

1 Monday, 2 March 2026

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.30 a.m.

5 JUDGE GOSNELL: Good morning to everyone in and around the
6 courtroom.

7 May we have the appearances, please, starting with the
8 Prosecution.

9 MR. HALLING: Thank you, Your Honour. This morning for the SPO,
10 Earl Sullivan, Line Pedersen, Claire O'Connell, Josh Hafetz, and I'm
11 Matt Halling.

12 JUDGE GOSNELL: Defence.

13 MS. MENEGON: Good morning, Your Honour. This morning I am with
14 Lea Allix-Cornelissen, Megan Hirst, Mischa Gureghian Hall, and
15 Lirim Greicevci. Thank you.

16 JUDGE GOSNELL: Mr. Rees.

17 MR. REES: Your Honour, representation for Mr. Smakaj remains
18 the same as last week, save that Mr. Newson is not present with us
19 today.

20 JUDGE GOSNELL: Mr. Edwards.

21 MR. EDWARDS: Good morning, Your Honour. Same as Friday, save
22 that Mr. Holmes and Ms. Kalb are not with us this morning, but
23 they'll be here this afternoon.

24 JUDGE GOSNELL: Mr. Young.

25 MR. YOUNG: Your Honour, good morning. I appear again for

1 Mr. Fadil Fazliu. I'm assisted today in court by my learned friend
2 Ms. Yuqing Liu and remotely by Ms. Beqiri. Thank you.

3 JUDGE GOSNELL: Mr. Admiraal.

4 MR. ADMIRAAL: Good morning, Your Honour. Same as Friday.

5 JUDGE GOSNELL: Court Officer, could the witness be brought in,
6 please.

7 I'm sorry, the Court Officer needs to call the case first.

8 THE COURT OFFICER: Thank you, Your Honour.

9 This is file KSC-BC-2023-12, The Specialist Prosecutor versus
10 Hashim Thaci, Bashkim Smakaj, Isni Kilaj, Fadil Fazliu and
11 Hajredin Kuci.

12 JUDGE GOSNELL: Thank you.

13 Could the witness be brought in, please.

14 And just while that's happening, are there any updates to the
15 estimates for the cross-examination from the Defence?

16 MS. MENEGON: Not on our side, Your Honour.

17 MR. REES: No, thank you, Your Honour.

18 MR. YOUNG: No, thank you.

19 MR. EDWARDS: I may have very few questions, if any, in fact.

20 MR. ADMIRAAL: The same here.

21 JUDGE GOSNELL: Thank you.

22 [The witness takes the stand]

23 JUDGE GOSNELL: Good morning, Mr. Witness. Welcome back.

24 THE WITNESS: Good morning, Your Honour.

25 JUDGE GOSNELL: I remind you that you remain under oath this

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1 morning, which means you have to answer the questions truthfully.
2 The parties will go into private session as necessary in order to
3 ensure that your identity is not revealed.

4 Ms. Menegon.

5 MS. MENEGON: Thank you, Your Honour.

6 WITNESS: WITNESS 7 [Resumed]

7 Cross-examination by Ms. Menegon:

8 Q. Good morning, Mr. Witness. My name is Sophie Menegon, and I am
9 counsel for Mr. Hashim Thaci. I'm going to ask you some questions on
10 his behalf this morning.

11 A. Good morning, Madam Counsel.

12 Q. Sorry? So, first, in order for us to understand the extent of
13 your knowledge in Case 12, given that you are a member of the SPO,
14 could you please tell us whether you have read the Prosecution and
15 the Defence pre-trial brief in Case 12.

16 A. No, I didn't.

17 Q. Could you also clarify whether you have access to all the
18 filings and evidence in Case 12.

19 A. Yes, I have access to them.

20 Q. Thank you. And similarly, since both cases are related, could
21 you please clarify whether you have access to all evidence and
22 filings in Case 06.

23 A. Yes, I have access to all of them.

24 Q. Thank you. And beyond your own statements, could you please
25 tell us which material you reviewed to prepare your testimony.

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1 A. I read some witness security official notes, but I don't recall
2 anything specific.

3 Q. Thank you.

4 MS. MENEGON: Now, Your Honour, Madam Court Officer, could we
5 please go into private session.

6 JUDGE GOSNELL: Yes, private session, please.

7 [Private session]

8 [Private session text removed]

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4 [Open session]

5 THE COURT OFFICER: Your Honour, we are now in public session.

6 MS. MENEGON: Thank you, Madam Court Officer.

7 Q. Now, Mr. Witness, in Case 12, in your statement, P168,
8 paragraph 10, you stated that the SPO would have expended substantial
9 additional resources to ensure that SPO witnesses could testify
10 without undue interference, and you quoted three purported impacts.
11 Do you remember?

12 A. Yes, I do.

13 Q. But on Friday, you say that you were not in a position to say
14 what SPO resources were spent specifically because of this case. Do
15 you remember?

16 A. Yes, I do.

17 Q. Can you please develop a bit your response, why you are not in a
18 position to tell us what measures were undertaken because of Case 12?

19 A. Because in the same time, we had the Case 06 and this Case 12
20 and also we had Cases 10 and 11. So we had, like, obstruction
21 investigations, and I really didn't know and -- how many cases will
22 come from those obstruction investigations. So it turned that we had
23 three cases from obstructing investigations. And I couldn't
24 specified how many resources we spent for the Case 10, 11, or 12, and
25 also all the -- they're related to the Case 06 as well.

1 Q. Now, I would like to talk about the contact notes. We have gone
2 through the contact notes disclosed by the SPO in Case 12. And so,
3 Mr. Witness, is it right that Case 06 witnesses were regularly
4 contacted by the SPO in order to be updated about the progress of
5 Case 06?

6 A. Yes, that's correct.

7 Q. For instance, they were contacted to be told that the SPO
8 intended to call them to testify; correct?

9 A. Yes, that's correct.

10 Q. They were contacted to be informed as to when the SPO case was
11 expected to start; correct?

12 A. Yes, that's correct.

13 Q. They were also contacted to schedule their preparation session
14 and testimony and to arrange logistics for their travel; right?

15 A. Yes, that's correct.

16 Q. They were further contacted as part of regular post-testimony
17 checks; right?

18 A. Yes, that's correct.

19 Q. Besides, questions regarding eventual security concerns of the
20 witnesses were ask -- asked routinely, including before the disputed
21 detention visits of 2023; correct?

22 A. Yes, that's correct.

23 Q. And such questions --

24 JUDGE GOSNELL: Ms. Menegon.

25 MS. MENEGON: Sorry.

1 JUDGE GOSNELL: Could I ask you to observe more of a pause
2 before your next question, please.

3 MS. MENEGON: Thank you, Your Honour. I apologise.

4 Q. And such questions related to security concerns are still asked
5 nowadays, including after a witness completes his testimony; is that
6 right?

7 A. Yes, that's correct.

8 Q. So we have gone through the material disclosed by the SPO, and
9 it appears that only two of the Case 06 witnesses concerned by
10 Case 12 were subject of a video recording interview about the alleged
11 interference in the indictment in Case 12. I'm referring to
12 Mr. Mustafa and Mr. Zyrapi. Is that correct?

13 MR. HALLING: Objection. There's no foundation laid yet of
14 whether the witness can know this.

15 JUDGE GOSNELL: Perhaps, Ms. Menegon, you could first of all ask
16 whether the witness is aware of that.

17 MS. MENEGON: Thank you, Your Honour.

18 Q. Mr. Witness, is it right that Mr. Rrustem Mustafa and
19 Mr. Bislum Zyrapi were interviewed by the SPO about alleged
20 interference?

21 A. Yes, I am aware of that.

22 Q. Do you know whether any other witness from Case 06 was subject
23 to a formally recorded interview, video interview, about similar
24 allegation of interferences?

25 A. I don't recall.

1 Q. Thank you. In your statement, P168, paragraph 10, you referred
2 to additional security arrangements. Is it right that none of the
3 witnesses discussed in Case 12 have been relocated as a result of the
4 alleged conduct of the accused?

5 A. That is correct.

6 Q. In the same paragraph, you mentioned the fact that the SPO had
7 to rearrange the SPO intended witness order in Case 06.

8 A. That is correct.

9 Q. On Friday, you nevertheless explained that yourself were not
10 always privy as to why particular witnesses were moved. Do you
11 remember?

12 A. Yes, I do.

13 Q. So as reported in the Official Note of your meeting with the SPO
14 on 24 February 2026, you cannot say which SPO witnesses were moved
15 specifically because of the detention centre recordings involving
16 Hashim Thaci; is that correct?

17 A. That is correct.

18 Q. Can you please clarify why you cannot say so?

19 A. Because we were moving witnesses, and very often I didn't ask
20 for the reason why we are moving. And we're just moving them because
21 of the various reasons. I didn't ask specifically why.

22 Q. Thank you. In its pre-trial brief, the SPO allege that only the
23 testimony of Witness 002, Bislum Zyrapi, was delayed in significant
24 parts by the attempted interference with his testimony, so I would
25 like to discuss about this alleged delay.

1 I note that -- I mean, are you aware that Mr. Zyrapi was
2 included in the Prosecution's submission of provisional list of first
3 40 witnesses to be called at trial?

4 A. Yes, I do.

5 Q. So -- but as per its title, this list was explicitly said to be
6 provisional. Do you agree?

7 A. Yes, I agree.

8 MS. MENEGON: Can we please call it on the screen,
9 Madam Court Officer. So the ruling is KSC-BC-2020-06/F01117/A02
10 RED2, page 6. No, sorry, I wanted to call the main filing, so F1117,
11 paragraph 1.

12 Q. So we can see on the first paragraph that it says:

13 "Considering the provisional nature of this list and the stage
14 of the proceedings, the list remains under review and adjustments to
15 both witnesses and statements may be necessary."

