weapons to civilians at
2 demonstrations, weren't they?

3 A. No, not at protests. That was distributed to men, I think to
4 each and every man. My husband did not have a -- or was not given
5 one because he didn't know how to use a weapon. And my son was also
6 too young, so he was also not issued a weapon.

7 Q. Let me turn our attention to what is P356 in the English and
8 Serbian.

9 MR. KEHOE: English will be at page 12, line 24, to page 13,
10 line 4; and in the Serbian, it will be page 12, line 15 to 19.

11 Q. And I will read this to you, Witness. So the question is:

12 "Question: Do you know where they procured the weapons?

13 "Answer: During the demonstrations in Kosovo, people were given
14 weapons. Whoever got it, it was then that they got it."

15 Do you recall saying that in this interview that you gave that
16 the Prosecution just put into evidence, that they got weapons at
17 demonstrations?

18 A. You mean during the time of the demonstrations by them? Their
19 demonstrations?

20 Q. No, I'm talking about -- I am just reading the interview that
21 you gave that the Prosecution put into evidence, and you noted that:

22 "During the demonstrations in Kosovo, people were given
23 weapons."

24 So were you talking about during demonstrations in Kosovo the
25 Serb authorities gave the Serbs weapons?

1 A. Not at the time of Serb demonstrations. We Serbs did not
2 demonstrate, but it was the Albanians who demonstrated. When they
3 had their demonstrations, that was the time.

4 Q. So during their demonstrations, the Serb authorities gave the
5 Serb civilian population weapons; is that correct?

6 A. Yes.

7 Q. And it is also correct, based on your conversation with others,
8 that the Serb authorities were giving Serb civilians weapons all over
9 Kosovo, weren't they?

10 A. I don't know about all over Kosovo, because I have no knowledge
11 about rifles or weapons or any of that. I just know that my husband
12 had a pistol that he had bought, and I knew what a pistol was. But
13 as for rifles, I hadn't even ever seen one.

14 Q. Well, on the day that the incident took place, a lot of the
15 Serbs in the village came to your house; right?

16 A. Yes, those who were there. Four men and four women.

17 Q. And when they came to your house, they brought with them the
18 rifles that the Serb authorities had given them; right?

19 A. I did not see that.

20 Q. Well, you did see that they brought rifles with them; right?

21 A. If they brought them, then they did. But I did not see that.
22 Only it was when the shooting started that I became aware that they
23 had rifles.

24 Q. So when the shooting started, that you were aware that these
25 Serb men that were at your house had rifles? That's correct, isn't

1 it?

2 A. Yes.

3 Q. Now, they also had with them, when they came to your house, they
4 had ammunition as well as bullet-proof vests, didn't they?

5 A. You mean us Serbs?

6 Q. Yes.

7 A. No. No. Slavica Banzic had a vest. She was wearing it. But
8 she was not armed nor did she have a rifle or anything. She just had
9 a vest on.

10 Q. Now, was this a vest that contained ammunition with it?

11 A. No, no, no. It was a military vest, but she didn't have
12 anything in it. She just put it on. That was all.

13 Q. Well, when she came did she have ammunition with her?

14 A. No.

15 Q. Well, let me review with you -- and let me bring up on -- this
16 will be SITF00062949 to SITF00063040 in English at 71. It will be
17 the same SITF number for the Albanian, and there is no Serb number,
18 at 71.

19 And this was in one of the -- in your prior testimony. The
20 presiding judge asked you:

21 "Did she mention anything about taking anything from her?

22 "Well, a hunting rifle, vest, ammunition, and so on.

23 "And where was it?

24 "From her arms.

25 "Was she holding a rifle in her hands?

1 "She wasn't holding it, but my rifle was with her."

2 Who were you talking about in that testimony that had the
3 ammunition? Do you recall?

4 A. My rifle? No. It's a mistake. I did not have a rifle nor did
5 I ever take a rifle in my hands. And she had, I think, a hunting
6 rifle and she left it in the cart that we used to go out to fields
7 in. She left it there in our cart, but I hadn't even known that. I
8 have never had a rifle.

