

*Additional redactions applied pursuant to F1654.*

1 Monday, 22 May 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

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

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

8 THE COURT OFFICER: Good morning, Your Honours. This is case

9 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,  
10 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

11 PRESIDING JUDGE SMITH: Thank you.

12 Good morning, everyone.

13 Mr. Thaci, Mr. Veseli, and Mr. Selimi are present in court.

14 Mr. Krasniqi continues to appear on videolink.

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

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

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

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1 THE COURT OFFICER: Yes, Your Honours.

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

8 Those are all, Your Honours.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 Thank you, Madam Court Officer.

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

14 ~~(Private session)~~ [Open Session] Reclassified pursuant to F1654

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

16 PRESIDING JUDGE SMITH: All right. For the next witness, 04355,  
17 the current protective measures ordered are for a closed session.

18 However, on 16 and 19 May, following its preparation session  
19 with W04355, the SPO indicated by e-mails that 4355 had consistently  
20 had his protective measures explained by the SPO in a manner  
21 indicating that face and voice distortion would be suitable. The  
22 Panel would therefore like to hear the parties on this. In  
23 particular, do the parties object to a variation of protective  
24 measures for W04355, to varying the protective measure to face and  
25 voice distortion and private session for any in-court discussions or

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1 testimony identifying the witness and switching into public when at  
2 all possible.

3 And, secondly, is W04355 aware of this and does he consent to  
4 it.

5 Madam Prosecutor.

6 MR. HALLING: Your Honour, because I'm taking the next witness,  
7 I can address this question.

8 PRESIDING JUDGE SMITH: All right.

9 MR. HALLING: So for the first question, we certainly have no  
10 objection to varying the measures in the manner that Your Honour just  
11 proposed. In terms of the witness's awareness, we did inform WPSO of  
12 this issue when it revealed itself after Friday afternoon. They're  
13 going to speak with 4355 this morning, and I'm hoping in the next 20,  
14 30 minutes to be able to have an answer on his position.

15 PRESIDING JUDGE SMITH: All right.

16 Any objection by the Thaci Defence?

17 MR. KEHOE: No, Your Honour.

18 PRESIDING JUDGE SMITH: Any of the other Defence?

19 MR. STRONG: No objection, Your Honour.

20 MR. TULLY: None, Your Honour.

21 MR. ELLIS: No objection, Your Honour.

22 PRESIDING JUDGE SMITH: Mr. Ellis, thank you.

23 All right. So we will wait to make a ruling on that until we  
24 hear from WPSO.

25 Now let's continue with the testimony and cross-examination of

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1 Witness 3165.

2 Please go into public session.

3 And you may bring the witness in, Madam Usher.

4 ~~{Open session}~~

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

6 MR. ROBERTS: Your Honour, just while we're waiting, if I could  
7 just advise you. I just would like to take him briefly into private  
8 session to explain a couple of additional codes that I would like to  
9 use, so then we can go back to open session for the first 20 minutes  
10 or so of the cross-examination.

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

13 [The witness takes the stand]

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 THE INTERPRETER: Microphone, please.

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

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

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

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

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

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

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

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

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

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

13 MR. ROBERTS: Yes, Your Honour.

14 PRESIDING JUDGE SMITH: All right.

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

16 PRESIDING JUDGE SMITH: All right. For the protection of the  
17 witness and his identity, we will go into private session.

18 Madam Court Officer.

19 ~~[Private session]~~ [Open Session] Reclassified pursuant to F1654

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

21 PRESIDING JUDGE SMITH: Thank you.

22 You may proceed, Mr. Roberts.

23 MR. ROBERTS: Thank you, Your Honour.

24 WITNESS: W03165 [Resumed]

25 [Witness answered through interpreter]

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1 Cross-examination by Mr. Roberts:

2 Q. Good morning, Witness. As the Presiding Judge has mentioned, My  
3 name is Geoff Roberts and I'm counsel for Mr. Selimi. And I'll be  
4 asking you questions this morning, hopefully for about 30 to 40  
5 minutes.

6 Just before we go back into open session, I'd just like to  
7 explain that we'll be using the same codes that you used last week  
8 when you were asked questions in relation to the five people that  
9 were mentioned there and the four locations that were mentioned.

10 Can I just check whether you have that or can be given a copy or  
11 displayed a copy of those codes just for your own reference?

12 MR. ROBERTS: And if the Court Officer or -- it's displayed?  
13 Perfect.

14 Q. And do you recall those codes and can you see them in front of  
15 you?

16 A. Yes. Yes, I have them in front of me.

17 Q. And we would just like to add one additional name while we're in  
18 private session. So we would add a person number 6 who would be  
19 [REDACTED], who is [REDACTED]. And also, and this is not a  
20 person or a place but it is a thing, and it is the agreement [REDACTED]  
21 [REDACTED].

22 So to avoid explaining too much about that in public session, I  
23 will just refer to it as "the agreement." And with the agreement of  
24 the Prosecution, that should be sufficient to identify it in public  
25 session. So when I'm talking about "the agreement," that means the

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1 agreement between [REDACTED]. Is that clear?

2 A. Yes, it is.

3 Q. Thank you.

4 MR. ROBERTS: Your Honour, if we can move back into open session  
5 now.

6 PRESIDING JUDGE SMITH: Madam Court Officer, into public  
7 session.

8 ~~{Open session}~~

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

10 MR. ROBERTS:

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

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

18 Q. You're saying that there was -- we're talking about the  
19 surrounding villages to your village, not your village itself. The  
20 surrounding villages that suffered extensive destruction and burning  
21 and murders, in your words. [REDACTED]

22 [REDACTED]; isn't that correct?

23 A. In [REDACTED], there haven't been so much damage.

24 There were some but not in our territory. Not only in my village but  
25 also in the surrounding areas.

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1 Q. And despite the military reports that you were shown and read  
2 out last week, you're saying there was no evidence or very little  
3 damage or destruction of those villages around your village in  
4 *[REDACTED]*

5 *[REDACTED]* Just to be clear.

6 A. Yes.

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

9 A. Yes.

10 Q. And when did you travel around? Because I thought you mentioned  
11 in your examination-in-chief that you stayed largely in your village  
12 after *[REDACTED]*.

13 A. I can't give you dates, but I know that I travelled. I saw that  
14 the centre -- the centres of *[REDACTED]* was burned, but I didn't  
15 notice a lot of damage in the other villages.

16 Q. Did you speak to any of the people who'd been forced out of  
17 *[REDACTED]*?

18 A. I don't recall.

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

21 A. Yes, there were. *[REDACTED]*  
22 *[REDACTED]*, they didn't return to their own homes.

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

25 PRESIDING JUDGE SMITH: All right.

Into private session.



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1 ~~{Private session}~~ [Open Session] Reclassified pursuant to F1654

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

3 MS. MAYER: If we could just remind the witness. I believe  
4 [REDACTED], which has now been mentioned about five times in open  
5 session, has already been identified with a code, code D on the list.  
6 So just to remind the witness to use those codes and not the places  
7 in open.

8 PRESIDING JUDGE SMITH: Understood.

9 Mr. Witness, do you understand to use the code D for [REDACTED]

10 THE WITNESS: [Interpretation] Yes, now I understand. But I  
11 don't think I was told to do that.

12 PRESIDING JUDGE SMITH: Is that on your list?

13 THE WITNESS: [Interpretation] No, it's not.

14 PRESIDING JUDGE SMITH: All right. Would you please add that to  
15 the list.

16 THE WITNESS: [Interpretation] Yes.

17 PRESIDING JUDGE SMITH: Thank you, Witness.

18 All right, Mr. Roberts. You may continue using that code.

19 MR. ROBERTS: Thank you, Your Honour. If we can go back into  
20 open session. Thank you.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 Please into open session.

23 ~~{Open session}~~

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

25 MR. ROBERTS:

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

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

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

8 MR. ROBERTS: Certainly.

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

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

13 THE WITNESS: [Interpretation] I saw cases -- from the mountain,  
14 I saw that [REDACTED] was somewhat burned, but the surrounding village  
15 around our village were not damaged to that extent. At that time, in  
16 [REDACTED], there weren't burnings around our village. I mean  
17 large-scale burnings of villages.

18 PRESIDING JUDGE SMITH: Witness, Witness, be sure and use the D  
19 code, the code for the city you referred to as D.

20 MR. ROBERTS:

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

25 A. Yes.

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

4 A. Yes.

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

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

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

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

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

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

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

23 A. Yes.

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

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

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

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

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

11 A. I don't know.

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

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

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

17 A. Yes.

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

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

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

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

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

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

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

6 A. Yes.

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

9 A. Yes.

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

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

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

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

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

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

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

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

8 A. Yes.

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

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

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

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

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

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

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

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

4 A. I don't know.

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

8 A. I don't know.

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

12 A. No.

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

16 A. Yes.

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

19 A. I believe so.

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

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

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

3 A. I did not hear it.

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

6 A. I don't know.

7 Q. [Microphone not activated].

8 THE INTERPRETER: Microphone, please.

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

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

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

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

22 A. Yes, and for their mouths.

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

25 A. Of course.



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

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

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

9 A. Yes, black clothes. Black uniforms.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 A. No, I don't know.

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

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

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

3 A. No, no.

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

6 A. Yes.

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

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

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

16 A. Can you please repeat the question?

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

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

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

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

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

9     Q. [Microphone not activated]

10     THE INTERPRETER: Microphone, please.

11     MR. ROBERTS: Second warning.

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

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

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

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

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

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1 know if the [REDACTED] was placed by the same people who kidnapped  
person

2 number 1 as well or either, do you?

3 A. When I went there, I found [REDACTED] killed and I [REDACTED]  
4 [REDACTED]. I cannot tell you any more than that.

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

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

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

14 PRESIDING JUDGE SMITH: Thank you.

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

16 ~~{Private session}~~[Open Session] *Reclassified pursuant to F1654*

17 THE COURT OFFICER: Your Honours, we're in private session.

18 PRESIDING JUDGE SMITH: Thank you.

19 You may proceed.

20 MR. ROBERTS: Thank you, Your Honour.

21 Q. So just for these last questions, I just want to refer to the  
22 [REDACTED] that you discussed with the Prosecution and  
23 with counsel for Mr. Thaci last week. Do you recall having those  
24 discussions and that testimony?

25 A. Yes.

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Additional redactions applied pursuant to F1654.

1 Q. Now, just to be clear from the outset, this was supposedly  
2 [REDACTED].

3 MS. MAYER: Objection, misstates the evidence. The evidence is  
4 that it's the [REDACTED] and  
5 the first line says [REDACTED]  
6 [REDACTED]. It does not say it was [REDACTED].

7 PRESIDING JUDGE SMITH: Sustained.

8 MR. ROBERTS:

9 Q. It does refer, as counsel for the Prosecution has stated, that  
10 the [REDACTED] had -- sorry,  
11 I'll rephrase.

12 The [REDACTED], to be clear, doesn't refer to the  
13 General Staff at all, does it?

14 A. I don't know who issued that, but it's something that can be  
15 seen. What is written there, there's nothing I can add or subtract.  
16 Everything is in there.