16 So it was not a definitive list; correct?

17 A. Yes, that's correct.

18 Q. And we can see on the screen it was issued on 18 November 2021;
19 correct?

20 MR. HALLING: Correction, it's 18 November 2022 on the top right
21 of the screen.

22 MS. MENEGON: Sorry, I apologise. Thank you for the correction.

23 Q. So do you agree -- sorry, it was issued on 18 November 2022?

24 A. Yes, that's correct.

25 Q. Yet, the -- do you agree that the first witness who testified in

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1 Case 06 started his testimony in April 2023; that's right?

2 A. Yes, that's right.

3 Q. So this list was issued almost six months before the start of
4 the SPO case; that's correct?

5 A. Yes, that's correct.

6 Q. And do you agree that numerous factors may have intervened in
7 the meantime which could lead to a change of the witness order?

8 A. Yes, I do agree.

9 Q. In fact, is it right that the schedule of witnesses generally
10 relies upon a large number of competing factors?

11 A. Yes, I do agree.

12 Q. Can you tell us what are those factors?

13 A. First of all, it can be the witness is available or not, for
14 example. So there are different reasons why witnesses are
15 unavailable. It can be work related, it can be health reasons, and
16 various other reasons.

17 Q. I note that in its filings notifying the order of witnesses, the
18 SPO always refers to a list of cumulative factors. I'm going to
19 quote those from paragraph 3 of the Prosecution's submission of list
20 of reserve witness, KSC-BC-2020-06 F01811.

21 So the list of factors --

22 JUDGE GOSNELL: Ms. Menegon, should we have --

23 MS. MENEGON: Yes.

24 JUDGE GOSNELL: -- that on the screen --

25 MS. MENEGON: Yes.

1 JUDGE GOSNELL: -- for the witness.

2 MS. MENEGON: Can we please put it on the screen,
3 Madam Court Officer. [Microphone not activated] ... 3.

4 Q. The factors mentioned there: publicity; witness availability,
5 testimony modes, examination estimates, sitting schedules, and
6 *inter partes* consultations; the scope, nature, and subject matter of
7 the witness's anticipated testimony and related materials; the status
8 of the presentation of evidence; the witness's personal
9 circumstances; security concerns; and the need to provide adequate
10 notice.

11 Do you agree that such factors may have an impact on the
12 schedule of the witness's testimony?

13 A. Yes, I do agree.

14 Q. So, for instance, the sudden unavailability of a witness, the
15 fact that the cross-examinations of scheduled witnesses proceed
16 faster than expected, the removal of witnesses from the SPO witness
17 list, or the change of mode of testimony of witnesses may lead to the
18 reorganisation of the witness schedule; correct?

19 A. Yes, that is correct.

20 Q. Thank you. With regard to Bislim Zyrapi, he testified in
21 July 2024; is that correct?

22 A. I don't know exactly. I know it was in 2024.

23 MS. MENEGON: Can we call, please, KSC-BC-2020-06
24 2024-07-01 ENG. This is a transcript of the Case 06 testimony of
25 Mr. Zyrapi. Thank you, Madam Court Officer.

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1 Q. So can you see, Mr. Witness, the last two lines, that it says
2 that:

3 "We will start hearing the evidence of Prosecution
4 Witness [4752]."

5 Which is the witness code of Mr. Zyrapi; is that right?

6 A. Yes, that's right.

7 MS. MENEGON: And, Madam Court Officer, can you go at the top of
8 the document, please.

9 Q. And do you see the date 1 July 2024? So do you agree that he
10 started to testify on 1 July 2024?

11 A. Yes, I agree.

12 Q. Thank you. Mr. Witness, is it right that you were confronted
13 with particular difficulties to schedule the testimony of this
14 witness?

15 A. Yes, that is true.

16 Q. And in particular, he had serious medical issues. Do you agree?
17 Do you remember?

18 A. Yes, I remember. It's correct.

19 MS. MENEGON: I would like to call DHT1200128-00129, both in
20 English and Albanian, please.

21 JUDGE GOSNELL: I wonder, Ms. Menegon, whether we are touching
22 on a subject matter that ought to be adduced in closed session.

23 MS. MENEGON: You are right, Your Honour. Please, can we go in
24 closed session.

25 JUDGE GOSNELL: I'm sorry, private session, please.

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1 MS. MENEGON: Private session.

2 [Private session]

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11 [Open session]

12 THE COURT OFFICER: We are now in public session.

13 MS. MENEGON: Thank you.

14 Q. Mr. Witness, in light of the various factors and examples that
15 we have discussed, would you agree that rearranging the order of the
16 appearance of witnesses in large war crimes cases is pretty common
17 and not exceptional?

18 A. Yes, that is correct.

19 Q. And in the instant case, Case 12, do you agree that the alleged
20 conduct of the accused did not prevent the SPO from contacting or
21 interviewing any witness?

22 MR. HALLING: Objection as to foundation.

23 MS. MENEGON: The witness is -- sorry, I'm not going to refer to
24 his function. I understand that in light of his position -- my
25 position is that in light of his function within the SPO, he should

1 be able to answer this -- answer, because I believe he would have
2 been informed if it was otherwise.

3 MR. HALLING: Perhaps he can. We would just ask for the first
4 question to be asked if he knows this before asking this question.

5 JUDGE GOSNELL: Mr. Witness, you've heard the exchange, and
6 you'll answer the question if you know, please.

7 MS. MENEGON:

8 Q. Do you want me to repeat the question?

9 A. Yes, please, can you repeat your question.

10 Q. In the present case, do you agree that the alleged conduct of
11 the accused did not prevent the SPO from contacting or interviewing
12 any witness?

13 A. I don't know.

14 Q. To your knowledge, there was no stay of proceedings in Case 06?

15 A. There was a stay of proceedings in the Case 06.

16 Q. Which stay?

17 A. There was -- there was an information how -- how they can
18 contact -- Defence -- how the Defence can contact witnesses. There
19 was a rules in the Case 06.

20 Q. I'm sorry. My question was probably not clear. I meant to say
21 there was no -- the Case 06 trial, the SPO case or Defence case were
22 not interrupted for a large amount of time to your knowledge?

23 A. It was large -- large amount of my time was arranging witnesses
24 in the Case 06.

25 Q. I will move on. Since Mr. Thaci is accused of having disclosed

1 confidential information, I would like now to discuss whether the
2 status as SPO witness or the scope of the evidence of the SPO
3 witnesses were known to the public before, during, or after their
4 testimony in Case 06.

5 You said on Friday that yourself were informed about which
6 witnesses' statements were disclosed to the Defence because then you
7 would call the witnesses to inform them about such disclosure;
8 correct?

9 A. That is correct.

10 Q. So this means that generally you have an idea about the scope of
11 the evidence of witnesses, of the SPO witnesses?

12 A. In general, yes.

13 Q. You explained in your statement, P168, paragraph 7, that a
14 person's status as an SPO witness is classified by the SPO as
15 confidential before they testify, regardless of whether the witness
16 has been granted protective measures, since even witnesses expected
17 to testify publicly may request protective measures at any time
18 before they testify; correct?

19 A. That is correct.

20 Q. Yet, Mr. Witness, is that right that some witnesses will
21 voluntarily disclose to the public the fact that they are SPO
22 witness?

23 A. That has happened in the Case 06.

24 Q. For instance, some will say that they are going to be
25 interviewed by the SPO or have been interviewed by the SPO; correct?

1 A. That is correct.

2 Q. And similarly, they sometimes disclose to their relative, their
3 friends, or to the public that they are going to testify in a
4 specific case; correct?

5 A. That is correct.

6 Q. And witnesses are entitled to disclose such information?

7 A. It's their decision.

8 MS. MENEGON: I would like to go into private session, please.

9 JUDGE GOSNELL: Yes. Private session, please.

10 [Private session]

11 [Private session text removed]

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3 [Open session]

4 THE COURT OFFICER: We are now in public session.

5 MS. MENEGON: Sorry, I apologise.

6 Q. On Friday, you explained that when a witness discloses to the
7 public that he's a witness before testifying, he does not lose any
8 kind of protection. Nevertheless, once a witness benefits from
9 protective measures, he may also consider that he does not need such
10 protective measures anymore and ask for their removal, which can be
11 granted by the Panel; is that correct?

12 A. That is correct.

13 Q. So protective measures are not necessarily definitive. They can
14 vary.

15 A. That is correct.

16 Q. Now, I would like to talk about Witness 1, Rrustem Mustafa. He
17 testified in Case 06 in July 2023 pursuant to an agreed fact between
18 the parties. And pursuant to your statement, P168, he did not
19 benefit from protective measures; that's right?

20 A. That is correct.

21 Q. Do you know why he did not benefit from protective measures?

22 A. Today, earlier, I explained how the Prosecutor decide about
23 protective measures. If the person is public and well known, if
24 person testified openly before in the public sessions before other
25 international tribunals or before domestic courts. So for

1 Mr. Mustafa, he previously testified openly, and he's very well-known
2 person and figure in Kosovo.

3 Q. Thank you. Indeed, you mentioned his previous testimony. So is
4 it right that he appeared and testified as accused in the
5 Latif Gashi *et al.* case before the District Court of Prishtine and
6 the Court of Appeals of Prishtine?

7 A. I don't know details in which cases and courts -- before which
8 courts he testified before. I'm aware that he testified before.

9 Q. And are you aware that the content -- sorry. Are you aware that
10 the content of his prior testimonies and conviction had been
11 commented in the media?

12 A. I don't recall.

13 MS. MENEGON: I would like to call DHT1200038-0040, both English
14 and Albanian.

15 Q. So this is an article of 6 December 2018 from *Telegrafi* entitled
16 "What war crime was Rrustem Mustafa convicted of?" And we can see
17 that it reports that:

18 "Former senior officers of the Kosovo Liberation Army, KLA, of
19 the Llapi Operational Zone, including the Zone commander,
20 Rrustem Mustafa, known by the nickname 'Remi', were convicted in 2013
21 by the Pristina Court of war crimes.

22 "Commander 'Remi' was part of the so-called 'Llapi Group' that
23 was being tried for years for alleged ... crimes."