9 Q. My apologies. I misread this. This is not your testimony.
10 This is Milan Banzic's testimony, and I stand corrected on that.

11 MR. MICHALCZUK: That's what I wanted to also raise.

12 MR. KEHOE: Thank you. Okay.

13 Q. But the woman that came there, was she in possession of a rifle
14 and ammunition?

15 PRESIDING JUDGE SMITH: You said "the woman that came there."
16 Which woman?

17 MR. KEHOE: The woman that she was talking about previously.

18 PRESIDING JUDGE SMITH: [Microphone not activated]

19 MR. KEHOE:

20 Q. The woman that you were talking about that -- was she armed and
21 did she have ammunition, the woman that you were talking about with
22 the hunting vest? I think you were talking about Slavica Banzic?

23 A. Yes. But let me not repeat and let me not say something that I
24 haven't said before. I didn't see the rifle. I saw the vest that
25 she was wearing. She was there at my house, but she had left, left

1 it in the cart with horses that we used to go out to the fields in.
2 So this is something that I hadn't seen. And if I do not know
3 something personally, I think you shouldn't be asking me about it but
4 you should rather ask her.

5 Q. I'm just asking you questions just to see if you know, Witness.
6 If you don't know, that's fine. If you don't recall, that's fine.
7 So I'm not asking you for any information about anything you don't
8 know. Okay? I'm not going to do that.

9 So just moving on. You would agree with me that prior to the
10 night in question, the Serb authorities had given weapons to Serb
11 civilians, and that when the individuals from your village came to
12 your house, they came to your house armed with weapons; is that
13 right?

14 A. Well, I have told you that I had not seen any weapons.

15 PRESIDING JUDGE SMITH: It's about time for the morning break if
16 you want to --

17 MR. KEHOE: Oh, yes, Your Honour. My apologies. I lost track
18 of time.

19 PRESIDING JUDGE SMITH: That's all right.

20 Witness, we will give you a half-hour break now. The Court
21 Usher will take you out.

22 Please go to public session. Oh, we are in public session. I'm
23 sorry.

24 You may escort her out.

25 So we will see you back here at 11.30.

1 [The witness stands down]

2 PRESIDING JUDGE SMITH: All right. We are adjourned until
3 11.30.

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

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

6 PRESIDING JUDGE SMITH: We remain in public session.

7 Madam Court Usher, please bring the witness in.

8 [The witness takes the stand]

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 Oh, I pushed it off. Can you hear me all right, ma'am?

11 THE WITNESS: [Interpretation] Yes.

12 PRESIDING JUDGE SMITH: All right. Mr. Kehoe will continue with
13 his questions.

14 Go ahead.

15 MR. KEHOE:

16 Q. Witness, I hope you had a break and something -- a coffee. I
17 just want to ask you a couple of clarifying questions, and I won't be
18 too long. Right before the break, and this is at page 50, line 3,
19 you said:

20 "... I have told you that I had not seen any weapons."

21 And I would like to go back to your testimony in Belgrade on 28
22 June 2011 in the Kabashi trial.

23 MR. KEHOE: And that would be SITF000275570 to 27610, and this
24 would be at page 27588. And I believe the Serbian is on the same
25 page.

1 Q. But let me just read for you what your testimony -- this is your
2 testimony at the trial in Belgrade. And you were asked:

3 "Did all the men have weapons in the house?"

4 And you testified:

5 "My husband did not have. He had a pistol he had bought. He
6 was not in the army and he did not have any weapons, neither my
7 husband nor my son. 'Novica' did, but he worked with the rockets in
8 the vineyards. I don't know how to explain this."

9 Question:

10 "Am I supposed to understand that, apart from her husband and
11 her son, the others were armed also?"

12 And your answer is:

13 "Yes. They had the weapons that they had left there. It
14 depends who had what. I don't know, but they had."

15 Now continuing on in that trial, the same trial, your same
16 testimony, in Belgrade.

17 MR. KEHOE: And these would be pages SITF00062949 to 63040 at
18 page 13. And I do not believe that there is a Serb translation.

19 Q. And the judge in Belgrade asked you:

20 "Tell me, did the men have any weapons on them?"