17 Q. The only [REDACTED] referred to is [REDACTED]  
18 [REDACTED], to  
19 be clear.

20 MS. MAYER: Objection, misstates the evidence. I covered with  
21 this witness in his direct examination that it also refers to  
22 [REDACTED]  
23 [REDACTED], which is also in the same [REDACTED].

24 PRESIDING JUDGE SMITH: Sustained.

25 MR. ROBERTS:

Q. In relation to steps you took after viewing this [REDACTED],

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1 did you seek to contact anyone within the [REDACTED] such as the  
2 [REDACTED]

3 A. I did. But I was not successful.

4 Q. And who and when did you try and contact [REDACTED]  
5 [REDACTED]

6 A. I tried to find out what happened, how the murder happened. I  
7 was trying to find the [REDACTED]. And as they admitted to this  
8 [REDACTED]

9 [REDACTED], the time will come when somebody will be held responsible  
10 for the incident.

11 Q. What about the [REDACTED]? Did  
12 you seek to contact them?

13 A. We were making attempts after the war. After the war ended.

14 Q. But you never contacted specifically and directly the  
15 General Staff, did you, [REDACTED]?

16 A. No, I could not meet them.

17 Q. And, indeed, the KLA or the General Staff as an institution  
18 effectively ceased to function from September 1999 with the advent of  
19 demilitarisation; is that correct?

20 MS. MAYER: Objection, foundation.

21 PRESIDING JUDGE SMITH: The objection is overruled.

22 You may answer the question, Witness.

23 THE WITNESS: [Interpretation] I don't have the question.

24 MR. ROBERTS:

25 Q. The question was that the General Staff ceased to function in  
1999, it should be in September 1999, with the advent of

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1 demilitarisation; is that correct?

2 A. That I don't know. I don't know when precisely it ceased to  
3 exist.

4 Q. Okay. And just as another question, did you actually seek to  
5 contact [REDACTED] in relation to this, with regards to the  
6 allegation?

7 A. No, I didn't. I don't remember.

8 Q. And just finally, [REDACTED]

9 [REDACTED]

10 [REDACTED], were you not?

11 A. Yes.

12 Q. And do you recall that Mr. Selimi [REDACTED]?

13 Mr. Selimi, Mr. Rexhep Selimi, my client, to be clear.

14 A. Yes, [REDACTED].

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 Q. And just to be clear [REDACTED]

20 [REDACTED] I'll just read it out. I don't think there is any need  
21 to place it on the screen.

22 MR. ROBERTS: But for the record, this is SPOE00067951 at  
23 SPOE00067992 at pages SPOE00067976.

24 Q. [REDACTED]

25 [REDACTED]



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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 And later on at the following page, so that's SPOE00067977, he  
10 stated:

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Now, does that coincide with what you heard about [REDACTED]

16 [REDACTED]?

17 A. I do not remember word by word [REDACTED], but [REDACTED]

18 [REDACTED] I know what he said. [REDACTED]

19 [REDACTED].

20 Q. I understand. But you do know that Mr. Selimi [REDACTED]

21 [REDACTED]?

22 A. Yes.

23 Q. And to your knowledge, this was the first time he was able to

24 [REDACTED] and had done so?

25 A. I think it was for the first time. [REDACTED]

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1 [REDACTED].

2 Q. And so to the extent that he could, he did retract the  
3 allegation [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] That's correct, isn't it?

7 A. Yes.

8 Q. And how did this or how was this [REDACTED]

9 [REDACTED]?

10 A. [REDACTED] as to being a collaborator, that is not true.

11 [REDACTED], that he - that is, [REDACTED] - was

12 not a collaborator with the Serbs or anyone else.

13 [REDACTED]

14 [REDACTED]

15 [REDACTED].

16 A. It is easier because [REDACTED]

17 [REDACTED] he was not a collaborator and had nothing to do with this  
18 but

19 left the responsibility with the General Staff. [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. [REDACTED]

24 [REDACTED]

25 [REDACTED].

A. It was easier because it was clear that [REDACTED] was not a

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1 collaborator, and this was -- made things much easier for my family,  
2 because [REDACTED] was not a collaborator.

3 MR. ROBERTS: Thank you, Your Honour. No more questions.

4 PRESIDING JUDGE SMITH: Thank you.

5 Ms. Alagendra.

6 MS. ALAGENDRA: Just a moment, Your Honours.

7 PRESIDING JUDGE SMITH: No problem. You may proceed when you're  
8 ready.

9 MS. ALAGENDRA: We're still in private session, Your Honour. If  
10 I may just add on a few more names that we could have codes for.

11 PRESIDING JUDGE SMITH: Pardon? You'll have to speak into the  
12 microphone.

13 MS. ALAGENDRA: Sorry. Can you hear me now?

14 PRESIDING JUDGE SMITH: Yes.

15 MS. ALAGENDRA: We have a few more names that we want to add  
16 code numbers to. If we could do that first while we are in private  
17 session, please.

18 PRESIDING JUDGE SMITH: We will go into private session, please.

19 THE COURT OFFICER: Your Honours, we are in private session.

20 PRESIDING JUDGE SMITH: Go ahead, we are in private session.

21 MS. ALAGENDRA: Your Honours, the first name would be

22 [REDACTED], that would be number 7. [REDACTED], number 8.

23 [REDACTED], number 9. [REDACTED] --

24 PRESIDING JUDGE SMITH: Just a second.

25 MS. ALAGENDRA: -- number 10. [REDACTED] --

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1 PRESIDING JUDGE SMITH: Just a second. He's still writing. Now  
2 the name.

3 MS. ALAGENDRA: So [REDACTED] is number 10.

4 THE WITNESS: [Interpretation] Yes.

5 MS. ALAGENDRA: [REDACTED], number 11. [REDACTED],  
6 number 12. [REDACTED], number 13. [REDACTED], number 14.

7 PRESIDING JUDGE SMITH: Ms. Alagendra, how many do you have?

8 MS. ALAGENDRA: I'm on the last one, Your Honour.

9 PRESIDING JUDGE SMITH: Okay.

10 MS. ALAGENDRA: No, second-last one. [REDACTED], number 14.  
11 And [REDACTED], number 15.

12 There are also a few places, positions, that I'd like to assign  
13 numbers to or alphabets to, Your Honour.

14 PRESIDING JUDGE SMITH: All right.

15 MS. ALAGENDRA: [REDACTED] would be position E. [REDACTED],  
16 position F. And [REDACTED], position G.

17 PRESIDING JUDGE SMITH: You may proceed.

18 MS. ALAGENDRA: We can move to public session, Your Honour.

19 PRESIDING JUDGE SMITH: Into public session, please,  
20 Madam Court Officer.

21 ~~{Open session}~~

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

23 Cross-examination by Ms. Alagendra:

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

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

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

4 A. Yes.

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

7 A. Yes.

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

12 A. Yes.

13 Q. When did you have your uniform made?

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

15 Q. Was it before or after 24 July?

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

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

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

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

22 A. Yes.

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

25 A. Yes.

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

3 A. I don't know.

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

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

7 ~~[Private session]~~ [Open Session] Reclassified pursuant to F1654

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

9 PRESIDING JUDGE SMITH: Thank you.

10 You may proceed.

11 MS. ALAGENDRA:

12 Q. Now, on 17 May, you told the Court that you had given about 50  
13 to 60 statements. You'd been interviewed 50 to 60 times. Do you  
14 recall that?

15 A. Yes, I was interviewed several times.

16 Q. And you also said that you spoke to anyone who asked you about  
17 the incident. Including [REDACTED], Witness? Would that be correct?

18 A. Yes. Yes, including [REDACTED].

19 Q. You and your --

20 MS. ALAGENDRA: Since we're in private session, I'll mention the  
21 names, Your Honour.

22 PRESIDING JUDGE SMITH: [Microphone not activated]. We are in  
23 private session.

24 MS. ALAGENDRA: Thank you.

25 Q. So you and [REDACTED], have given interviews to

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1 [REDACTED]?

2 A. Yes.

3 Q. And [REDACTED] first interview was on [REDACTED]; is  
4 that correct?

5 A. I don't recall the exact date. But yes, [REDACTED].

6 Q. It was around that time. Yes? Could I refer you to an exhibit.

7 MS. ALAGENDRA: That's DJK00194. Your Honours, if we can have  
8 that on the screen.

9 Q. This is an interview that you had given, Witness?

10 A. Yes.

11 Q. Can you tell us when this was?

12 A. I don't recall the date. I don't know the date.

13 Q. And can you briefly tell us what this interview was about?

14 A. It was taken -- the witnesses in [REDACTED] on  
15 what happened from the moment he was captured until he was executed.  
16 From the first moment to the execution. From [REDACTED] to the place  
17 where he was executed. There were two interviews conducted by  
18 [REDACTED]. They interviewed also inhabitants from the  
19 village when he was kidnapped.

20 Q. Right. And [REDACTED] was also on this interview, Witness?

21 A. Yes, he was, [REDACTED]. So, yes, he was  
22 there.

23 Q. And both of you are willing to [REDACTED] several  
24 times; yes?

25 A. Yes.

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1 MS. ALAGENDRA: I'd like to still remain in private session,  
2 Your Honours. Or we can go to public session now.

3 PRESIDING JUDGE SMITH: Into public session, please.

4 ~~{Open session}~~

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

6 PRESIDING JUDGE SMITH: You may proceed.

7 MS. ALAGENDRA:

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

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

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

16 MS. ALAGENDRA: Thank you.

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

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

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

22 A. Yes, it may be so.

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



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

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

3 A. I confirm.

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

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

7 Q. How many did you see with masks?

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

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

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

14 Q. Right. And you've just confirmed earlier today that you were  
15 not present when the murder [REDACTED] took place? You did not  
16 personally witness it? Number 1.

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

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

21 A. I cannot give you exact names.

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

24 A. Correct.

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

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

2 A. Can you please repeat the answer?

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

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

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

9 A. Yes, yes.

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

11 A. Yes.

12 Q. -- was that a mistake?

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

15 Q. You saw 14 and 15?

16 A. Yes.

17 Q. Not 4; yes?

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

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

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

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

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

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

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

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

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

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

8 MS. ALAGENDRA: And the reference is [REDACTED] -- P90, Exhibit  
P90,

9 and the specific page would be [REDACTED]. I think the Albanian  
10 reference is on the same page, [REDACTED]. So we're looking in the  
11 third  
12 paragraph in the Albanian version.

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

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

19 Q. Now, you saw them without masks?

20 A. Yes.

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

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

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

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

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

7 A. I saw 4, 5, 12, 13 before [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. [Microphone not activated]

11 THE INTERPRETER: Microphone, please.

12 MS. ALAGENDRA:

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

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

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

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

22 Q. Right. [REDACTED].

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

24 Q. Here it says:

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

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

3 Do you recall saying that?

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

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

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

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

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

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

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

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

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

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

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

8 Q. That's fine.

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

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

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

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

16 PRESIDING JUDGE SMITH: Yes, you may.

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

19 THE WITNESS: Okay. Okay.

20 [The witness stands down]

21 [The witness takes the stand]

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

24 MS. ALAGENDRA: Thank you, Your Honours.

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

Witness: W03165 (Resumed) (Open Session)

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Cross-examination by Ms. Alagendra

*Additional redactions applied pursuant to F1654.*

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

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

6 A. Yes, I read it.

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

10 A. Yes.

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

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

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

16 A. -- following [REDACTED] murder, he left Kosovo.

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

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

21 PRESIDING JUDGE SMITH: Sustained.

22 MS. ALAGENDRA:

23 Q. Now, here you also go on to tell the prosecutor that you know  
24 number 12 because he is the maternal uncle of number 1.