24 So do you agree that this article reports Mr. Mustafa's
25 conviction and his position during the war?

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1 MR. HALLING: Again, Your Honour, we can see that. The witness
2 hasn't been asked if he's ever seen this article before.

3 JUDGE GOSNELL: Well, Mr. Halling, I think it's not
4 inappropriate to at least confirm with the witness first what the
5 content of the document being put to the witness is and then to ask
6 follow-up questions.

7 So, yes, we can all read the document. I do understand that.
8 But we'll allow the predicate question and then see what additional
9 questions are posed.

10 You may proceed, Ms. Menegon.

11 MS. MENEGON: Thank you.

12 Q. I see, Mr. Witness, you didn't answer my question. So do you
13 agree that this article reports Mr. Mustafa's conviction and his
14 position during the war?

15 A. Yes, I do agree.

16 Q. Have you seen this article before?

17 A. No, I haven't seen this article before.

18 Q. Were you aware of such articles before? Had you -- as part of
19 your function in looking for open source data, was it the type of
20 information you would be looking for?

21 A. As I already said, Mr. Mustafa is well-known public person in
22 Kosovo. I knew that he was part of some investigations and part of
23 some cases in Kosovo. I really don't remember specifics about
24 Mr. Mustafa.

25 MS. MENEGON: Can we go to page 2, please. Can we go down.

1 Q. Mr. Witness, can you read the third line before the end -- I
2 mean, the third sentence before the end, starting by "Today ..."

3 A. "Today, the lawyer for Commander '[Remi]'' announced that his
4 client has been invited by the Specialist Prosecutor's Office in
5 The Hague for an 'interview.'"

6 Q. And the next one?

7 A. "According to lawyer Arian Koci, Rrustem Mustafa will
8 voluntarily appear in The Hague in January."

9 Q. So, Mr. Witness - thank you - is it right that this article
10 shows that on 6 December 2018, Mr. Mustafa disclosed via his lawyer
11 that he was going to be interviewed by the SPO in January 2019; is
12 that correct?

13 A. Yes, that is correct.

14 MS. MENEGON: I would like to tender this item, please.

15 JUDGE GOSNELL: Any objection?

16 MR. HALLING: Yes, at this point we would object to the
17 foundation because there wasn't one laid. The witness could only
18 really recognise the person in the article. He's just recognising
19 that he sees these matters in it. The Defence is going to have an
20 opportunity very soon to tender items in any Defence case should it
21 wish to that are not related to a witness. But there needs to be a
22 genuine non-pretexual link to a witness to admit an item like this
23 through cross-examination, and we would say that that threshold is
24 not met here.

25 MS. MENEGON: I respectfully disagree. Given that this witness,

1 in light of his position, and he has confirmed it, is looking for
2 that type of information. And with regard to Mr. Mustafa, the fact
3 that he was a public figure, that he had testified previously, and
4 that he was commenting in the media, is very significant for both the
5 Prosecution case and the Defence case.

6 JUDGE GOSNELL: Yes, given that the witness has indicated that
7 he did review media as part of his preparation for assessing
8 witnesses' protection needs, and that he indicated that, indeed,
9 Mr. Mustafa was a well-known and public figure, and that this
10 document is consistent with that, I do think there is a sufficient
11 basis for its admission.

12 So the document is admitted.

13 THE COURT OFFICER: Thank you, Your Honour. The document with
14 the ERN DHT1200038 to 00040, English and Albanian, will receive
15 Exhibit 1D00003. Classification is public. Thank you.

16 MS. MENEGON: Thank you, Madam Court Officer.

17 I would like to call another article, DHT1200331-00332, both
18 English and Albanian version.

19 Q. So this is an article of 7 December 2018 from KosSev entitled
20 "Former KLA commander Rrustem Mustafa Remi goes to The Hague." On
21 page 1, it says that:

22 "Rrustem Mustafa Remi is a former commander of the 'KLA
23 Operational Zone' in Lab and a member of the Kosovo Assembly who will
24 appear before the Specialist Prosecution Office in The Hague on
25 January 14, his lawyer Arianit Koci has announced."

1 Mr. Witness, had you seen this article before?

2 A. I don't recall.

3 Q. Do you agree that this article revealed the anticipated date of
4 interview of Mr. Mustafa by the SPO there, 14 January; is that right?

5 A. Yes, I do agree.

6 Q. And would that be the type of information you would be or your
7 office be looking for, including before you had a planned interview
8 with the witness?

9 A. Yes, that is correct, because in that time, most of the
10 high-ranking commanders and also KLA members SPO interviewed, they go
11 publicly and inform public that they are going to be interviewed by
12 SPO.

13 Q. Thank you.

14 MS. MENEGON: I would like to tender this item.

15 JUDGE GOSNELL: Any objection?

16 MR. HALLING: Our understanding is this is covered by
17 Your Honour's ruling from a moment ago.

18 JUDGE GOSNELL: Yes. And just to add it also -- my ruling is
19 also based on the nature of the document, and I also note there isn't
20 an objection from the SPO on reliability, is there?

21 MR. HALLING: Yes, we don't dispute that this is in the media.
22 We dispute the significance of it in relation to that paragraphs 488
23 and 524 of the Case 07 trial judgment are of relevance.

24 JUDGE GOSNELL: Thank you for that. The document is admitted.

25 THE COURT OFFICER: Thank you, Your Honour. This document with

Witness: Witness 7 (Resumed) (Open Session)

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1 ERN DHT1200331 to 00332, Albanian and English, will receive
2 Exhibit 1D00004. Classification is public. Thank you.

3 MS. MENEGON: Thank you.

4 I would like to call DHT1200333-00334, both English and
5 Albanian.

6 Q. So this is another article of 15 January 2019 from KosSev
7 entitled "Cena and Mustafa under questioning, Lushtak's interrogation
8 begins tomorrow in The Hague."

9 We can see that it says:

10 "The former KLA member in the Pastrok operational area,
11 Sabahajdina Cenu, was questioned yesterday at EULEX ... while at the
12 same time Rrustem Mustafa - Remi was questioned ... Remi's
13 questioning continued today, while tomorrow the questioning of
14 Sami Liustaku should begin ...

15 "Rrustem Mustafa Remi, who travelled to The Hague on Sunday
16 along with Sami [Lushtaku], was questioned yesterday and today."

17 And then at the bottom:

18 "'They (the prosecution) were serious in their questions and we
19 answered every question seriously. I promised to protect the KLA
20 here, but the KLA protected me,' Mustafa said, according to reports
21 by Radio Free Europe."

22 Mr. Witness, had you seen this article before?

23 A. I don't recall. As I said, Mr. Mustafa is a well-known and
24 public person, and there was hundreds and hundreds of similar news
25 articles about his interview in The Hague, so I don't recall this

1 particular article.

2 Q. Thank you.

3 MS. MENEGON: Can we go to the second page at the top.

4 Q. Can you please read the first sentence?

5 A. "Asked in what capacity he had been summonsed for questioning in
6 The Hague, he repeated that he was a 'suspected witness.'"

7 Q. So, Mr. Witness, is it right that, pursuant to this article,
8 Mr. Mustafa revealed that he was interviewed by the SPO as a suspect?

9 A. He was interviewed as a suspected witness. Yes, that is
10 correct.

11 Q. And he confirmed himself in the media, as you have acknowledged,
12 that he had just been interviewed by the SPO as a suspect; correct?

13 A. That is correct.

14 MS. MENEGON: I would like to tender this item, please.

15 MR. HALLING: Nothing further from us.

16 JUDGE GOSNELL: The document is admitted.

17 THE COURT OFFICER: The document with ERN DHT12000333 to 00334,
18 English and Albanian, will receive Exhibit 1D00005. Classification
19 is public. Thank you.

20 MS. MENEGON: Thank you, Madam Court Officer. I would like to
21 call SPOE00330366-SPOE00330381, both English and Albanian, please.

22 Q. This is a Facebook post of Rrustem Mustafa of -- I will ask you
23 first. So, Mr. Witness, do you see that this a Facebook post of
24 Mr. Mustafa of 18 January 2019; correct?

25 A. Yes, that is correct.

1 Q. And do you see that it mentions 15 January 2019. It is four
2 years now. The interview at The Hague finished a bit later:

3 "The KLA leaders should be free.

4 "The Specialist Chambers should close-terminate, within
5 reasonable and fair deadlines, all those untrue stories fabricated
6 against the glory of the KLA war, the Albanian nation should
7 undertake new, rational commitments for development ..."

8 Mr. Witness, had you seen this post before?

9 A. I don't recall.

10 Q. In light of what I've just seen, is it right that in this post
11 Mr. Mustafa discussed the KLA and commented the KSC proceedings
12 publicly?

13 A. Yes, that is correct.

14 MS. MENEGON: Can we go to the bottom of the document.

15 Q. We see in the Albanian version -- we see a symbol with a finger
16 up with a figure 766, so 766 likes, and then 166 comments and three
17 shares. So do you agree, Mr. Witness, that this post had a wide
18 reach in light of the comments and likes at the bottom of the
19 document?

20 A. I am really not expert how -- is it a high number or not, so I
21 cannot answer this question.

22 Q. Thank you. It was disclosed to the Defence by the SPO, so it
23 was part of the Prosecution investigation for this witness. Can we
24 say so?

25 A. Yes, we can say so.

1 Q. Thank you.

2 MS. MENEGON: I would like to tender it.

3 MR. HALLING: At some point this becomes cumulative, but nothing
4 further from the SPO.

5 JUDGE GOSNELL: The document is admitted.

6 THE COURT OFFICER: Thank you, Your Honour. Document with the
7 ERN SPOE00330366 to 00330381, English and Albanian, will receive
8 Exhibit 1D00006. Classification is public. Thank you.

9 MS. MENEGON:

10 Q. Mr. Witness, are you aware that Mr. Mustafa also gave a public
11 interview on TV in 2023, on 12 April 2023, where he discussed his SPO
12 interview in the Case 06 proceedings? I am referring to item P153.
13 On the TV show *Konfront*.