21 And you responded:

22 "Yes.

23 "Where did they get the weapons from?"

24 And you answered:

25 "My husband had no weapon; he was not with the military. My son

1 didn't have any weapon. Novica was a reserve forces police officer
2 in Orahovac Municipality, Zrze, my uncle had no rifle. Those ones
3 that had rifles, well, let me tell you, it was. I don't know how to
4 put it, I don't know how to tell you that."

5 And the judge then asked:

6 "Who had them, mention the names, who had their rifles on them,
7 you say Novica and who else?"

8 And you say:

9 "Well, Novica had a rifle that was issued to him by the reserve
10 forces."

11 And the judge asks:

12 "Fine, anyone else?"

13 And you respond:

14 "Well, the neighbours had some weapons on them."

15 Question:

16 "What neighbour?"

17 "Well, Predrag, whatever the actual name is, I cannot recall."

18 And the presiding judge asks:

19 "Miodrag Burdzic?"

20 And you say:

21 "Yes."

22 So are Predrag and Miodrag Burdzic, are they the same people?

23 A. Yes, the same.

24 Q. So then the judge asks you -- well, he said that -- then he
25 continues to ask you:

Witness: W00072 (Open Session)

Page 6722

Cross-examination by Mr. Kehoe

1 "Did Srecko Burdzic had any on him?"

2 And you answer:

3 "He did.

4 "Did Spasoje Banzic had any?"

5 And you answer:

6 "He did.

7 "And that man, Sreten Simic?"

8 Your answer:

9 "They did, my husband had a pistol, but it was a pistol that he
10 didn't use."

11 So all of the individuals that you were asked about by the
12 presiding judge in Belgrade if they had a weapon, they had weapons.
13 You testified to the court there that they had weapons, did you not?

14 A. Yes.

15 Q. And all of those individuals did, in fact, have weapons when
16 they came to your -- when they were at your house on 17 July; is that
17 right?

18 A. Yes. But I didn't see them.

19 Q. Well, when you were being asked those questions by the judge in
20 Belgrade and he asked you if these individuals had weapons, and he
21 asked you did this individual -- people have weapons, you said yes.
22 But you never told the judge that you didn't see them, did you?

23 A. Maybe I didn't, because at that time I wasn't very aware. I
24 would just -- I didn't know what to say. I would just get lost. And
25 I don't -- I'm not trying to hide anything. I'm saying what I know.

1 And it is possible that I forget something, and that's due to my
2 health.

3 Q. I understand. Just do the best you can with what you recall,
4 ma'am. That's all we're asking you for. And I'm not going to go
5 through everything that the Prosecution has gone through, and
6 certainly we're not going to go through your statement because I know
7 the Prosecutor put them in under the Rule 154.

8 But let me ask you. So when the firing started and there was,
9 in fact, firing into your house by the Albanians and there was firing
10 out of the house by the Serbs that were in your house, that was what
11 was going on; right? There was firing and return fire, wasn't there?

12 A. Yes. They opened fire first on our house immediately, as soon
13 as they called out my husband's name. "*Mos dil*" in theirs; in our
14 language, "don't come out." So they opened fire immediately and then
15 there was shooting from all over. From one side, from the other
16 side. Now, who shot, who fired, who did not, we don't know. We were
17 in the basement, the women. And the men were in the other building.

18 Q. But there was firing by the Albanians, but there also had been
19 firing by the Serbs from your house as well, wasn't it?

20 A. Yes.

21 Q. Now, I think that you just -- I am going to -- I'm not going to
22 cover all the topics that my learned friend went through, so I just
23 want to cover a few topics with you before I finish up. And I think
24 you told us this morning that you had spoken to -- I think you told
25 the Prosecutor you had spoken to a woman by the name of Petra Kostic;

1 is that right?

2 A. Yes.

3 Q. And she was from the village of Retimlje; is that right?

4 A. Yes.

5 Q. And she told you that they had been rounded up in her village by
6 her neighbours; is that correct?

7 A. The neighbours, yes. The neighbours' sons.

8 Q. And, in fact, ma'am, you knew the people -- quite a few of the
9 people who were involved in your detention when you were taken out of
10 your house, were you not? You knew because those individuals were
11 neighbours; is that right?