25 A. Yes.

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Cross-examination by Ms. Alagendra

*Additional redactions applied pursuant to F1654.*

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

2 A. Earlier they didn't, but number 12, following [REDACTED]  
3 murder, left Kosovo. He went into hiding. He went to [REDACTED] or  
4 somewhere. I don't know where exactly. Because he knows the case  
5 very well.

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

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

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

14 A. No, it wasn't done.

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

16 A. Yes.

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

18 A. He was buried the same day.

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

20 A. No.

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

22 A. No.

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

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



Witness: W03165 (Resumed) (Open Session)

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Cross-examination by Ms. Alagendra

*Additional redactions applied pursuant to F1654.*

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

6 A. Can you please repeat your question?

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

10 MS. MAYER: Could I have a citation?

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

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

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

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

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

22 "Who were the soldiers in black uniforms?"

23 And in answer, he says:

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

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Cross-examination by Ms. Alagendra

*Additional redactions applied pursuant to F1654.*

1 Do you see that?

2 A. I do see that.

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

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

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

9 Q. This is a statement by number 6.

10 A. Yes.

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

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

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

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

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

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

24 A. Yes.

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

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

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

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

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

11 ~~[Private session]~~ [Open Session] Reclassified pursuant to F1654

12 THE COURT OFFICER: Your Honours, we're in private session.

13 MS. ALAGENDRA:

14 Q. Witness, number 6 is [REDACTED], isn't he? Yes.

15 A. Yes, [REDACTED].

16 Q. Yes. And you're saying that what [REDACTED] says here is not  
17 true. Is that what you're saying?

18 A. Yes, he did not --

19 Q. Right.

20 A. He did not say the truth here.

21 Q. Right. In fact, Witness, it's not [REDACTED] that didn't see  
22 them, it's you that didn't see them, isn't it?

23 A. [REDACTED] did not see them. [REDACTED]

24 [REDACTED]. So [REDACTED] did not see the

25 kidnappers at all.

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1 MS. ALAGENDRA: If I can take you to your statement, SPOE0067102  
2 to 00067104.

3 Q. You earlier told the Court that you didn't see all four of them;  
4 is that correct?

5 A. I don't remember exactly now how many of them I saw. I did see  
6 them, but I do not know exactly how many. I did face two of them.  
7 Maybe they were four or five, but I'm not sure how many of them were  
8 exactly.

9 Q. At the time you came out of the house, there were no four masked  
10 men standing outside the car; is that correct?

11 A. I saw them going behind the car. I faced two of them and one  
12 was standing further. Now, whether there was somebody else in the  
13 car, that I don't know. But two were very near me.

14 MS. ALAGENDRA: If I can correct the earlier reference that I  
15 had given Your Honours. The correct reference should be SPOE00067084  
16 to 67089, which is the same in the Albanian version. And the  
17 specific page would be at 67086.

18 Q. Now, at the top of the page, it says that on the day number 1  
19 was killed, you were at home and you were told what happened by  
20 [REDACTED]; is that correct?

21 A. Please, I heard the shots and I went out and saw the cars  
22 outside. I went out onto the street. 1, 2, 3, I saw them with a  
23 car.

24 Q. What you say here is:

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 You were told it.

6 A. I was told that they were taken, and I took a shortcut to face  
7 them.

8 MS. ALAGENDRA: If I can take you to another statement. This is  
9 SPOE00067149 to 67150. And the Albanian version is at 67151 to  
10 67152. And the specific page in English is 67149.

11 Q. Witness, this is a statement by number 9, another eyewitness.  
12 It's another statement by [REDACTED], yes? And he says two of the  
13 men who entered [REDACTED] were dressed in black clothes while the  
14 other two had green uniforms, and neither of them had any insignia or  
15 sign of any army, not even that of the KLA.

16 A. I cannot answer about his statement. He did have a [REDACTED].  
And  
17 they took the second person that they knew from [REDACTED] and put him  
18 in the car. I don't know what he said in this statement, but it's  
19 different.

20 Q. Yes, so you agree it's different. He says four men, but two  
21 dressed in black and two in green uniforms.

22 A. I cannot answer questions about what he said. I can answer  
23 questions about what I saw.

24 Q. Yes, Witness. I know it was a very emotional day for you, so  
25 maybe you're a little bit confused about what you saw. People who

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1 were less emotional, such as this person, [REDACTED] --

2 MS. MAYER: Objection. There is no evidence about the emotional  
3 state of [REDACTED].

4 PRESIDING JUDGE SMITH: Sustained.

5 MS. ALAGENDRA:

6 Q. You were very emotional that day, weren't you, Witness, when all  
7 this was happening? Yes?

8 A. Before the murder happened, he was [REDACTED].

9 I was not knowing what was happening. He saw these kidnappers  
10 without masks. And when they came to [REDACTED], he  
11 told them to remove their masks because it was not necessary, and  
12 then they took this person [REDACTED]  
13 the car because [REDACTED]. This  
14 is what number 9 personally told me, but then he changed his  
15 statement. People now change their statement, and that's why I am  
16 saying that I cannot comment on what he said on this statement of  
17 his.

18 Q. And number 9 told you this, what you've just told the Court?

19 A. Number 9 told me this after the incident, after the ceremonial  
20 part in the beginning ended. But then [REDACTED],  
21 he changed his statement.

22 Q. Right. Now, he told you this at the time in [REDACTED]; yes?

23 A. Yes.

24 Q. That he told them --

25 A. He told me this only after they had taken [REDACTED]

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1 [REDACTED] put him in the car. He told me how they [REDACTED]

2 [REDACTED] took him away.

3 Q. Right. And he had told the masked men to remove their masks so

4 [REDACTED]. Is that what you're telling us?

5 A. No, he told them, "Remove your masks because I know who you  
6 are."

7 Q. Right. And they removed their masks? Did he tell you that?

8 A. No, he didn't. He said they went out, had a talk, and then came  
9 back, [REDACTED].

10 Q. Right. So they never removed their masks. Is that what you're  
11 now telling us?

12 A. No.

13 Q. If I can just read a part of the statement. This is what number  
14 9 says:

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 A. Maybe there were more of them. According to this, there was ten  
20 of them, but this I don't know.

21 Q. Right. But you will agree with me, Witness, that [REDACTED]  
22 was close, very close to these four men. He'd seen them. That you  
23 agree?

24 A. I do not agree with this. I cannot agree with this, because he  
25 [REDACTED]. And he could have

Additional redactions applied pursuant to F1654.

1 seen just one of them. He couldn't have seen the car.

2 Q. Fair enough.

3 MS. ALAGENDRA: Your Honours, I see the time is 11.00. I still  
4 have a few more questions to go.

5 PRESIDING JUDGE SMITH: How many is "a few"?

6 MS. ALAGENDRA: I probably need another 15 minutes.

7 PRESIDING JUDGE SMITH: [Microphone not activated]

8 MS. ALAGENDRA: Another 15 minutes, Your Honour.

9 PRESIDING JUDGE SMITH: We'll break at this time for the morning  
10 break.

11 We will be back at 11.30. Thank you.

12 I'm sorry, are we in private session? We should go to public  
13 session. We are in private now.

14 ~~[Open session]~~

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

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

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: We are adjourned.

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

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

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

24 ~~[Private session]~~ [Open Session] Reclassified pursuant to F1654

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



*Additional redactions applied pursuant to F1654.*

1           PRESIDING JUDGE SMITH: Thank you.

2           In light of the parties' submissions and the fact that the  
3 witness consents to the variation of his protective measures, the  
4 Panel hereby varies the protective measures for [REDACTED] pursuant to  
5 Rule 81.

6           The Panel orders: One, continuation of the use of the  
7 pseudonym; two, redaction of the witness's name and identifying  
8 information from the Specialist Chambers public records; three,  
9 non-disclosure to the public of any records identifying the witness;  
10 four, face and voice distortion; and, five, private sessions for any  
11 in-court discussion or testimony identifying the witness.

12           This concludes the Panel's oral order.

13           We also have been advised that the Prosecution wants to amend  
14 their presentation queue. Is that correct?

15           MS. MAYER: Yes, Your Honour. In direct response to the  
16 cross-examination of three of the accused so far, we have moved to  
17 add one item. It's an item that's been previously disclosed to the  
18 Defence under 102(1)(b). It has also been tendered in the bar table  
19 filing F01268, and so there is plenty of notice. There is no notice  
20 issue.

21           And it's, in fact, referenced in one of the items that was put  
22 in the Defence presentation queue. In the Krasniqi presentation  
23 queue, they include a transcript of an SPO interview of a witness,  
24 and in that transcript this videotape is shown to that witness and  
25 identified.

Additional redactions applied pursuant to F1654.

1 So that's what we're asking so that we can use it on a redirect  
2 examination.

3 PRESIDING JUDGE SMITH: What's the purpose of the entry?

4 MS. MAYER: It's a videotape that depicts KLA uniformed people  
5 in various uniforms with various identification markings on them,  
6 which has been the subject of the majority of the Defence  
7 cross-examination, and I want to show it to this witness to ask if  
8 it's consistent with this witness's description of what he saw at the  
9 time. It's contemporaneous. The video was taken [REDACTED]  
10 [REDACTED] after the murder that this witness has been testifying  
about.

11 PRESIDING JUDGE SMITH: So there's no reason for sound, then?

12 MS. MAYER: No reason for sound, Your Honour.

13 PRESIDING JUDGE SMITH: Okay.

14 Thaci Defence? They're talking about showing a video without  
15 sound.

16 MR. MOSKOWITZ: Yes, I heard that. Thank you, Your Honour.

17 Well, this had been provided to us, I think, this morning, if  
18 I'm not mistaken. We have had not really an opportunity to review  
19 the video. We'd like to be able to do that before it's shown. It  
20 sounds like it's not a very long video, so I think it can be done  
21 quickly.

22 I take the Prosecution's point that it had been disclosed  
23 earlier but not in relation to this witness. And so it comes as a  
24 bit of a surprise to us.

25 PRESIDING JUDGE SMITH: Well, we're running out of time with

*Additional redactions applied pursuant to F1654.*

1 this witness, though.

2 MR. MOSKOWITZ: Yes, Your Honour.

3 PRESIDING JUDGE SMITH: So when do you propose to do this?

4 MR. MOSKOWITZ: I think we could probably do it at the end of  
5 cross-examination by Mr. Krasniqi, and then just take a look at it  
6 for a couple of minutes, and then we can continue on. And then if we  
7 have any objections --

8 PRESIDING JUDGE SMITH: Where do you propose to take a look at  
9 it?

10 MR. MOSKOWITZ: Well, that's a good question. Do we have the  
11 video, if I could ask the SPO?

12 MS. MAYER: We submitted it along with the e-mail to the Court  
13 and with the request to be uploaded to the presentation queue. So  
14 we've noticed the ERN. If there's something else that I can provide  
15 to be helpful, I'm happy to do that.