14 JUDGE GOSNELL: Ms. Menegon, would you like to have that
15 presented on the screen before you ask your question?

16 MS. MENEGON: Indeed. I would like to call P153, both English
17 and Albanian version. Thank you, Madam Court Officer.

18 Q. So we can see that this is a transcript of a TV show, TV channel
19 *KTV-Kohavision* on 12 April 2023, and the participants include
20 Mr. Rrustem Mustafa. We can see it at the top. Do you agree?

21 A. Yes, I do agree.

22 Q. Had you heard about this interview before?

23 A. I don't recall.

24 Q. Thank you. The first speaker says that:

25 "We will discuss tonight about the Special Prosecution Office

1 allegations submitted during the initial review that started in
2 The Hague ... from the point of view of a former commander of a KLA
3 zone of operations. Mr. Mustafa ..."

4 So do you agree that, pursuant to this document, that
5 Mr. Mustafa commented again the KLA proceedings publicly?

6 A. Yes, I do agree.

7 Q. Thank you.

8 MS. MENEGON: We can withdraw it from the screen.

9 Q. And, Mr. Witness, are you aware that Mr. Mustafa himself
10 disclosed to the media on 1 July 2023 that he was going to testify
11 within a week for the SPO in Case 06?

12 A. As I said, Mr. Mustafa was public person, and he was publishing
13 everything, and especially everything related to the SPO. So I don't
14 recall that specific moment, but I recall -- I remember that he made
15 public that he's going to testify.

16 Q. And, indeed, there is an agreed fact between the parties, filing
17 F764. And so do you agree that the fact that he was going to testify
18 was widely broadcasted in Kosovo in several media?

19 A. Yes, that's correct.

20 Q. I am going to call several articles about this issue because the
21 widespread nature of this information is important for both the SPO
22 case and the Defence case.

23 MS. MENEGON: So I would like to call DHT1200095-0095, both
24 English and Albanian, please.

25 MR. HALLING: And, Your Honour, with the article being shown on

1 the screen now, it goes directly to the subject of the agreed fact.
2 We don't see why -- what is the point of that agreed fact unless it's
3 to make it unnecessary to ask such questions now.

4 MS. MENEGON: As I've said, for us the point, it's about the
5 widespread nature of the information. And I have notified actually
6 the interpreters and the SPO that while I did agree with the agreed
7 facts, I would still want to discuss some articles with the witness,
8 and even -- and obviously the impact of such widespread information
9 on the knowledge or not of Mr. Thaci's co-accused about the status as
10 SPO witness and testimony of Mr. Mustafa. So it is highly relevant
11 for the case.

12 JUDGE GOSNELL: Yes, I'll allow this line of questioning.

13 MS. MENEGON: Thank you.

14 Q. So we see this is a press article of 1 July 2023 from
15 *Kontakt Plus*, where it says -- entitled "Rustem Mustafa received a
16 summons from the Special Court in The Hague." It reads:

17 "The former KLA commander in the 'Lab' zone, Rustem Mustafa, has
18 been summoned to appear as a witness in The Hague before the [KSC],
19 Koha reports.

20 "Mustafa told the aforementioned media outlet that he will
21 travel to The Hague next week and respond to the court's summons."

22 So, Mr. Witness, had you seen this article before?

23 A. I don't recall.

24 Q. But its content is consistent with the fact that Mr. Mustafa
25 published in the media the fact that he was going to testify;

1 correct?

2 A. Yes, that is correct.

3 Q. It also says:

4 "Pristina media reports that Mustafa has been called to testify
5 about the prosecution's claims in the trial against the leaders of
6 the former KLA."

7 Do you agree that the reference to "trial against the leaders of
8 the former KLA" is an explicit reference to Case 06, the trial
9 against Mr. Thaci, Selimi, Krasniqi, and Veseli?

10 A. Yes, that is correct.

11 Q. So do you agree that before he started to testify, people in
12 Kosovo -- or most of the people in Kosovo presumably knew that he was
13 going to testify in Case 06 [Microphone not activated] ... 2023?

14 MR. HALLING: Objection. Calls for speculation on most of the
15 population presumably knew.

16 MS. MENEGON: I would rephrase.

17 Q. Mr. Witness, in light of this article and about the fact you say
18 that Mr. Mustafa's appearance was commented largely in the media, do
19 you expect that people in Kosovo would know about his upcoming
20 appearance in Case 06?

21 A. It was well-known fact and public information that he's going to
22 testify in the Case 06.

23 Q. Thank you.

24 MS. MENEGON: I would like tender this article.

25 MR. HALLING: No objection from the SPO on this.

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1 JUDGE GOSNELL: This document is admitted.

2 THE COURT OFFICER: Thank you, Your Honour. Document with ERN
3 DHT1200095, English and Albanian, will receive Exhibit 1D00007.
4 Classification is public.

5 MS. MENEGON: Thank you. I would like to call DHT120093-0093,
6 please. Thank you.

7 Q. So we can see this is an article from Kosovaime.tv of
8 1 July 2023 entitled "Commander Remi invited to The Hague."
9 Mr. Witness, had you seen this article before?

10 A. I don't recall.

11 Q. And it reads:

12 "At the invitation of the Specialist Prosecutor's Office,
13 Rrustem Mustafa will appear in The Hague to testify about the
14 organisation of the KLA and the prosecution's claims in the trial
15 against former KLA leaders."

16 Again, Mr. Witness, is it right that this article confirmed the
17 upcoming testimony of Mr. Mustafa, specifically in Case 06, in the
18 trial against former KLA leaders?

19 A. Yes, that is correct.

20 MS. MENEGON: Thank you. I would like to tender it.

21 MR. HALLING: No objection, Your Honour.

22 JUDGE GOSNELL: This is admitted.

23 THE COURT OFFICER: Thank you, Your Honour. The document with
24 the ERN DHT1200093 to 00093, English and Albanian, will receive
25 Exhibit 1D00008. Classification is public. Thank you.

1 MS. MENEGON: I would like to call DHT1200096-0096, both English
2 and Albanian.

3 THE INTERPRETER: Interpreter's note: We kindly ask the speaker
4 to slow down when quoting. Thank you.

5 MS. MENEGON: [Microphone not activated] ... interpreters.

6 Q. So this is another article of 1 July 2023 from Drenica-Online
7 entitled "Rrustem Mustafa invited to testify in The Hague."

8 Mr. Witness, had you seen it before?

9 A. I don't recall.

10 Q. It also says:

11 "At the invitation of the Specialised Prosecutor's Office,
12 Rrustem Mustafa will appear in The Hague to testify about the
13 organisation of the KLA and the prosecution's claims in the trial
14 against former KLA leaders."

15 So, Mr. Witness, is it another example pursuant to which
16 Mr. Mustafa was reported to testify shortly in Case 06 in the trial
17 against former KLA leaders?

18 A. Yes, this is an example.

19 Q. Thank you.

20 MS. MENEGON: I would like to tender it.

21 MR. HALLING: No objection, Your Honour.

22 JUDGE GOSNELL: This is admitted.

23 THE COURT OFFICER: Thank you, Your Honour.

24 JUDGE GOSNELL: Please proceed.

25 THE COURT OFFICER: Thank you. The document with ERN

1 DHT1200096, English and Albanian, will receive Exhibit 1D00009.
2 Classification is public.

3 JUDGE GOSNELL: Ms. Menegon, we are approaching the break.
4 Would this be an appropriate time?

5 MS. MENEGON: Yeah, we can break now.

6 JUDGE GOSNELL: And just before we do break, I should have
7 mentioned at the beginning of today's hearing that the accused are
8 present in the courtroom.

9 So we'll take a break for half an hour, and we will reconvene at
10 11.30.

11 [The witness stands down]

12 --- Recess taken at 10.59 a.m.

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

14 JUDGE GOSNELL: The witness may be brought in, please.

15 MR. EDWARDS: Your Honour, while the witness is being brought
16 in, can I just advise that Mr. Holmes and Ms. Kalb have joined us.

17 JUDGE GOSNELL: Thank you.

18 MS. MENEGON: And, Your Honour, I would like to inform you that
19 I think I have more or less 40 minutes left on my time estimate, but
20 my colleague, Mr. Edwards, has agreed to give me some of his time
21 because actually he is not going to ask many questions. So I will
22 appreciate if you let me go a bit over, because I have still a number
23 of matters to address with this witness.

24 MR. HALLING: Your Honour, no objection from our side to what's
25 proposed.

1 JUDGE GOSNELL: Thank you. So the estimate is 40 minutes
2 remaining including the additional time being borrowed from
3 Mr. Edwards. Do I understand that correctly?

4 MS. MENEGON: No, sorry, I have still 40 minutes around my
5 two hours, but I think I will still need maybe, I don't know,
6 40 additional minutes or up to one hour, I mean. My colleague, I
7 think, had 45 minutes announced for this witness.

8 JUDGE GOSNELL: So just to understand how much remains, are we
9 now talking about approximately one more hour to go or ...

10 MS. MENEGON: Yes [Microphone not activated]. Sorry, I think
11 until lunchtime, more or less.

12 MR. YOUNG: Your Honour, may I assist. In relation to updates
13 on timing, given that Ms. Menegon has dealt with a number of issues
14 that were relevant to Mr. Fazliu, I can happily say I can now reduce
15 my time estimates quite succinctly, and a number of items I would
16 have shown the witness I won't.

17 MR. HALLING: And, Your Honour, the key for us is just that
18 Witness 8 begins today, and it sounds like on these revisions that's
19 still going to happen, so ...

20 JUDGE GOSNELL: Well, I'm glad to hear that Witness 8 is ready
21 and available for potentially in the last session. Of course, that
22 will probably depend mostly on Mr. Rees at this point, but we'll see
23 where we get to.