12 A. Yes, I knew a lot of them, but I didn't know the names. The
13 people I know personally, yes, I provided those names. The five
14 names. But I didn't know the names of the others, and I didn't
15 really try to remember everyone's name.

16 Q. And I understand, ma'am. And it's been a long time, and I
17 understand that too. But you did provide names of people,
18 individuals from your village, that had been part of this attack and
19 detention that lived -- from your village and you knew who they were;
20 right?

21 A. Yes.

22 Q. And you also recognised other people from the village or nearby
23 areas even if you didn't know their name; right?

24 A. Yes, the people from our village, I recognised quite a few, but
25 I didn't know the names, their names. I knew the names of the people

1 who lived closer to our house.

2 Q. But the people that you are talking about, both the ones you
3 know the names of and the ones that you recognised, they were the
4 local people, weren't they?

5 A. Yes.

6 MR. KEHOE: I'm just checking a note here, Judge. And if I just
7 get the Court's indulgence.

8 Your Honour, I have no further questions. Thank you.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 THE INTERPRETER: Microphone.

11 PRESIDING JUDGE SMITH: [Microphone not activated]

12 MR. TULLY: No, Your Honour.

13 PRESIDING JUDGE SMITH: Mr. Tully.

14 MR. TULLY: Our topics of interest have been covered. So, thank
15 you, no questions.

16 PRESIDING JUDGE SMITH: Thank you.

17 Mr. Ellis.

18 MR. ELLIS: Nothing from us either, Your Honour.

19 PRESIDING JUDGE SMITH: All right.

20 Any redirect?

21 MR. MICHALCZUK: No questions in redirect.

22 PRESIDING JUDGE SMITH: Thank you.

23 Anything from the Bench?

24 All right, Witness, your testimony is completed, and we
25 appreciate you being with us and sharing your testimony with us. You

1 are excused now from the court, and we wish you well.

2 And the Court Usher will escort you from the room.

3 THE WITNESS: [Interpretation] Thank you, too. I did want to
4 come here. And as long as I can, I will not give up until I learn
5 the truth and just the truth, and I will continue to go wherever I'm
6 invited to come as a witness. And I thank you very much for having
7 me here, because this was really important to me, and this -- it's
8 almost as if I have seen my son again, and I'm very, very grateful
9 that I had the opportunity to come here. Thank you very much.

10 PRESIDING JUDGE SMITH: Thank you very much. And we wish you
11 well in your efforts and hope you're well.

12 THE WITNESS: [Interpretation] Thank you. Goodbye.

13 [The witness withdrew]

14 PRESIDING JUDGE SMITH: So we will be finished for the week, and
15 we will welcome you back a week Monday.

16 I would like to go over -- if you have just a few minutes, I
17 would like to go over the schedule from now until the Christmas break
18 just to make sure we are all on the same page. There have been a few
19 minor adjustments made, and I think you have been advised, but I just
20 want to make sure that you have.

21 So next week is Trial Panel I. And then we will follow again on
22 the 28th, we have three days in court. And then into September, we
23 will have the week of September 4th, Monday through Thursday, except
24 Thursday, the third session will not be held. So we will only have
25 two sessions on Thursday, September 7th. We will then be back in

1 court on the week of September 11th and again on the week of
2 September 25th, for three days on that week.

3 In October, we have the week of October 9th, October 16th, and
4 then Trial Panel I has the week of 23rd October. And we are back in
5 court on the week of the 30th into November 2nd, that full week,
6 Monday through Thursday. And then again on the week of November 6th,
7 and the week of November 13th.

8 And then we will be back in court on 4th December, the week of
9 4th December for four days, and the week of December 11th for three
10 days.

11 And the only other note I can give you is on September 26th, we
12 will have the first two sessions but not a third session on that day.

13 So that's it. I hope that comports with your view of the
14 schedule.

15 We will start working soon on a schedule for after the 1st of
16 the year, unless you're all finished by then.

17 We're adjourned.

18 --- Whereupon the hearing adjourned at 11.49 p.m.

19

20

21

22

23

24

25