16 PRESIDING JUDGE SMITH: Madam Court Officer, can that be put on  
17 just the Defence viewing? Can they just look at it in court? Is  
18 that possible? Not right now. I mean just is that a possible thing  
19 to do?

20 THE COURT OFFICER: Your Honours, if it's disclosed ERN  
21 material, they can independently view it on Legal Workflow.

22 MR. MOSKOWITZ: Okay. Yeah.

23 PRESIDING JUDGE SMITH: If that's satisfactory to everybody, to  
24 take a look at it first before we get to presentation, we can do  
25 that.

*Additional redactions applied pursuant to F1654.*

1 How many minutes is it?

2 MS. MAYER: I believe the whole video is about 20 minutes or so.  
3 I'm happy to give you the time markers that I plan to show. They all  
4 occur within the first, you know, 13 minutes or so. And I'm not  
5 going to play the whole thing continuous. I have a few stopping  
6 points. Just so that the individuals visible on the screen can be  
7 seen.

8 PRESIDING JUDGE SMITH: Well, they're going to want to look at  
9 it first.

10 MS. MAYER: Understood. I think if they go through the  
11 15 minutes -- again, we did send it this morning. So it's something  
12 that could have been looked at at the break.

13 PRESIDING JUDGE SMITH: That will be the plan.

14 MR. MOSKOWITZ: Thank you, Your Honour.

15 PRESIDING JUDGE SMITH: Anybody else wish to speak on this from  
16 the Defence?

17 MS. ALAGENDRA: Not at the moment, Your Honours.

18 PRESIDING JUDGE SMITH: All right. Thank you.

19 Madam Usher, you can bring the witness in.

20 We will go back to public session.

21 ~~{Open session}~~

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

23 PRESIDING JUDGE SMITH: Thank you.

24 [The witness takes the stand]

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

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Cross-examination by Ms. Alagendra

*Additional redactions applied pursuant to F1654.*

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

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

4 THE WITNESS: [Interpretation] Yes.

5 PRESIDING JUDGE SMITH: Thank you.

6 Ms. Alagendra, you have the floor.

7 MS. ALAGENDRA: Thank you, Your Honours.

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

11 A. Yes.

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

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

17 Q. You are talking about number 2?

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

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

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

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

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*Additional redactions applied pursuant to F1654.*

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

2 PRESIDING JUDGE SMITH: Thank you, Witness.

3 MS. ALAGENDRA:

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

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

11 Q. [Microphone not activated]

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

13 MS. ALAGENDRA: [Microphone not activated]

14 THE WITNESS: [Interpretation] Yes.

15 MS. ALAGENDRA:

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

19 A. Yes, correct.

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

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

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

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1 a little bit on the Albanian version, please.

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

4 And he says:

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

8 A. Yes.

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

14 Do you see that?

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

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

18 A. No.

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

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

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

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Additional redactions applied pursuant to F1654.

1 MS. ALAGENDRA:

2 Q. You then saw [REDACTED] --

3 ~~{Private session}~~[Open Session] Reclassified pursuant to F1654

4 THE COURT OFFICER: Your Honours, we're now in private session.

5 PRESIDING JUDGE SMITH: Thank you.

6 You may proceed.

7 MS. ALAGENDRA: Thank you.

8 Q. You saw [REDACTED]. You described how you found [REDACTED]  
9 [REDACTED]; yes? You recall that, Witness?

10 A. Yes.

11 Q. You then [REDACTED] and you went back; is that  
12 correct?

13 A. Yes.

14 Q. And you did not tell number 2 that you had found [REDACTED]? Or  
15 [REDACTED]. You didn't tell [REDACTED]?

16 A. At that moment, maybe I didn't tell [REDACTED], but I know that  
17 [REDACTED]

18 knew. Whether I told [REDACTED] later this, I cannot be sure about.

19 Q. Right. But at that time you didn't tell [REDACTED]; yes? At that  
20 time

21 you didn't tell [REDACTED].

22 A. Probably not. I don't recall.

23 Q. Right. And [REDACTED] present at the burial of [REDACTED]? Number  
24 2

25 is present at the burial of [REDACTED], Witness? Yes?

26 A. Yes.

27 Q. And number 6 was also present?

28 A. Yes, all.



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1 Q. Yes. And the burial was done immediately, by 4.00 p.m.?

2 A. Yes, approximately 4.00 or 5.00.

3 Q. Right. And you had any other family members present at the  
4 time, at the burial?

5 A. There were [REDACTED]

6 [REDACTED].

7 Q. And you had [REDACTED] present; is that correct?

8 A. Yeah, [REDACTED].

9 Q. Could you give us his name, please?

10 A. [REDACTED]

11 Q. And you didn't tell him about [REDACTED] either, did you?

12 A. I don't remember whether I told him that day. He was [REDACTED]  
13 [REDACTED].

14 Q. Would it be correct to say that you did not tell anyone at the  
15 time about [REDACTED] that you found -- that you say you found?

16 A. I told everyone, but I don't know whether I told them that day,  
17 before, or after the burial. I don't know when, the exact time.

18 Q. Now, you also told us that you had buried [REDACTED]. Yes? You  
19 had buried [REDACTED]? When did you bury [REDACTED]?

20 A. Before -- before we left the village when the air strikes began.

21 Q. And how did you bury [REDACTED]?

22 A. I opened -- I dug a hole, I put it in a plastic bag, and I  
23 buried it there.

24 Q. And did you bury it with [REDACTED] or just [REDACTED]?

25 A. Whatever I had, in one place I put them.

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Additional redactions applied pursuant to F1654.

1 Q. So you buried it [REDACTED]; is that correct?

2 A. I can't be accurate. I don't know how long they stayed there.

3 Q. And did you mention it to [REDACTED]?

4 A. Yes.

5 Q. But [REDACTED] gave an interview in 1999 and did not mention  
[REDACTED].

6 Do you agree?

7 A. Yes. Maybe he didn't mention [REDACTED] because when that  
8 happened, [REDACTED]. Probably  
9 they were -- he was not asked about it.

10 Q. But you'll confirm, Witness, that the first time you mention  
[REDACTED]

11 [REDACTED] to the investigators was in [REDACTED]?

12 A. I don't know the year, but -- but most of them had [REDACTED]  
13 I don't know, maybe some didn't.

14 Q. And when you attended these various interviews that you've told  
15 us you had, did you take [REDACTED] with you for them to see it?

16 A. Often I did, but I can't be accurate. I can't tell you that I  
17 had it all the time. Maybe they didn't ask me about it.

18 Q. But you'll agree that that was a very important piece of  
19 evidence that you say you found [REDACTED]; yes?

20 A. I think so, yes.

21 Q. Right. I want to extend my condolences to you, Witness. And I  
22 have just one last question. Looking at your own statements that you  
23 have given over a number of years, would you agree with me that you  
24 are not actually sure whether [REDACTED] was killed for personal  
25 vendetta, whether he was killed because of rogue elements, or whether

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1 he was killed by the Serbs in a false-flag operation to divide the  
2 Kosovo Albanian people? You simply do not know who killed [REDACTED]  
3 [REDACTED]; is that correct, Witness?

4 A. I don't know who killed him by name. But according to the  
5 [REDACTED], it is known. According to the  
6 [REDACTED], when they were seen on the street, it is  
7 known.

8 Q. But you've heard from various people, haven't you, names being  
9 mentioned, these are the suspects? You've heard, haven't you, since  
10 the incident? Have you heard names? Yes. And --

11 MS. MAYER: Objection, it's a confusing question, Your Honour.

12 THE WITNESS: [Interpretation] About the suspects, Your Honour.

13 MS. ALAGENDRA: What's the objection?

14 PRESIDING JUDGE SMITH: Everyone was speaking over each other,  
15 so I have no idea what was said by any of you.

16 Go ahead, Ms. Alagendra.

17 MS. ALAGENDRA:

18 Q. That he had heard from various sources who the suspects could be  
19 or were. You've heard that, haven't you?

20 A. I don't know who the suspects were by name.

21 Q. Right. Did you receive [REDACTED]  
22 [REDACTED]?

23 A. Yes.

24 Q. You did. And can you tell us what that [REDACTED] says?  
[REDACTED]

25 [REDACTED]?

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1 A. There were some names that allegedly were part of what happened,  
2 and they referred to some other murders that took place in that  
3 territory and mentioned names, but I don't know them.

4 MS. ALAGENDRA: Can I take you to DHT00608 to DHT00609. And the  
5 Albanian version is at 108478 to 108488.

6 I do apologise, it's DHT00608 in the English. And it's 108488.

7 Q. Is this [REDACTED] you received in [REDACTED], Witness?

8 A. Yes.

9 Q. And the names mentioned on this list, these are not the people  
10 you informed investigators were suspects; am I correct?

11 A. No, I -- I don't think anyone else had this [REDACTED]  
12 [REDACTED], because I received it very late.

13 Q. Right. Thank you, Witness.

14 MS. ALAGENDRA: Thank you. No further questions.

15 PRESIDING JUDGE SMITH: You'll need to take a look at that clip  
16 at this time.

17 MR. MOSKOWITZ: Yes, Your Honour. We'll try to do it as quickly  
18 as possible.

19 PRESIDING JUDGE SMITH: We'll step aside while you do that, and  
20 the usher will advise us when everyone is ready to come back to the  
21 courtroom.

22 Witness, you can step aside, too, for ten minutes or so. The  
23 usher will take you out.

24 Into public session, please.

25 [The witness stands down]

*Additional redactions applied pursuant to F1654.*

1 ~~[Open session]~~

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

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

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

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

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

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

11 The issue that is [REDACTED]

12 [REDACTED] his [REDACTED], whether

13 on that day [REDACTED] he [REDACTED] masked men wearing KLA patches.  
That's

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

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

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

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

19 [REDACTED]. The fact

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

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

22 the day in question.

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

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

25 from the video.

*Additional redactions applied pursuant to F1654.*

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

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

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

6           PRESIDING JUDGE SMITH: What?

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

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

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

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

15          MR. ROBERTS: Recross-examine the witness.

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

18          MR. ROBERTS: On this issue --

19          PRESIDING JUDGE SMITH: Yes, yes.

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

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

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

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

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

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

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

6 MR. ROBERTS: Understood.

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

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

10 [The witness takes the stand]

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

13 Re-examination by Ms. Mayer:

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

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

19 A. Yes.

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

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

4 A. Yes.

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

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

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

14 A. Yes.

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

17 A. Yes.

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

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

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

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



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

6 [REDACTED] dressed in a short black jacket with the  
7 'PU' logo of the military police, and the others were also wearing  
8 black clothes, [REDACTED]

9 Do you see that, Witness?

10 A. Yes.

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

14 A. Yes.

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

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

24 [REDACTED]

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

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1 and says:

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

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

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

11 Q. I understand, Witness.

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

14 [Video-clip played]

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

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

18 A. Yes.

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

21 A. Yes.

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

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

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

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1       advancing it.