24 And, Ms. Menegon, there is no problem with an hour or somewhat
25 more than an hour to go.

1 MS. MENEGON: I thank you and everyone for their understanding.

2 [The witness takes the stand]

3 JUDGE GOSNELL: Ms. Menegon.

4 MS. MENEGON: Thank you, Your Honour.

5 Q. So, Mr. Witness, we have reviewed some of the media articles
6 regarding Mr. Mustafa's cooperation with the KSC. Would it be fair
7 to say that since Mr. Mustafa was a well-known public figure, who had
8 extensively testified publicly before Kosovo courts in the past about
9 his role in the Kosovo conflict, the scope of his anticipated
10 evidence in Case 06 was to a large extent, as a zone commander,
11 already in the public domain?

12 A. Yes, that is correct.

13 Q. Thank you. I would like now to talk about Witness 2,
14 Bislim Zyrapi, who testified in Case 06 in July 2024.

15 So pursuant to your statement, P168, he did not benefit from
16 protective measures; correct?

17 A. Yes, that is correct.

18 Q. And can you tell us why he did not benefit from protective
19 measures?

20 A. Mr. Zyrapi is also well-known and public figure in Kosovo, and
21 he testified before international courts before.

22 Q. Indeed. Is it right that he testified before Kosovo local
23 courts?

24 A. I don't recall. I recall that he testified before
25 International Criminal Tribunal for former Yugoslavia.

1 Q. Thank you. And is it right, to your knowledge, that Mr. Zyrapi
2 regularly commented the events related to the 1998, 1999 conflict and
3 the KLA organisation in the media?

4 A. Yes, that is correct.

5 MS. MENEGON: I would like to call DHT120008-0009, both English
6 and Albanian, please.

7 Q. So we can see that this is an article dated 14 May 2011 from
8 Voice of Albanian media entitled "Bislim Zyrapi: There was an arrest
9 order for Gani Geci, not an order for murder."

10 Mr. Witness, had you seen this article before?

11 A. I don't recall this particular article.

12 Q. We can see in the first sentence that "Bislim Zyrapi denies that
13 any order was issued for the murder of Gani Geci during the war."

14 So is it right that, as pursuant to this press report,
15 Mr. Zyrapi gave his view publicly on several topics related to the
16 Kosovo war such as the fact of this Mr. Gani Geci was also discussed
17 in Case 06?

18 A. Yes, that is correct.

19 Q. So do you agree that he commented publicly topics that he later
20 discussed in his SPO interview or testimony before the KSC?

21 A. Yes, I agree.

22 MS. MENEGON: I would like to tender this item, please.

23 MR. HALLING: No objection, Your Honour.

24 JUDGE GOSNELL: This document is admitted.

25 THE COURT OFFICER: Thank you, Your Honour. Document with ERN

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1 DHT1200008 to 00009, English and Albanian, will receive

2 Exhibit 1D00010. Classification is public.

3 MS. MENEGON: Thank you.

4 Q. Mr. Witness, do you know that his prior testimonies before other
5 court were also commented in the media?

6 A. I don't recall.

7 MS. MENEGON: I would like to call DHT1200010-00010.

8 [Microphone not activated].

9 JUDGE GOSNELL: Microphone, please.

10 MS. MENEGON: Sorry. Thank you.

11 Q. We can see that this is an article of 5 June -- sorry, no.

12 MS. MENEGON: Yes, thank you.

13 Q. So we can see that this is an article of 5 June 2013 from
14 *Telegrafi* entitled "Bislim Zyrapi testifies about the 'Klecka' case."

15 So, Mr. Witness, have you seen this article before?

16 A. I don't recall.

17 Q. But we can see that as per its title, it reports that Mr. Zyrapi
18 testified about the Klecke case; right?

19 A. Yes, that is correct.

20 Q. So we can see that the fact that he was testifying before local
21 courts was public?

22 A. Yes, that is correct.

23 MS. MENEGON: I would like to tender it, please.

24 MR. HALLING: Nothing further, Your Honour.

25 JUDGE GOSNELL: This is admitted.

1 THE COURT OFFICER: Thank you, Your Honour. Document with ERN
2 DHT1200010 will receive Exhibit 1D00011. Classification is public.

3 MS. MENEGON:

4 Q. Mr. Witness, did you know that Mr. Zyrapi himself confirmed to
5 the media in July 2019 that he was going to be interviewed by the
6 SPO; is that right?

7 A. Yes, that is correct.

8 MS. MENEGON: I would like to call DHT1200047-00051.

9 Q. So this is an article from 20 July 2019 from KoSsev entitled
10 "After Haradinaj, new invitations arrive from the Special Court,
11 Thaci's advisor invited as suspect."

12 Mr. Witness, had you seen this article before?

13 A. I don't recall.

14 Q. We can see that it reports:

15 "Adviser to the President of Kosovo and former KLA Chief of
16 Staff, Bislum Zyrapi was called in for questioning in the capacity of
17 a suspect by the Special Court."

18 MS. MENEGON: Can we please go down, please.

19 Q. And then it says:

20 "'I am summoned as a suspect and I will, of course, respond and
21 go to The Hague. The call came on August 4th,' he told T7, Insiders
22 wrote."

23 So, Mr. Witness, do you agree that this article reports that
24 Mr. Zyrapi himself confirmed publicly that he was going to be
25 interviewed by the SPO?

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1 A. Yes, I do agree.

2 MS. MENEGON: I would like to tender it, please.

3 MR. HALLING: No objection, Your Honour.

4 JUDGE GOSNELL: This is admitted.

5 THE COURT OFFICER: Document with ERN DHT12000047 to 00051 will
6 receive Exhibit 1D00012. Classification is public.

7 MS. MENEGON: [Microphone not activated] ... DHT1200251-00254.
8 Thank you.

9 Q. So this is a press article dated 26 October 2019 from *Insajderi*
10 entitled "KLA command structure invited to The Hague."

11 So, Mr. Witness, this is in conformity with what you said
12 earlier, that when -- people within the KLA with a high position
13 mentioned publicly that they were going to be interviewed by the SPO?

14 A. Yes, that is correct.

15 Q. Had you seen this particular article before?

16 A. I don't recall.

17 MS. MENEGON: I would like to go to page 2, please. Can you
18 please go a bit down? Thank you.

19 Q. We can see there that it's written:

20 "Bislim Zyrapi, the former Chief of General Staff, was
21 interviewed by the Specialist Chambers Office of the Prosecutor on
22 August 4."

23 So do you agree, Mr. Witness, that this article confirms that
24 Mr. Zyrapi was interviewed by the SPO?

25 A. Yes, I do agree.

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1 Q. So his cooperation with the SPO was already public knowledge at
2 the time; is that right?

3 A. Yes, that is correct.

4 MS. MENEGON: I would like to tender this item, please.

5 MR. HALLING: No objection, Your Honour.

6 JUDGE GOSNELL: This is admitted.

7 THE COURT OFFICER: Thank you, Your Honour. Document with ERN
8 DHT1200251 to 00254, English and Albanian, will receive
9 Exhibit 1D00013. Classification is public.

10 MS. MENEGON: Thank you.

11 I would like to call DHT1200418-00420. [Microphone not
12 activated] ... a bit down. Thank you.

13 Q. So this is the CV of Mr. Zyrapi published online on the web site
14 of the college where he works in Prishtine.

15 Mr. Witness, can you see that there is a list of dates and
16 positions for Mr. Zyrapi?

17 A. Yes, I can see.

18 Q. I presume you have not seen this document before?

19 A. No.

20 Q. But do you agree that given that this document was published
21 online, Mr. Zyrapi himself, let's say, summarised his former
22 positions within the KLA?

23 A. Yes, I agree.

24 MS. MENEGON: I would like to tender it.

25 MR. HALLING: No objection, Your Honour.

1 JUDGE GOSNELL: This is admitted.

2 THE COURT OFFICER: Document with ERN DHT1200418 to 00420,
3 English and Albanian, will receive Exhibit 1D00014. Classification
4 is public.

5 MS. MENEGON: Thank you.

6 Q. So, Mr. Witness, is it fair to say that since Mr. Zyrapi was a
7 well-known public figure who had testified extensively before, you
8 mentioned at the ICTY, and whose role was discussed in the media, is
9 it fair to say that the scope of his anticipated evidence in Case 06,
10 namely his views about the Kosovo conflict and his role within the
11 KLA, especially in the General Staff, was to a large extent in the
12 public domain before he testified in Case 06?

13 A. Yes, that is correct.

14 Q. Thank you.

15 MS. MENEGON: I would like to now move in private session,
16 please.

17 JUDGE GOSNELL: Private session, please.

18 [Private session]

19 [Private session text removed]

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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5 [Open session]

6 THE COURT OFFICER: Your Honour, we are now in public session.

7 MS. MENEGON: Thank you.

8 Q. Now I would like to talk about Witness 5, Sylejman Selimi.

9 Pursuant to your statement, P169, he did not -- sorry. Yeah, he
10 did not benefit from protective measures. Do you know why he did not
11 benefit from such measures?

12 A. Mr. Selimi is a well-known and public figure in Kosovo as a KLA
13 commander and also he was a -- it's a well-known fact that he was
14 convicted in Kosovo.

15 Q. Thank you. So is it right that he testified publicly before the
16 court about his role during the Kosovo conflict and about the Kosovo
17 organisation?

18 A. Yes, that is correct, too.

19 Q. In particular, he testified publicly before the ICTY?

20 A. That is correct.

21 Q. Do you know in which case?

22 A. I don't know exactly, but I know the Kosovo-related cases.

23 Q. And is it right that he testified also before Kosovo local
24 courts?

25 A. He -- probably yes, because he was convicted and involved in

Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Ms. Menegon

1 the -- some trial procedures in Kosovo.

2 Q. Thank you. Now I'm going to show you certain articles related
3 to his interview by the SPO.

4 MS. MENEGON: I would like to call DHT120045-0046.

5 Q. So this is an article dated 6 February 2019 from Balkan Insight
6 entitled "Kosovo PM Criticised for Appointing War Criminal as
7 Adviser."

8 Mr. Witness, have you seen this article before?

9 A. I don't recall.

10 MS. MENEGON: Can we go to the second page, please.

11 Q. So we can see it's written:

12 "After his release, Selimi will be monitored by the Kosovo
13 Probation Service until October 2020.

14 "He is also due to give an interview to the Hague-based
15 Specialist Prosecutor's Office, which is probing wartime post-war
16 crimes.

17 "'I believe that I will be interviewed next week. I don't know
18 in what capacity I have been summoned,' Selimi told the T7 television
19 channel on Monday."

20 So is it right, Mr. Witness, that, pursuant to this article, in
21 December 2018 it was already in the public domain that Mr. Selimi was
22 going to be interviewed by the SPO and he confirmed it himself?

23 A. Yes, that is correct.

24 Q. Thank you.

25 MS. MENEGON: I would like to tender it, please.

Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Ms. Menegon

1 MR. HALLING: No objection.

2 JUDGE GOSNELL: This is admitted. Does it need to be
3 confidential or can it be public?

4 MS. MENEGON: I think it can be public.

5 MR. HALLING: Yes, public is fine, Your Honour.

6 THE COURT OFFICER: Thank you, Your Honour. DHT1200045 to 00046
7 will receive Exhibit 1D00019. Classification is public.

8 MS. MENEGON: And now I would like to call DHT1200251-00254.
9 Can we please go to the bottom.

10 Q. In the last paragraph - we have seen this article before, so I'm
11 not going to present it again - we see that Sylejman Selimi, who had
12 also been commander-in-chief after Azem Sylja, "was also interviewed
13 as a suspect on February 6. Selimi was interviewed in Pristina a few
14 days after he was released from prison ..."

15 So, Mr. Witness, is it right that this article of October 2019
16 confirmed that Selimi was interviewed by the SPO in February this
17 year as a suspect?

18 A. Yes, that is right.

19 Q. Thank you.

20 THE INTERPRETER: Interpreter's note: We kindly ask the counsel
21 to slowly quote documents. Thank you very much.

22 MS. MENEGON: Thank you. I apologise.

23 And for reference, this is admitted item 1D13.

24 Q. Mr. Witness, Sylejman Selimi's collaboration with the SPO was
25 therefore in the public domain several years before the disputed

1 visit of 2023; correct?

2 A. Yes, that is correct.

3 Q. And do you know that Mr. Selimi also discussed in the media
4 about the events of 1998, 1999, commented his role in the KLA?

5 A. Yes.

6 Q. For instance, did you know that he gave an extensive interview
7 in 2020 to Ismail Sylja about his experience during the Kosovo
8 conflict, which has been disclosed by the SPO and now admitted as a
9 fact of common knowledge? I'm referring to U003-9084-U003-9126.

10 Are you aware of this interview?

11 MR. HALLING: And just to clarify the date on that, in the
12 judicial notice filing it's item 80, it says that these are
13 interviews from February/March 2000.

14 MS. MENEGON: Thank you for the correction.

15 Q. So were you aware of this interview, for instance?

16 A. I am not aware of this particular interview, because he gave a
17 lot of interviews.

18 Q. Therefore, Mr. Witness, would it be fair to say that since
19 Mr. Selimi was a well-known public figure who had publicly testified
20 before the ICTY and other courts and commented the war in the media,
21 the scope of his anticipated evidence in Case 06 was, to a
22 significant extent, already in the public domain before he started to
23 testify in Case 06?

24 A. Yes, that is correct.

25 Q. Thank you.

Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

1 MS. MENEGON: I would like to go into private session, please.

2 JUDGE GOSNELL: Private session, please.

3 [Private session]

4 [Private session text removed]

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Ms. Menegon

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20 [Open session]

21 THE COURT OFFICER: Your Honour, we are now in public session.

22 MS. MENEGON: Thank you.

23 Q. I would like now to talk about some witnesses mentioned in the

24 SPO pre-trial brief, one of them being Mr. Shukri Buja. He testified

25 publicly in Case 06; correct?

1 A. That is correct.

2 Q. Can you tell us why the SPO did not seek protective measures for
3 him?

4 A. One of the reasons, that Shukri Buja is also well-known and
5 public person in Kosovo.

6 Q. And is it right that Mr. Buja himself confirmed to the press his
7 cooperation with the SPO in June 2019?

8 A. Yes, that is correct.

9 MS. MENEGON: I would like to call DHT1200329-00330.

10 Q. So this is a press article of 30 June 2019 from KoSsev entitled
11 "Former Mayor of Lipjan Summoned as Suspect by Special Court ..."

12 MS. MENEGON: Can we go down, please.

13 Q. Had you seen this article before, Mr. Witness?

14 A. I don't recall.

15 Q. We can see that it says:

16 "'Yes, I have been summoned by the Special Court. They summoned
17 me as a suspect. I received an invitation for July 17 in The Hague,'
18 Buja said, according to *Gazeta Express* reports."

19 So does this article confirm that Mr. Buja himself made public
20 that he was going to be interviewed by the SPO as a suspect?

21 A. Yes, it does confirm.

22 Q. Thank you.

23 MS. MENEGON: I would like to tender it, please.

24 MR. HALLING: No objection.

25 JUDGE GOSNELL: This is admitted as a public document.

1 THE COURT OFFICER: Document with ERN DHT1200329 to 00330,
2 English and Albanian, will receive Exhibit 1D00023. Classification
3 is public. Thank you.

4 MS. MENEGON: Thank you.

5 Now I would like to call DHT1200052-00056.

6 Q. So this is a press article from 18 October 2019 from *Kallxo*
7 entitled "The Special Court increases invitations for interviews."

8 Had you seen this article before, Mr. Witness?

9 A. I don't recall.

10 MS. MENEGON: Can we go down, please. Sorry, I would like to go
11 to page 53, towards the bottom. Okay.

12 Q. We can see:

13 "However, at the end" --

14 At the -- really at the bottom:

15 "However, the Specialised Prosecution Office has, so far,
16 interviewed some of the former senior figures of the KLA, who after
17 the war were and are part of the Kosovo political scene, such as
18 Rrustem ..."

19 And can we go to the next page.

20 "... Rrustem Mustafa, Sami Lushtaku, Shukri Buja, but also the
21 acting Prime Minister, Ramush Haradinaj.

22 So, Mr. Witness, this article confirms publicly that Shukri Buja
23 was interviewed by the SPO; correct?

24 A. That is correct.

25 Q. So his cooperation with the SPO was already known at the time of

Witness: Witness 7 (Resumed) (Open Session)

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1 the disputed visits of 2023; correct?

2 A. Yes, it's correct.

3 Q. Thank you.

4 MS. MENEGON: I would like to tender it, please.

5 MR. HALLING: No objection.

6 JUDGE GOSNELL: This is admitted.

7 THE COURT OFFICER: Document with ERN DHT1200052 to 00056,
8 English and Albanian, will receive Exhibit 1D00024. Classification
9 is public. Thank you.

10 MS. MENEGON: Thank you.

11 Q. Now I would like to talk about Witness Sokol Bashota. He
12 testified publicly in Case 06; correct?

13 A. Yes, that is correct.

14 Q. So your statement P168 says that he did not benefit from
15 protective measures; correct?

16 A. Yes, that is correct.

17 Q. Can you tell us why the SPO did not seek protective measures for
18 him?

19 A. One of the reasons is, again, that he's well-known and public
20 person in Kosovo.

21 Q. Thank you. And his prior collaboration with the SPO was also
22 public, the fact that he had been interviewed; correct?

23 A. Yes, that's correct.

24 MS. MENEGON: I would like to call DHT1200279-00280. Thank you.

25 Q. This is a press article dated 18 September 2019 from KoSsev TV

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1 entitled "Bashota: 'The special court offered me an agreement,
2 favourable for me but bad for the KLA'."

3 Mr. Witness, had you seen this press article before?

4 A. I don't recall.

5 Q. It says that:

6 "The president of the PDK branch in Klina, Sokol Bashota, was
7 questioned yesterday in The Hague, as he himself admitted, as a
8 suspect."

9 So, Mr. Witness, is it right that this article confirms that
10 Mr. Bashota confirmed to the press that he had been interviewed by
11 the SPO as a suspect?

12 A. Yes, it is correct.

13 MS. MENEGON: Thank you.

14 I would like to tender it, please.

15 MR. HALLING: No objection.

16 JUDGE GOSNELL: This is admitted.

17 THE COURT OFFICER: Document with ERN DHT1200279 to 00280 will
18 receive Exhibit 1D00025. Classification is public. Thank you.

19 MS. MENEGON:

20 Q. Now I would like to talk about another witness, Nuredin Ibishi.
21 He testified publicly in Case 06; correct?

22 A. Yes, that is correct.

23 Q. Pursuant to your statement P169, he did not benefit from
24 protective measures; correct?

25 A. Yes, that is correct.

1 Q. And can you tell us why the SPO did not seek protective measures
2 for him?

3 A. One of the reasons that -- reasons is that Mr. Ibishi is
4 well-known and public figure in Kosovo.

5 Q. And is it true that before the disputed visits of 2023,
6 Mr. Ibishi had already testified publicly before the KSC about the
7 events during the war in another case?

8 A. That is correct.

9 MS. MENEGON: I would like to call DHT1200309-00312. The first
10 figure is DHT12000309 to 312.

11 Q. So this is a press article dated 12 April 2022 from Indeks online
12 entitled "Witness Ibishi: BIA was tasked with supplying the KLA with
13 health and logistical aspects."

14 Mr. Witness, had you seen this article before?

15 A. I don't recall this particular article.

16 Q. We can see that it says:

17 "Nuredin Ibishi is the ninth witness for the Salih Mustafa
18 defence, who testified before the trial panel in The Hague today that
19 the BIA's task was to operate in urban areas in terms of supplying
20 the [KLA] preparations in the Llapi operational area for health
21 issues," et cetera.

22 So, Mr. Witness, is it right that Mr. Ibishi testified as a
23 Defence witness in Case 07 for Salih Mustafa?

24 A. That is right.

25 Q. And is it right that his testimony was reported in the press?

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1 A. That is right, too.