2                                       [Video-clip played]

3               MS. MAYER:

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

8                                       [Video-clip played]

9               THE WITNESS: [Interpretation] Yes.

10              MS. MAYER:

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

16      A.     Yes, approximately so.

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

19                                       [Video-clip played]

20              MS. MAYER:

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

24      A.     Yes.

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

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1 A. Yes.

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

3 A. Military police.

4 Q. All right.

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

7 [Video-clip played]

8 MS. MAYER: And pause it there.

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

12 A. Yes.

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

15 A. Yes, it was approximately so.

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

20 A. Yes.

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

22 PRESIDING JUDGE SMITH: [Microphone not activated].

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

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

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1           PRESIDING JUDGE SMITH: All right.

2           We will have some questions from the Judges.

3           Judge Barthe.

4           JUDGE BARTHE: Thank you, Judge Smith.

5                           Questioned by the Trial Panel:

6           JUDGE BARTHE: Good morning, Witness.

7           A. Good morning.

8           JUDGE BARTHE: I also have a couple of questions for you. You  
9           mentioned in your previous interviews, for example, [REDACTED]  
10          [REDACTED], that you talked to one of the  
11          masked men and asked why they had taken your relatives. And you also  
12          told us last Thursday that the masked men that were following the car  
13          pointed their arms towards you and told you, I quote, "You don't have  
14          to get closer to the car." This is transcript page 4305, lines 5 to  
15          9.

16          Do you recall saying that?

17          A. Yes.

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

20          A. In Albanian.

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

23          A. In Albanian.

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

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1 A. No.

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

4 ~~{Private session}~~[Open Session] Reclassified pursuant to F1654

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

6 JUDGE BARTHE: Thank you.

7 Witness, you were asked the following during cross-examination  
8 by the Thaci Defence last Thursday. This is transcript page 4338,  
9 lines 15 to 25:

10 "Q. As you were pursuing the kidnappers, you came to a point  
11 where you had to make a decision about either staying on that road  
12 which would take you into [REDACTED], or veering off to the left or  
13 right which would take you away from [REDACTED]. Which direction did  
14 you choose?

15 "A. There were other villages connected to this paved road from  
16 [REDACTED]. I knew -- I thought they didn't go towards  
17 [REDACTED] because of the presence of the Serbian forces."

18 Witness, I assume with "they" you were referring to the people  
19 who took [REDACTED]; is that correct?

20 A. Yes, the persons who took [REDACTED] could not go in the  
21 direction of [REDACTED] because there was police there.

22 JUDGE BARTHE: This would be my next question: Why did you  
23 think the people who took [REDACTED] went that way, that is, not  
24 towards [REDACTED] where the Serbian forces were, but into, as you  
25 said in your direct examination by the SPO, mostly KLA-controlled

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1 territory?

2 A. Yes, towards the territory that was under KLA control.

3 JUDGE BARTHE: I'll repeat my question. Can you repeat your  
4 answer or clarify for me your answer. Why did you think the people  
5 who took [REDACTED] went that way, as I said, not towards [REDACTED]  
6 where the Serbian forces were but into KLA-controlled or, as you  
7 said, mostly KLA-controlled territory? Why did you think that?

8 A. Because if they went towards [REDACTED] there were Serbian  
9 forces there and maybe they would have attacked them, whereas in the  
10 other direction there were no Serb forces. That area was under KLA  
11 control, and they could freely go there.

12 JUDGE BARTHE: Thank you.

13 Madam Court Officer, we can go back to public session.

14 ~~{Open session}~~

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

16 JUDGE BARTHE: Thank you.

17 Witness, you also told us last Thursday during cross-examination  
18 by the Thaci Defence that you left [REDACTED],

19 number 3, at the location where you found the body of number 1 with  
20 your weapon for self-protection. This is transcript page 4357, lines  
21 5 to 8. And that, as you said in your previous statements, the

22 weapon was later taken by the persons we agreed to call number 4 and  
23 5. Is that correct?

24 A. And 5, yes.

25 JUDGE BARTHE: My question is: Did [REDACTED] number 3 tell

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1 you why number 4 and 5 took the weapon?

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

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

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

12 JUDGE BARTHE: Witness, do you know whether number 3, [REDACTED]  
13 [REDACTED], was a member of the KLA on [REDACTED]?

14 A. Yes.

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

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

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

22 "Q. Did you continue to look for information about [REDACTED]  
23 [REDACTED] murder after you saw these articles?

24 "A. Yes.

25 "Q. Why did you do that?



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1 "A. Can you please repeat that again?

2 "Q. Of course. Why did you continue to look for information  
3 about [REDACTED] murder even after you saw this?

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

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

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

12 ~~[Private session]~~ [Open Session] Reclassified pursuant to F1654

13 THE COURT OFFICER: Your Honours, we're in private session.

14 JUDGE BARTHE: Thank you.

15 You can answer now.

16 A. I met [REDACTED], that is, and  
17 [REDACTED]. So I went to see them and ask them about [REDACTED]  
18 [REDACTED]. I asked them whether they were asked questions about  
19 the incident, [REDACTED], if they [REDACTED],  
20 and they said [REDACTED].

21 "The way you see and read this [REDACTED] is the way we see and read  
22 it." That's what their answer was.

23 JUDGE BARTHE: Do you remember or do you recall when that  
24 conversation was? When you had that conversation with [REDACTED]?

25 A. In [REDACTED], but I do note the exact date.

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1 JUDGE BARTHE: Thank you. My last question: Did you try to  
2 speak with any of the four accused about the death of your relative,  
3 of [REDACTED]?

4 A. Can you please repeat the question?

5 JUDGE BARTHE: Sure. My question was: Did you try to speak  
6 with any of the four accused in this case about the death of [REDACTED]  
7 [REDACTED]?

8 A. No, I couldn't meet them or talk to them.

9 JUDGE BARTHE: Did you try to make an appointment?

10 A. Yes, I did try. I asked for them in the headquarters, but they  
11 said, "The commander is not here." So I did go to the headquarters,  
12 but nobody would face me there.

13 JUDGE BARTHE: Just to be clear on that. I mean, or I meant,  
14 the four accused here in this courtroom, or three in this courtroom  
15 and one on Zoom.

16 A. No, no, not with these ones. I apologise.

17 JUDGE BARTHE: Thank you.

18 PRESIDING JUDGE SMITH: All right. Staying in private session,  
19 Judge Mettraux will have some questions.

20 JUDGE METTRAUX: Good afternoon, Witness.

21 Last week on Thursday you were asked by Mr. Moskowitz, counsel  
22 for Mr. Thaci, about the time frame of that fateful day and what he  
23 called the pursuit of the kidnappers. Do you recall those questions?

24 A. Yes.

25 JUDGE METTRAUX: Now, in your estimate, and as far as you can

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1 recall, how long would have elapsed between the time when you last  
2 saw your relative, relative number 1, [REDACTED], and the time when  
3 you found his dead body? How long would approximately have elapsed  
4 between these two times?

5 A. [REDACTED].

6 JUDGE METTRAUX: And just to be clear, when you arrived and  
7 found the body of [REDACTED], was there anyone around that you could  
8 see close to the body, other than the [REDACTED]?

9 A. Yes, [REDACTED] body and [REDACTED].

10 JUDGE METTRAUX: And other than [REDACTED]  
11 [REDACTED], did you see anyone else around?

12 A. No, I didn't see anyone else.

13 JUDGE METTRAUX: Did you see any car going away from that  
14 location?

15 A. No, I didn't.

16 JUDGE METTRAUX: You also were asked by Mr. Moskowitz about a  
17 verbal exchange with the kidnappers, and you've indicated to my  
18 colleague, Judge Barthe, that you spoke to these individuals in  
19 Albanian.

20 Now, what I want to ask you is how far were you from these  
21 individuals when you talked to them?

22 A. Perhaps 2 or 3 metres, more or less.

23 JUDGE METTRAUX: And in your estimate, how long did this  
24 exchange last? Was it a few minutes, three minutes, more than that?

25 A. One minute, because they threatened me and continued behind the

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1 car. They did not allow me to go further.

2 JUDGE METTRAUX: And I understand you to suggest, and correct me  
3 if I'm wrong, that one of these individuals, one of the kidnappers,  
4 told you that they would take [REDACTED] to a place called [REDACTED],  
5 in or near [REDACTED]; is that correct?

6 A. No, 2 and 3 told me this. About going to [REDACTED] village.

7 JUDGE METTRAUX: And what was there in [REDACTED] village? Was  
8 there a particular location, a facility where they would have taken  
9 your relative?

10 A. Nothing in particular, just like any other village. But I guess  
11 they only wanted to take him away to speak with him and bring him  
12 back. This is what he was told.

13 JUDGE METTRAUX: And was there a KLA facility in [REDACTED] as far  
14 as you know?

15 A. That I don't know.

16 JUDGE METTRAUX: Now, one thing I want to ask you about is the  
17 exchanges that [REDACTED], number 2 and 3, had with the  
18 kidnappers. As far as you know, did they have a conversation with  
19 the kidnappers? Did they talk about something? And if you know,  
20 what did they talk about?

21 A. Number 2 and 3 only told me that they were told to get out of  
22 the car because there was no space in the car, and that the other  
23 person would be taken to [REDACTED] village and then brought back. So  
24 they did not leave with them. They left in the opposite direction.

25 JUDGE METTRAUX: Now, you've told us that at some stage you

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1 reached a particular point on the road called [REDACTED] where  
2 you met [REDACTED]. Do you recall giving that evidence?

3 A. Yes.

4 JUDGE METTRAUX: And you've indicated that there was another man  
5 with him, and you learned the name of that other man as being  
6 [REDACTED]

7 [REDACTED]; is that correct?

8 A. Yes.

9 JUDGE METTRAUX: Can you tell us in what context you learned the  
10 name of that other individual? Who told you?

11 A. The name of the other person I learned [REDACTED]

12 [REDACTED]. This is where and when I learned

13 the name of this person.

14 JUDGE METTRAUX: And just to be clear, that's because [REDACTED]  
15 [REDACTED]; correct?

16 A. Yes, he was also [REDACTED]. He was also [REDACTED]

17 [REDACTED].

18 JUDGE METTRAUX: And do you know what the position or role of  
19 [REDACTED] was at the relevant time, at the time of the  
20 assassination of [REDACTED]?

21 A. No.

22 JUDGE METTRAUX: Do you know what his relationship with  
23 [REDACTED] was?

24 A. No, I do not know exactly.

25 JUDGE METTRAUX: And just to situate ourselves, how far would  
have been the car with [REDACTED] and [REDACTED] relative to the body of

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1     [REDACTED]? Was it 1 kilometre, 2 kilometres, more than that? How  
2     far?

3     A. It could be 2, 2 and a half, up to 3 kilometres. I do not know  
4     exactly.

5             JUDGE METTRAUX: And how long by car would it take that from  
6     that position to the place where you found the body of [REDACTED]?

7     A. Five to six minutes. I did not look at my watch, but that would  
8     be approximately. Four, five, six minutes.

9             JUDGE METTRAUX: Thank you, Witness.

10            I will have some more questions for you after the break. Thank  
11     you.

12            PRESIDING JUDGE SMITH: All right. We will break for lunch.  
13     We are in private session. Please go back to public session.

14                             ~~{Open session}~~

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

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

18                             [The witness stands down]

19            PRESIDING JUDGE SMITH: We are adjourned until 2.30.

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

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

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

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

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

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

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

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

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

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

11 Please assign a P number to it.

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

13 [The witness takes the stand]

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

16 ~~[Private session]~~ [Open Session] *Reclassified pursuant to F1654*

17 THE COURT OFFICER: Your Honours, we're in private session.

18 PRESIDING JUDGE SMITH: Welcome back, Witness.

19 Judge Mettraux will continue his questioning for you.

20 Judge Mettraux.

21 JUDGE METTRAUX: Thank you, Judge Smith.

22 Witness, do you recall that last week on Thursday you were asked  
23 a number of questions by Mr. Moskowitz in relation to the presence of  
24 KLA emblems on the uniform of the kidnappers, and you were shown  
25 [REDACTED]? Do you remember these

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1 questions?

2 A. Yes.

3 JUDGE METTRAUX: And I will ask the Registry, please, to bring  
4 up the document in question. That's SPOE00067951 to SPOE00067992.  
5 And the relevant page that you were shown is at SPOE00067991 in the  
6 English, and I believe it ends in 90 in the Albanian equivalent.

7 Can we go -- yes.

8 Now, the first thing that I want to ask is, if you can locate  
9 it, there is [REDACTED],

10 Witness. And it says:

11 "[REDACTED]."

12 Can you see that?

13 Can you see it, Witness? It's about ten-ish lines from the end  
14 of the first paragraph in the document. Can you see it? [REDACTED]  
15 appears there.

16 A. I can't seem to find [REDACTED].

17 JUDGE METTRAUX: Have you found it?

18 A. Yes.

19 JUDGE METTRAUX: And it says, at least in the English, that you  
20 [REDACTED]. Can you see that?

21 A. Yes.

22 JUDGE METTRAUX: And was that correct? Were [REDACTED]  
23 [REDACTED]?

24 A. I was not in [REDACTED].

25 JUDGE METTRAUX: Then the next witness [REDACTED]



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1 [REDACTED]. Can you see [REDACTED]

2 [REDACTED]?

3 A. Yes.

4 JUDGE METTRAUX: And you said, I think in your evidence last  
5 week, that [REDACTED] had changed his account as regards the  
6 presence or otherwise of KLA emblems. In other words, he's saying  
7 here that he did not see any KLA emblems, but it is your evidence  
8 that he said otherwise before; is that correct?

9 A. Yes.

10 JUDGE METTRAUX: And just to go back to what you said about your  
11 presence at [REDACTED]. You saw, you said, the KLA emblems on the  
12 uniforms not at [REDACTED] but when you confronted the kidnappers;  
13 correct?

14 A. Yes.

15 JUDGE METTRAUX: And then [REDACTED]  
16 [REDACTED]. Can you see that?

17 A. Yes.

18 JUDGE METTRAUX: And he too said [REDACTED] he could not  
19 recall or had not seen KLA emblems on the uniforms; correct?

20 A. This is what's written mere.

21 JUDGE METTRAUX: Can we go back a few pages in that document,  
22 and that would be at page SPOE00067962. And if you can scroll down a  
23 little bit in the Albanian version, please.

24 So that you understand, sir, this [REDACTED]

25 [REDACTED]. Can

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1 you remind us who is [REDACTED]?

2 A. Yes.

3 JUDGE METTRAUX: Can you tell us who he is maybe relative to  
4 the --

5 A. He is the [REDACTED] that was there.

6 JUDGE METTRAUX: [Microphone not activated]

7 THE INTERPRETER: Microphone, please.

8 JUDGE METTRAUX: Apologies.

9 So if you read that passage, and if we can go to the next page  
10 please, it's SPOE00067963. It's about ten lines from the top in the  
11 English version. I will read to you the passage. You might be able  
12 to find it in the Albanian as well, but it says this. He said:

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 Can you see that.

18 A. Yes.

19 JUDGE METTRAUX: And that's inconsistent, isn't it, with the  
20 [REDACTED]? In other words, he mentioned KLA  
21 emblems to [REDACTED] but changed his version [REDACTED]  
22 [REDACTED]; is that correct?

23 A. Yes.

24 JUDGE METTRAUX: And the last person, if we can go back to  
25 SPOE00067991, the last person [REDACTED]

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1 account is that of [REDACTED].

2 Now, do I understand your evidence properly that [REDACTED] would  
3 not, in your view and in your account, have been able to see the  
4 persons who took [REDACTED] in front of [REDACTED]? Is that how we  
5 have to understand your evidence?

6 A. Yes.

7 JUDGE METTRAUX: And, again, a question of clarification, to the  
8 extent you know, is that correct that [REDACTED] was also one of  
9 the villagers who had been assigned by the villagers [REDACTED]  
10 [REDACTED] in relation to the agreement that you have  
11 discussed this morning? He, like [REDACTED], was one of the persons  
12 who [REDACTED]; is that correct?

13 A. Yes.

14 JUDGE METTRAUX: And I think we can go back into public session.

15 ~~{Open session}~~

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

17 JUDGE METTRAUX: Thank you.

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

22 A. Me.

23 JUDGE METTRAUX: And I think you said you saw those two  
24 individuals wearing civilian clothes in a car when you brought  
[REDACTED]

25 [REDACTED] to point A; is that correct?

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1 A. Yes.

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

5 A. [REDACTED], yes. As to the other, I don't  
6 know what he was. 12, yes. But for 13, I can't say.

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

10 A. I had seen him in uniform.

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

12 A. Yes.

13 JUDGE METTRAUX: And once the commotion started in front of  
[REDACTED]

14 [REDACTED], do you know if these two individuals tried to intervene to  
15 figure out what was happening or to intervene because people were  
16 shooting, making noises? Do you know if they intervened in any way?

17 A. I don't know.

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

21 A. Yes.

22 JUDGE METTRAUX: Thank you.

23 Those are all my questions. Thank you.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 JUDGE GAYNOR: No questions. Thank you.

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Further Cross-examination by Mr. Moskowitz

*Additional redactions applied pursuant to F1654.*

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

2 I'll ask the parties.

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

5 MS. MAYER: No, Your Honour.

6 PRESIDING JUDGE SMITH: All right.

7 Thaci Defence?

8 MR. MOSKOWITZ: Just a few questions, Your Honour, regarding  
9 [REDACTED] that I think was raised by Judge Barthe.

10 PRESIDING JUDGE SMITH: Yes.

11 MR. MOSKOWITZ: Are we in open session?

12 PRESIDING JUDGE SMITH: We are in public session.

13 MR. MOSKOWITZ: Public session.

14 Further Cross-examination by Mr. Moskowitz:

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

19 A. Yes.

20 Q. And I think you also testified that there [REDACTED]

21 [REDACTED] number 12 and number 1; is that correct?

22 A. [REDACTED].

23 MR. MOSKOWITZ: [Microphone not activated]

24 THE INTERPRETER: Microphone, please.

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

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1 for a bit.

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

4 ~~{Private session}~~[Open Session] Reclassified pursuant to F1654

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

6 MR. MOSKOWITZ: We're in private session.

7 Q. Is it not true, Witness, [REDACTED]  
8 [REDACTED]?

9 A. No. [REDACTED]  
10 [REDACTED]?

11 Q. Yes.

12 A. [REDACTED]  
13 [REDACTED]. Is

14 that what you're saying?

15 A. Yes.

16 Q. So [REDACTED]?

17 A. Yes, yes, [REDACTED], yes. But I think you asked me  
18 about [REDACTED] and [REDACTED].

19 Q. [Microphone not activated]

20 THE INTERPRETER: Microphone, please.

21 MR. MOSKOWITZ:

22 Q. Not -- [REDACTED]. He is [REDACTED]  
23 [REDACTED]; is that correct?

24 A. Yes.

25 Q. [Microphone not activated]

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1 THE INTERPRETER: Microphone, please.

2 MR. MOSKOWITZ: Sorry.

3 Q. So that day when you were taking [REDACTED] to [REDACTED], you  
4 saw [REDACTED] there in the village; correct?

5 A. Yes.

6 Q. And he is [REDACTED]; is that correct?

7 A. Yes.

8 Q. And so did you [REDACTED]

9 [REDACTED]?

10 A. No, [REDACTED].

11 Q. Okay. [REDACTED].

12 Is that correct?

13 A. Yes.

14 Q. And then after you dropped [REDACTED] off at [REDACTED], you  
15 drove back to your house. Did you have to pass them again, [REDACTED]  
16 [REDACTED]?

17 A. I didn't notice where -- if their car was there when I returned.  
18 I don't know if he was still there or if he had left. I am not sure.

19 Q. I think you said, and correct me again if I'm wrong, that you  
20 thought it was a little suspicious that [REDACTED] was there and  
21 he wasn't wearing his uniform. And that was one of the reasons you  
22 thought it was a bit suspicious. Is that correct?

23 MS. MAYER: I would just ask counsel for a cite. I don't recall  
24 that testimony.

25 MR. MOSKOWITZ: Give me a moment, please. I would refer counsel

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1 to SPOE00067084 to SPOE00067089 in the English. The same pages in  
2 the Albanian. And looking at page SPOE00067089.

3 Q. So do you recall, Witness --

4 PRESIDING JUDGE SMITH: Counsellor, just let her find it first.

5 MS. MAYER: I've found it. Thank you.

6 PRESIDING JUDGE SMITH: All right, go ahead.

7 MS. MAYER: Thank you, counsel.

8 MR. MOSKOWITZ:

9 Q. So do you recall, Witness, saying that, in fact, you thought it  
10 was suspicious because [REDACTED] was not wearing his uniform?

11 A. After what happened, he was a military police, and that's why I  
12 suspected he knew and that he was monitoring the terrain. That's how  
13 I thought. And after the murder, [REDACTED].

14 Q. Okay. But that's not my question. My question is you said it  
15 was suspicious in your mind that he wasn't wearing a uniform. Do you  
16 remember saying that?

17 MS. MAYER: Objection. There is more to that sentence, and I  
18 think that's what the witness is trying to answer. There are  
19 multiple factors given.

20 PRESIDING JUDGE SMITH: Please read the entire sentence.

21 MR. MOSKOWITZ: Perhaps we should call up the document.

22 PRESIDING JUDGE SMITH: I think you can just read it if you want  
23 to move along.

24 MR. MOSKOWITZ: [Microphone not activated]

25 THE INTERPRETER: Microphone.



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1 MR. MOSKOWITZ: I'm working from notes, so I don't have the full  
2 sentence in front of me. We should call up the document.