2 Q. Thank you.

3 MS. MENEGON: I would like to tender this item, please.

4 MR. HALLING: No objection, Your Honour.

5 JUDGE GOSNELL: This is admitted.

6 THE COURT OFFICER: Document with ERN DHT1200309 to 00312 will
7 receive Exhibit 1D00026. Classification is public. Thank you.

8 MS. MENEGON: Thank you.

9 Q. *[REDACTED] Pursuant to In Court Redaction Order F770RED.*

10 *[REDACTED] Pursuant to In Court Redaction Order F770RED.*

11 *[REDACTED] Pursuant to In Court Redaction Order F770RED.*

12 Q. And his cooperation with the SPO was also commented in the
13 media, his interviews; correct?

14 A. That is correct.

15 MS. MENEGON: I would like to call DHT1200316-00316.

16 Q. So this is a press article dated 18 October 2019 from
17 *Radio Kosova e Lire* entitled "The Special Court has also sent an
18 invitation to the former KLA superior, Nuredin Ibishi - Leka."

19 Mr. Witness, had you seen this article before?

20 A. I don't recall.

21 Q. It reports:

22 "The KLA War Veterans Organisation has announced that
23 Nuredin Ibishi - Leka has also received an invitation from the
24 Special Court. During the war, Ibishi was a superior in the
25 Llapi Operational Zone."

1 So, Mr. Witness, is it right that this article also reports that
2 Mr. Ibishi was going to be interviewed by the SPO?

3 A. Yes, it is right.

4 MS. MENEGON: I would like to tender it, please.

5 MR. HALLING: No objection to the tender.

6 We do note the time of the examination at this point,
7 Your Honour.

8 MS. MENEGON: I have just last two items and that's finished.

9 JUDGE GOSNELL: This is admitted.

10 THE COURT OFFICER: The document with ERN DHT1200316 to 00316
11 will receive Exhibit 1D00027. Classification is public. Thank you.

12 MS. MENEGON: Thank you. I would like to call
13 SPOE00368758-00368760.

14 Q. So this is a press article dated 20 October 2019 from online
15 *Reporteri* entitled "Former Commander Leka reveals when he will be
16 interviewed by the Special."

17 Mr. Witness, had you seen this article before?

18 A. I don't recall.

19 Q. We can see at the bottom that it says:

20 "'I have been invited as a witness. KLA members have responded
21 to invitations from both local and international justice. I have
22 been invited to be interviewed in The Hague in the middle of next
23 month, on November 14,' Ibishi told Reporteri.net."

24 So, Mr. Witness, is it right that this article confirmed that
25 Mr. Ibishi himself confirmed that he was going to be interviewed by

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1 the SPO and gave the dates of the interview?

2 A. Yes, it is right.

3 MS. MENEGON: I would like to tender this item, please.

4 MR. HALLING: No objection, Your Honour.

5 JUDGE GOSNELL: This is admitted.

6 THE COURT OFFICER: Document with ERN SPOE00368758 to 00368760

7 will receive Exhibit 1D00028, and classification is public.

8 MS. MENEGON: Thank you. And this is my last item.

9 Q. Mr. Witness, is it right that Mr. Ibishi also discussed in the
10 media the events surrounding the war?

11 A. Yes, it is right.

12 MS. MENEGON: I would like to call DHT1200317-00318.

13 Q. So this is an article of 11 December 2019 from *Telegrafi*
14 entitled "Ibishi: There were no war crimes in the Operational Area of
15 Llap."

16 Mr. Witness, had you seen this article before?

17 A. I don't recall.

18 Q. It says --

19 MS. MENEGON: Can we go down, please.

20 Q. At the bottom, it says:

21 "'I was one of the designers of the programmes for young
22 soldiers, because we started with soldiers who previously had no
23 military knowledge or contact with weapons. The first topic was 'The
24 Law of War' - the four Geneva Conventions and the two State Protocols
25 of 1917 [sic].'"

1 MS. MENEGON: Can we go to the bottom.

2 Q. Then it says at the bottom:

3 "'Human Rights, the four Geneva Conventions and the two State
4 Protocols have been respected in the Operational Area of Llapi.

5 "'I am saying with full responsibility that the persons who were
6 detained and released after a few days were treated and adapted to
7 the conditions of detention of both the soldiers and the population,'
8 said Ibishi."

9 So, Mr. Witness, is it right that in this article Mr. Ibishi
10 commented his role and the respect of the Geneva Conventions during
11 the war, a topic discussed in Case 06?

12 A. Yes, it is right.

13 Q. And so he discussed it before he testified in Case 06, he
14 discussed it publicly before he testified in Case 06; correct?

15 A. Yes, it is correct.

16 Q. Thank you.

17 MS. MENEGON: I would like to tender this item.

18 MR. HALLING: No objection, Your Honour.

19 JUDGE GOSNELL: This is admitted.

20 THE COURT OFFICER: Document with ERN DHT1200317 to 00318 will
21 receive Exhibit 1D00029. Classification is public. Thank you.

22 MS. MENEGON:

23 Q. So, Mr. Witness, would it be fair to say that the scope of his
24 anticipated evidence in Case 06 was also already -- to a certain
25 extent, already in the public domain before he started to testify?

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1 A. Yes, it was.

2 Q. Thank you.

3 MS. MENEGON: I have no further questions.

4 Q. I thank you very much, Mr. Witness.

5 A. Thank you very much, Madam Counsel.

6 JUDGE GOSNELL: Before we start with the next cross-examination,
7 can I please canvass the Defence teams for estimates.

8 Mr. Rees?

9 MR. REES: My estimate was previously up to an hour. I don't
10 think I will be that long, but I'd maintain the estimate as an up-to
11 estimate.

12 JUDGE GOSNELL: Mr. Young.

13 MR. YOUNG: Your Honour, I estimate about an hour as well.
14 Thank you.

15 JUDGE GOSNELL: Mr. Edwards.

16 MR. EDWARDS: Five, ten minutes absolute maximum.

17 JUDGE GOSNELL: Mr. Admiraal.

18 MR. ADMIRAAL: No questions at the moment.

19 JUDGE GOSNELL: So in light of that, I think we will release
20 Witness 8 for the day, and we will now take a break until 1.30.

21 Before we do that, could the witness please be ushered out of
22 the courtroom.

23 MR. HALLING: And, Your Honour, just to clarify the schedule, we
24 had 2.30 for the start of the third session on the schedule.

25 [The witness stands down]

1 JUDGE GOSNELL: Yes, that's quite right, 2.30.

2 So we stand adjourned -- Mr. Edwards?

3 MR. EDWARDS: Just very briefly. I wonder if Your Honour could
4 set aside a couple of minutes towards the end of the afternoon
5 session for a matter relating to the defendants' conditional release.

6 JUDGE GOSNELL: Certainly, we can do that.

7 MR. EDWARDS: Thank you.

8 JUDGE GOSNELL: So we stand adjourned until 2.30.

9 --- Luncheon recess taken at 12.57 p.m.

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

11 JUDGE GOSNELL: Madam Court Officer, the witness may be brought
12 in.

13 MS. MENEGON: Your Honour, if I may. During my
14 cross-examination, you invited me to submit a screenshot of a certain
15 video. We have released the PQ with this video which -- sorry, with
16 the screenshot, which is ERN DHT1200454-00454. The Prosecution has
17 indicated to me that they have no objection to the admission of this
18 item so -- which relates to the video 1D15.

19 So I would seek leave that this item and the video are admitted
20 as evidence. Thank you.

21 MR. HALLING: And, Your Honour, for our part, we also have no
22 objection to removing the MFI classification. It's a confidential
23 exhibit.

24 JUDGE GOSNELL: This document is therefore admitted as a
25 confidential exhibit.

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1 [The witness takes the stand]

2 THE COURT OFFICER: Thank you, Your Honour. Document with ERN
3 DHT1200454 to 00454, Albanian and English, will receive
4 Exhibit 1D00015.1, I believe.

5 JUDGE GOSNELL: Thank you very --

6 THE COURT OFFICER: Classification is confidential.

7 JUDGE GOSNELL: -- much.

8 Welcome back, Mr. Witness.

9 THE WITNESS: Thank you very much.

10 JUDGE GOSNELL: Mr. Rees.

11 Cross-examination by Mr. Rees:

12 Q. [REDACTED] Pursuant to In Court Redaction Order F770RED.

13 [REDACTED] Pursuant to In Court Redaction Order F770RED.

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17 [REDACTED] Pursuant to In Court Redaction Order F770RED.

18 [REDACTED] Pursuant to In Court Redaction Order F770RED.

19 MR. HALLING: And, Your Honour, we would ask for any questions
20 on this line to be elicited in private session.

21 MR. REES: Right.

22 Q. In short, Mr. Witness, I will do my best. If there is a
23 slip-up, it is inadvertent. No disrespect intended.

24 Now, you have confirmed that the investigation into this case
25 did not form part of your duties; yes?

Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Rees

1 A. Yes, that is correct.

2 Q. And you told us on Friday that you were not familiar with the
3 specific investigative steps that were taken in this case.

4 A. Yes, this is correct.

5 [REDACTED] Pursuant to In Court Redaction Order F770RED.

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Witness: Witness 7 (Resumed) (Open Session)

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Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Rees

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Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Rees

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Cross-examination by Mr. Rees

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Cross-examination by Mr. Rees

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18 [REDACTED] Pursuant to In Court Redaction Order F770RED.

19 Cross-examination by Mr. Young:

20 Q. So, Mr. Witness, good afternoon.

21 A. Good afternoon, Mr. Counsel.

22 MR. YOUNG: If I may, I'm going to start by asking if we can
23 return to private session, Your Honour, please.

24 JUDGE GOSNELL: Yes, private session.

25 [Private session]

Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

Page 453

Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

Page 454

Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

Page 455

Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

Page 456

Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Rees

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Witness: Witness 7 (Resumed) (Open Session)

Page 459

Cross-examination by Mr. Rees

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6 [Open session]

7 THE COURT OFFICER: Your Honour, we are now in public session.

8 MR. YOUNG: [Microphone not activated].

9 Q. We're in public session. All right? Thank you.

10 Now, I can be a lot briefer now because you've been asked
11 questions by Mr. Thaci's counsel about various public media reports
12 in relation to Mr. Mustafa. You remember that?