3 PRESIDING JUDGE SMITH: All right.

4 MR. MOSKOWITZ:

5 Q. Okay. Witness, do you see the document in front of you?

6 A. Yes.

7 Q. You can see where it says that you know [REDACTED]  
8 [REDACTED]" Do you see that? And  
9 if you look a little higher up on the page, you will see your  
10 statement there where you say:

11 "I also base this suspicion on the fact that these persons even  
12 though they were members of the KLA, that day they were not in  
13 uniforms ..."

14 So we'll stop there, and I will intend to cover the rest of it.  
15 But certainly one of the reasons why you were suspicious, as you  
16 articulate here, is that they were not in uniform. Do you see that  
17 and is that what you said?

18 A. Yes, I said that.

19 Q. Now, it's true, isn't it, that you were in the KLA at that time,  
20 and you were not in uniform, were you?

21 A. He was not in uniform. When I met him, he was dressed in  
22 civilian clothes.

23 Q. There was nothing particularly suspicious, was it, at that time  
24 for members of the KLA not to be in their uniform but to wear  
25 civilian clothes? Nothing particularly suspicious about that, was

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1 it?

2 A. I don't know why he came to the village. I can't tell you why.  
3 I'm just telling you that I saw him.

4 Q. No. My question is, just because he was in civilian clothes,  
5 that's not a reason to be suspicious since many KLA soldiers at that  
6 time, as you testified earlier, were not in their uniforms but were  
7 wearing civilian clothes.

8 MS. MAYER: Objection, Your Honour. This goes well beyond the  
9 Bench's questions about [REDACTED].

10 PRESIDING JUDGE SMITH: He can answer the question. It's  
11 overruled.

12 Answer the question.

13 THE WITNESS: [Interpretation] Can you repeat the question,  
14 please?

15 MR. MOSKOWITZ:

16 Q. As you previously testified, many KLA soldiers, especially in  
17 [REDACTED], at that time, even though they were in the KLA, would not  
18 wear their uniforms but would wear civilian clothing; isn't that  
19 correct?

20 A. I am not accusing him why he was in civilian clothes. But after  
21 the murder, as I was told, he was one of the people who was -- who  
22 was informed by them.

23 Q. Who told you that?

24 A. Villagers saw him.

25 Q. Do you have any names?

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Additional redactions applied pursuant to F1654.

1 A. No.

2 Q. And I think you also said that you also found it suspicious that  
3 he would [REDACTED]; is that  
4 correct?

5 A. Yes.

6 Q. Were you aware that [REDACTED] would often [REDACTED]

7 [REDACTED]

8 [REDACTED] and had done so for quite a number of years? Were you  
9 aware of that?

10 A. No.

11 Q. Were you aware as well that [REDACTED] was interviewed by the  
12 [REDACTED]? He was asked whether he

13 belonged to the KLA, and he denied it. Were you aware of that?

14 A. No, I wasn't.

15 MR. MOSKOWITZ: [Microphone not activated]

16 THE INTERPRETER: Microphone, please.

17 MR. MOSKOWITZ: Let me refer counsel to that interview of

18 [REDACTED] in which he denies being in the KLA, and that would be at

19 [REDACTED], English version, and page [REDACTED].

20 Q. So you were not aware that [REDACTED]

21 [REDACTED]?

22 A. No.

23 Q. And you were not aware that [REDACTED] was trying to [REDACTED]

24 [REDACTED], and

25 so he was making efforts to do that? You were not aware of that?

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Additional redactions applied pursuant to F1654.

1 A. No, I wasn't.

2 Q. Can you explain why when you saw [REDACTED] in your village,

3 [REDACTED]

4 [REDACTED]? Why didn't you do

5 that?

6 A. Because [REDACTED]

7 [REDACTED]. He was

8 in his car, I was in my car. That's it.

9 Q. Weren't you curious about why he was there?

10 A. No.

11 Q. Was there some tension between you and him?

12 A. No.

13 Q. Some disagreement [REDACTED]

14 [REDACTED]?

15 A. No.

16 Q. Do you have any reason to believe that [REDACTED] would

17 want to see [REDACTED] harmed?

18 A. I don't have any reason. [REDACTED]. He

19 [REDACTED], but he was not [REDACTED]. So I don't know.

20 I can't add anything to that. I don't know anything about that.

21 MR. MOSKOWITZ: No more questions, Your Honour.

22 PRESIDING JUDGE SMITH: Thank you.

23 Ms. O'Reilly, anything?

24 Mr. Roberts?

25 MR. ROBERTS: Just two or three very brief questions,

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Additional redactions applied pursuant to F1654.

1 Your Honour.

2 Further Cross-examination by Mr. Roberts:

3 Q. Hello again, Witness.

4 MR. ROBERTS: Are we in open session or are we in --

5 PRESIDING JUDGE SMITH: [Microphone not activated]

6 MR. ROBERTS: -- private? Thank you, Your Honour. I will  
7 probably continue in private for ease.

8 Q. Now, in question from Judge Mettraux earlier in relation to  
9 number 12, so this is [REDACTED], he said:

10 "Without mentioning any names, are you able to tell us how do  
11 you know that number 12 was a member of the military police?"

12 And you'd said: "I had seen him in uniform."

13 And then Judge Mettraux asked you:

14 "In the uniform of the military police?"

15 And you said: "Yes."

16 In your statement [REDACTED] that was admitted  
17 under Rule 154, you stated in relation to these two individuals:

18 [REDACTED] and [REDACTED] were wearing civilian clothes

19 [REDACTED] and used to wear KLA

20 camouflage uniforms."

21 So the KLA camouflage uniform is obviously very different from  
22 the military police uniform. So I was just wondering how you can  
23 explain the discrepancy between your statement and the answer you  
24 just gave to Judge Mettraux earlier?

25 A. I saw [REDACTED] dressed in black clothes. I didn't see him  
dressed

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Additional redactions applied pursuant to F1654.

1 in camouflage uniform. And today I heard that he has said that he  
2 was not a KLA member or soldier. He was, in fact. I don't know why  
3 he said that. I don't know why he said that, that he wasn't, when in  
4 fact he was.

5 Q. But do you recall [REDACTED] in your statement,  
6 and we can put it on the screen if you'd like to see it, that they  
7 were KLA soldiers and used to wear KLA camouflage uniforms?

8 MS. MAYER: Your Honour, I'd just request that the rest of the  
9 paragraph be read, because in the same paragraph the witness says  
10 that he knew that [REDACTED] had a position within the military  
11 police in that same statement.

12 PRESIDING JUDGE SMITH: If there is more to the paragraph,  
13 perhaps you can read it because she will not get another chance to  
14 question.

15 MR. ROBERTS: I can read the whole paragraph, Your Honour.

16 PRESIDING JUDGE SMITH: Yes, sure.

17 MR. ROBERTS: And I can put it on the screen if that's --

18 PRESIDING JUDGE SMITH: Either way.

19 MR. ROBERTS: -- easier.

20 PRESIDING JUDGE SMITH: Whichever you choose.

21 MR. ROBERTS: Okay. We can put P90 on the screen and that's  
22 page [REDACTED]. It's the bottom paragraph in English. And the  
23 reference for the Albanian is [REDACTED].

24 Q. Just reading from the middle of that paragraph, you state:

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 And then you continue to say that:

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 Do you see that paragraph?

10 A. Yes, I found it. It is possible that it is translated wrongly.

11 I didn't say that I saw him in uniform. I said that I saw [REDACTED]

12 [REDACTED] in civilian clothes, not in uniform.

13 Q. But in the sentence above, it clearly states that:

14 [REDACTED]

15 [REDACTED]

16 And you were given an opportunity to verify and correct that

17 statement during your preparation session with the Prosecution,

18 weren't you?

19 A. [REDACTED], I said, had some rank in the military police,

20 but that day that I met him he was in civilian clothes. It is a

21 mistake that I have -- I must have, you know, missed. But he was in

22 civilian clothes.

23 Q. And just the other issue was in relation to person number 6,

24 that's [REDACTED]. And, again, in relation to a question

25 from Judge Mettraux, you suggested that he was not able to see the

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1 masked men. And so, therefore, whether or not he recognised the  
2 emblems was a moot point because he wasn't able to see them. Do you  
3 remember that question?

4 JUDGE METTRAUX: Mr. Roberts, the question was a bit more  
5 specific. It's the masked men in relation to the relative at the  
6 time when the relative was being picked up.

7 MR. ROBERTS: Certainly, Judge Mettraux.

8 Q. So in answer to -- yes. That he wasn't able to see the relative  
9 or person number 1 when person number 1 was being picked up. Do you  
10 recall that question?

11 A. Yes.

12 Q. But you, again, just to be clear, were not there at that point,  
13 were you? You were back at your home.

14 A. Yes.

15 Q. So you would not know exactly what he would or would not have  
16 seen?

17 A. But he was the last to leave [REDACTED] after they took away  
18 [REDACTED]. There were many people there. He wasn't there to see. He  
19 might have said what he wanted in his statement, but that's how it  
20 was. I talked personally with him.

21 Q. But in his statement [REDACTED], he does  
22 state that he actually did see the masked men and makes no reference  
23 to those emblems. Are you aware of that?

24 A. I wasn't [REDACTED]. So he may have said what he liked  
25 there. I wasn't there. I don't know what he said.



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Additional redactions applied pursuant to F1654.

1 Q. And, obviously, as you've admitted, you weren't there when the  
2 masked men were at [REDACTED] kidnapping [REDACTED]. So, again, you  
3 can't say for sure exactly what he would or would not have seen?

4 A. I wasn't there.

5 Q. Okay.

6 MR. ROBERTS: Thank you, Your Honour. No more questions.

7 THE WITNESS: [Interpretation] I wasn't there.

8 PRESIDING JUDGE SMITH: Ms. Alagendra, anything?

9 MS. ALAGENDRA: Just a few questions, Your Honour.

10 Further Cross-examination by Ms. Alagendra:

11 Q. Now, Judge Mettraux had asked you about the distance between  
12 where [REDACTED], the body of --

13 MS. ALAGENDRA: Are we still in private session?

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 MS. ALAGENDRA: Yeah.

16 Q. Where the body of [REDACTED] was found and how far it would be  
17 from where [REDACTED] was. Do you recall that? The distance. Yes?  
18 You were asked that question just now. Yes?

19 A. Yes.

20 Q. Yes.

21 MS. ALAGENDRA: Can I take you to [REDACTED]. The  
22 reference in the Albanian version is also the same. So we are at  
23 [REDACTED] first, please. Can you go down a bit. Yes. So it's the  
24 paragraph -- the last answer in English. And I believe it's the same  
25 in the Albanian version.

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1 Q. You say:

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 So when you were going, when you were following the [REDACTED],  
going

8 towards the place where you eventually found [REDACTED], you saw the

9 car parked on the roadside; is that correct? The car with [REDACTED]?

10 Yes or no?

11 A. Yes.

12 Q. Yes.

13 MS. ALAGENDRA: And can I take you now to [REDACTED]. Can we go  
14 down a bit, please. Can we scroll down a bit. It's the second-last  
15 answer in the English, and I believe it's the same in the Albanian  
16 version.

17 Q. The question is:

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]"

23 Yes? Yes, that -- that's your answer?

24 A. This is not what I said. Maybe there was a problem with the

25 translation. What I said was that on the way back, I saw him on the

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1 other slope. I did not say that I saw him observing me through  
2 binoculars.

3 Q. This is a statement you gave on [REDACTED].

4 A. Maybe I did give it, but the translation is not right.

5 Q. But nevertheless, when you went up you saw the car parked with  
6 [REDACTED] in it; yes? When you were going towards the scene of the  
7 incident where you found [REDACTED], you saw the car parked with  
8 [REDACTED]; yes? And on the way back you saw the car also parked with  
9 [REDACTED] on the opposite side?

10 A. No. On the way back, I didn't. On the way back, I didn't. It  
11 was on another side, on another slope. It was not on the side where  
12 I was heading. So he was on the other slope. I saw the car going  
13 towards that slope. I didn't stop or talk to him on the way back.

14 Q. Fair enough. You saw him parked on the roadside, you went to  
15 the scene, and you were about five minutes at the scene. That's your  
16 evidence, isn't it? Yes? About five minutes. Yes?

17 A. Five or ten, I don't know exactly how long I stayed.

18 Q. And when you left [REDACTED] to chase after the [REDACTED] car that  
19 was taking [REDACTED], you were very close behind them, weren't you?

20 MS. MAYER: This is beyond the scope of the Judges' questions.

21 PRESIDING JUDGE SMITH: Sustained.

22 MS. ALAGENDRA: I'll move to the next question, Your Honours.

23 Q. Judge Mettraux also referred you to a conversation that  
24 [REDACTED] had with [REDACTED], and there were some inconsistencies  
25 in the versions [REDACTED]; yes? Just now.

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Additional redactions applied pursuant to F1654.

1 You were not present in any conversation that [REDACTED] and  
2 [REDACTED] had, were you? You don't know about  
3 that conversation?

4 A. No, I wasn't.

5 Q. Thank you. Now, Judge Mettraux also asked you.

6 "... a question of clarification, to the extent that you know  
7 ... that [REDACTED] was also one of the villagers who had been  
8 [REDACTED] in  
9 relation to the agreement that you have discussed this morning? He,  
10 like [REDACTED], was one of the persons who [REDACTED]  
11 [REDACTED] ..."

12 And you said: "Yes."

13 Correct?

14 A. Yes.

15 MS. ALAGENDRA: Can I take you to DJK00190-ET. It's the same in  
16 Albanian. I believe it's SPOE00067157 to 00067161. And I'll be  
17 referring to the third page of the English version. Can we go down  
18 on the third page. Yes, that paragraph.

19 Q. So it's your answer which begins with: "One day, I don't  
20 remember the exact date ..." Do you see that? Do you see that? Do  
21 you see the document on the screen?

22 A. Yes, I see it.

23 Q. The part I'm referring to is:

24 "One day, I don't remember the exact date which was as I said  
25 earlier autumn day ..."

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1 Yes? Do you see that?

2 A. Yes.

3 Q. And here it says:

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 That is what [REDACTED] says, that it was your [REDACTED] that  
10 insisted he go for that [REDACTED]. Are you aware of that?

11 A. I don't know this.

12 MS. ALAGENDRA: That's all, Your Honours.

13 PRESIDING JUDGE SMITH: Thank you.

14 Witness, you have a sheet of paper with the codes on it. I want  
15 you to sign your name on that paper. Sign your name on the paper.  
16 And then put the date under your name, today's date, which is 22 May.

17 Madam Usher, can you pick the paper up, please. If you would  
18 please show it to the parties. Show it to the parties.

19 We will give the document an identifying exhibit number and  
20 classify it as confidential.

21 THE COURT OFFICER: Your Honours, that document will be assigned  
22 Exhibit P94. It will be classified as confidential, and the hard  
23 copy original will be saved with Court Management in the vault.

24 PRESIDING JUDGE SMITH: Thank you.

25 Witness, your testimony is completed. We thank you for being

Additional redactions applied pursuant to F1654.

1 with us and for your time here in the courtroom with us. You will be  
2 escorted from the courtroom now, and you are excused.

3 THE WITNESS: [Interpretation] Thank you.

4 [The witness withdrew]

5 PRESIDING JUDGE SMITH: Mr. Halling, if you're taking the next  
6 witness, you might want to get set up in the front. We might as well  
7 get as much in as we can in the time that we have.

8 MR. HALLING: Yes, Your Honour. Will do.

9 MR. MOSKOWITZ: Your Honour, I would like to take this  
10 opportunity to offer some statements that were used during the  
11 cross-examination into evidence as exhibits, if I may.

12 PRESIDING JUDGE SMITH: How many do you have to offer?

13 MR. MOSKOWITZ: Five.

14 PRESIDING JUDGE SMITH: All right.

15 MR. MOSKOWITZ: The first one is -- the first is [REDACTED]  
16 complaint [REDACTED], number SPOE00067703.  
17 SPOE00067703 in the Albanian as well.

18 The second document, also [REDACTED] document or a statement from  
19 or taken by [REDACTED] Mr. [REDACTED]  
20 [REDACTED]. That's SITF00316701 to 00316702, English. The  
21 Albanian, SPOE00067109 to 00067110.

22 The next document we tender, dated [REDACTED], also to  
23 [REDACTED], English. Albanian is  
24 the same number.

25 The next and penultimate document is [REDACTED],

Additional redactions applied pursuant to F1654.

1 [REDACTED] in English and Albanian, I believe. Yes.

2 PRESIDING JUDGE SMITH: What is that document?

3 MR. MOSKOWITZ: This is the document that [REDACTED] Mr. [REDACTED]  
4 to allow him to amend or add to his earlier statement that he gave in  
5 [REDACTED]. And if you recall, we went over that with him in some  
6 detail.

7 PRESIDING JUDGE SMITH: And the previous one, [REDACTED], what  
8 is that document?

9 MR. MOSKOWITZ: That's a signed statement from Mr. [REDACTED]  
10 [REDACTED]. So, basically, the [REDACTED] document and the [REDACTED]  
11 document are connected.

12 PRESIDING JUDGE SMITH: That's four documents. You said you  
13 had --

14 MR. MOSKOWITZ: That's four. One more to go.

15 PRESIDING JUDGE SMITH: You said you had five.

16 MR. MOSKOWITZ: Yes. This is a memo from [REDACTED]  
17 [REDACTED] memorialising their meeting with Mr. [REDACTED]. This  
18 is SITF00316634-00316637. You may recall this is the document  
19 [REDACTED].

20 [Trial Panel confers]

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MS. MAYER: Your Honour, I'd just note that the Court's  
23 previously pointed out the proper procedure for introducing prior  
24 statements in the Rules 153 and 155, and I don't believe the Defence  
25 has set out the 154 requirements. I do agree that all of the

Additional redactions applied pursuant to F1654.

1 statements -- the first four, rather, are prior statements of this  
2 witness. They were subject to clarification in a document that was  
3 not offered, because these were not 154 statements, so there were  
4 clarifications in document 113174 to 113178.

5 And the [REDACTED] statement in particular, the fifth statement  
6 that Mr. Moskowitz has identified, in its own terms is actually a  
7 combined statement of the witness -- of this witness and [REDACTED].  
8 So we would object to that given that there hasn't been a  
9 delineation, and the 154 requirements have not been met for that  
10 statement.

11 PRESIDING JUDGE SMITH: All five documents will be admitted into  
12 evidence.

13 You can assign a number to them.

14 THE COURT OFFICER: Your Honours, the first document with ERN  
15 SPOE00067703 to 00067703 will be Exhibit 1D14.

16 PRESIDING JUDGE SMITH: All right. It's admitted.

17 THE COURT OFFICER: The next document, which is SITF00316701 to  
18 00316702, and the translation, which is SPOE0067109 to 0067110, will  
19 be Exhibit 1D15.

20 PRESIDING JUDGE SMITH: Admitted.

21 THE COURT OFFICER: The third document under [REDACTED] to  
22 [REDACTED] will be assigned number 1D16.

23 And then number 4, which is under ERN [REDACTED], will be  
24 assigned number 1D17.

25 And the last document, with SITF00316634 to 00316637, will be



*Additional redactions applied pursuant to F1654.*

1 assigned Exhibit 1D18.

2 PRESIDING JUDGE SMITH: And those are all admitted. Thank you.

3 We should go into public session.

4 Court Usher, you can bring in the next witness.

5 MS. ALAGENDRA: My apologies, Your Honour. We have some  
6 documents to mark as well.

7 PRESIDING JUDGE SMITH: You can mark them. We will deal with  
8 them in the morning.

9 MS. ALAGENDRA: Certainly.

[Private Session]

10 [Private session text removed]

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*Additional redactions applied pursuant to F1654.*

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Procedural Matters

*Additional redactions applied pursuant to F1654.*

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Witness: W04355 (Private Session)

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*Additional redactions applied pursuant to F1654.*

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Witness: W04355 (Private Session)

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Examination by Mr. Halling

*Additional redactions applied pursuant to F1654.*

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Witness: W04355 (Private Session)

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*Additional redactions applied pursuant to F1654.*

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15 [Open session]

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

17 PRESIDING JUDGE SMITH: Thank you.

18 MR. HALLING:

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

21 A. Yes.

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

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

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Examination by Mr. Halling

*Additional redactions applied pursuant to F1654.*

1 A. Yes.

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

4 A. Yes.

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

7 A. Yes.

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

10 A. Yes.

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

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

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

17 A. Yes.

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

21 A. Yes.

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

Witness: W04355 (Open Session)

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Examination by Mr. Halling

*Additional redactions applied pursuant to F1654.*

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

4           PRESIDING JUDGE SMITH: [Microphone not activated]

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

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

9           MR. KEHOE: No objection, Judge.

10          PRESIDING JUDGE SMITH: [Microphone not activated]

11          MR. ELLIS: No objection, Your Honour.

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

14                               [Trial Panel and Court Officer confers]

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

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

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

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



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*Additional redactions applied pursuant to F1654.*

1 You may proceed.

2 MR. HALLING: Thank you, Your Honour.

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

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

6 A. Yes.

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

9 A. Not in a good condition.

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

12 A. That he had been beaten.

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

15 A. No.

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

18 A. *[REDACTED] Pursuant to In-Court Redaction Order F1543.*

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

20 A. For half an hour.

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

23 A. Yes.

24 Q. What did he say to you?

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

Witness: W04355 (Open Session)

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Examination by Mr. Halling

*Additional redactions applied pursuant to F1654.*

1 Serbia.

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

4 A. Yes.

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

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

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

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

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

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

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

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

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

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

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

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*Additional redactions applied pursuant to F1654.*

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

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

5 A. Yes.

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

8 A. No.

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

11 A. Yes.

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

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

16 [Private session]

17 [Private session text removed].

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Witness: W04355 (Private Session)

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Examination by Mr. Halling

*Additional redactions applied pursuant to F1654.*

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Examination by Mr. Halling

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17 [Open session]

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

19 PRESIDING JUDGE SMITH: All right. Thank you.

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

21 MR. KEHOE: No, Your Honour.

22 PRESIDING JUDGE SMITH: We are adjourned.

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

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