13 A. Yes, I remember.

14 Q. And I think you explained that you recalled there were hundreds
15 of media reports by that person?

16 A. That is correct.

17 Q. And, indeed, is it fair to say that the narrative of
18 Remi Mustafa started around about the time of the conflict and went
19 at least some 20 years and continued in the public domain?

20 A. That is correct.

21 Q. And just to cut to the chase, the incident we're dealing with
22 with Mr. Fazliu was in relation to the 2 July visit. But as has been
23 asked about by Mr. Thaci's counsel, it's fair to say that 1 July was
24 a very significant day in Kosovo for the media, was it not?

25 A. Yes, it was.

1 Q. The reason why it was a significant date, was this right,
2 because on 1 July, Mr. Remi Mustafa was effectively front page news
3 over all the media because he was said to be a witness coming here to
4 The Hague?

5 A. That is correct.

6 Q. So on 2 July, would you be expecting it to be a subject of
7 conversation in Kosovo or wherever?

8 A. There was a lot of conversations. That's correct.

9 Q. Right. So let me deal with that. In relation to -- we know --
10 I don't go back over the question of whether it was confidential or
11 public but whether the media got the message, and it seems that they
12 didn't. They reported it as -- in public as a matter of fact. As a
13 result of that reporting in the public domain of Mr. Mustafa's
14 attendance here, were there any calls or meetings required by your
15 office with Mr. Mustafa or not?

16 A. No.

17 Q. I see. Thank you. So were there any security concerns
18 resulting from it?

19 A. There was no security concerns of --

20 Q. Thank you.

21 A. -- Mr. Mustafa.

22 Q. Was there any further work done by your office on Remi Mustafa
23 following the 1 July media reporting or not?

24 A. No.

25 Q. No. I see. Thank you. So, effectively, the media position on

Witness: Witness 7 (Resumed) (Open Session)

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Cross-examination by Mr. Young

1 1 July did not affect your office's workload to any extent?

2 A. No.

3 Q. Thank you.

4 [Microphone not activated]. Forgive me, sorry.

5 You've explained to the Court, very helpfully, what you can
6 discuss in public, and you've assisted the learned Judge. May I just
7 ask you about another matter, and that is whether or not you became
8 aware of a non-case-related reason why Mr. Fazliu may have had to
9 meet Remi Mustafa. So can I now turn to that, all right, and to ask
10 you about your understanding of Mr. Remi Mustafa's relationship with
11 Mr. Fazliu.

12 For example, did you know whether they had a relationship or a
13 friendship?

14 A. I don't know about their --

15 Q. I see.

16 A. -- relationship.

17 Q. All right.

18 MR. YOUNG: Can we have on the screen, please, PQ 11, I believe
19 it is. It's SPOE00287765 to SPOE00287766. Thank you. [Microphone
20 not activated].

21 Q. Can you see, Mr. Witness, there's a photograph here. All right?
22 I'm just going to show you a couple of photographs which come from
23 the Prosecution, and these are images I understand came from
24 Mr. Salih Mustafa's phone. All right?

25 A. Okay.

1 Q. Thank you. So in the first image, have you seen this photo
2 before?

3 A. No, I haven't.

4 Q. I see. Do you know where this is?

5 A. No, I don't know.

6 Q. Can I suggest it's a room inside Mr. Fadil Fazliu's home. All
7 right? And just to describe briefly some of the participants in the
8 photograph. Is it right to say in the middle wearing a light blue
9 shirt is Mr. Fazliu himself?

10 A. Yes.

11 Q. And to his right -- second to his right, is that Mr. Thaci?

12 A. Yes, it is.

13 Q. And to the right --

14 MR. HALLING: I'm sorry, just to clarify for the record. You
15 said "to his right," it's actually to his left. It's to the right in
16 the picture two -- two over is Mr. Thaci.

17 MR. YOUNG: Quite right.

18 MR. HALLING: Yes.

19 MR. YOUNG: I stand corrected.

20 Q. To the right in the picture, do we see Mr. Thaci?

21 A. Yes, I see him.

22 Q. And to his right in the picture, do we see Mr. Remi Mustafa?

23 A. Yes, I do.

24 Q. And then we have some other gentlemen there and -- and so on.
25 Thank you.

1 MR. YOUNG: And then can we go please on to the next -- I think
2 in this presentation queue there are three photographs. Can we go to
3 the second of three, please. Oh, sorry, can we go back to the one
4 before, please. There's somebody I failed to identify that I'd like
5 to identify by the witness.

6 THE COURT OFFICER: Can counsel please provide the ERN number of
7 the relevant --

8 MR. YOUNG: Yes, certainly.

9 THE COURT OFFICER: -- document? Thank you.

10 MR. YOUNG: Yes. ERN number is SPOE00287765 to SPOE0028766.
11 And it's the first of three images, I believe.

12 THE COURT OFFICER: This document has only two pages.

13 MR. YOUNG: All right. I'll just deal with this one. It's
14 fine. Don't worry about it.

15 Q. In this photo, can we see again Mr. Fazliu in the middle; yes?

16 A. Yes.

17 Q. And to the right of him on the photo, second right, Mr. Thaci
18 and Mr. Remi Mustafa; yes?

19 A. Yes.

20 Q. And opposite Mr. Mustafa, to your knowledge, is that
21 Salih Mustafa on the far left?

22 A. Yeah, it looks like him.

23 Q. Yes, thank you.

24 MR. YOUNG: Thank you. And then, I think, can we go on to the
25 next image. Can we please go to SPOE00287773, please.

1 Q. This is the last one I'd like to ask you about. Do you have
2 that? Do you see that, Mr. Witness? Do you see that? I think it's
3 the same individuals, is it not?

4 A. Yes.

5 Q. Thank you. And, again, towards the left of the photograph,
6 third from the left, do we see again Mr. Remi Mustafa and this group
7 of gentlemen; yes?

8 A. Yes.

9 Q. Thank you. That's all.

10 MR. YOUNG: So I seek admission, if I may. Can I tender that,
11 Your Honour, these photographs, please?

12 JUDGE GOSNELL: So I take it, Mr. Young, you wish to tender both
13 items under the queue numbers 11 and 12?

14 MR. YOUNG: [Microphone not activated].

15 Your Honour, I believe there are three images under one
16 presentation queue, queue 11 I believe it is.

17 JUDGE GOSNELL: Well, I myself only see two.

18 MR. YOUNG: [Microphone not activated].

19 JUDGE GOSNELL: Madam Registrar, do you have the ERN numbers for
20 the two -- first of all, I should ask the Prosecution, is there any
21 objection to the admission of the two sets of documents?

22 MR. HALLING: Yes. As Your Honour understood them, we have no
23 objection to that. Yes.

24 JUDGE GOSNELL: Madam Court Officer, do you have the two
25 numbers? Yes. So those documents are both admitted, each comprising

1 two photographs.

2 THE COURT OFFICER: Thank you, Your Honour. The first document
3 with ERN SPOE00287765 to 00287766 will receive Exhibit 4D00001. And
4 the second one with the ERN SPOE00287772 to 00287773 will receive
5 Exhibit 4D00002. And classification for both is confidential. Thank
6 you.

7 MR. YOUNG: [Microphone not activated].

8 Thank you.

9 Q. In that case, we'll carry on, Mr. Witness. Now, in fairness to
10 you, on Friday, you may remember you said you didn't know anything
11 about the detention centre recording transcripts or how they were
12 made. Do you remember saying that?

13 A. Yes, I do remember this.

14 MR. YOUNG: For Your Honour's reference, that's transcript
15 page 89, Your Honour, lines 14, 16.

16 Q. Well, I won't ask you any questions about how they were made,
17 but I do have an important witness-related content issue which is
18 contained in the transcripts which I would like to draw your
19 attention to.

20 [REDACTED] Pursuant to In Court Redaction Order F770RED.

21 [REDACTED] Pursuant to In Court Redaction Order F770RED.

22 [REDACTED] Pursuant to In Court Redaction Order F770RED.

23 [REDACTED] Pursuant to In Court Redaction Order F770RED.

24 A. That is correct.

25 Q. So let's try and break it down into the sort of subtitle

1 headings, if I may. Presumably, you'd been concerned about the
2 contact, any contact between witnesses and possible suspects; is that
3 fair?

4 A. That is fair.

5 Q. You'd be concerned about the type or the nature of the contact
6 with the witnesses?

7 A. Yes, I would.

8 Q. And most importantly, you'd be concerned whether any contact
9 that was apparent was appropriate or not?

10 A. Yes.

11 Q. Whether it presumably appeared to be lawful contact or criminal
12 conduct?

13 A. That is correct.

14 Q. Thank you. Now, may I ask you this. Were you made aware in
15 2023 or subsequently, that in the 2 July 2023 recordings Mr. Fazliu
16 suggested to Mr. Thaci in the recordings, I suggest, a reason for
17 possible contact with Mr. Remi Mustafa in the -- June, July 2023 in
18 relation to a gun incident in Kosovo which was not case-related at
19 all?

20 A. I was not aware of that.

21 Q. It doesn't ring any bells?

22 A. No.

23 Q. No. Well, I'm going to try and assist you. Before taking you
24 to a passage in the covert recordings which directly relates to this
25 gun incident, I'm going to ask you were you made aware that

1 Mr. Fazliu told Mr. Thaci that on the 2 July visit, in effect, that
2 he had contacted Remi Mustafa because a friend of Remi Mustafa's
3 brother was wounded in a gun incident? Did you know anything about
4 that?

5 A. No, I don't know anything about that.

6 Q. Did anyone bring that your attention?

7 A. No.

8 Q. Right.

9 MR. YOUNG: Can we go, please, to the presentation queue. I'd
10 like to turn to -- I think it's P -- Exhibit P105. It's item 3 on
11 our queue in English. It's the transcript of 2 July, item 4 on our
12 queue in English. I think the Albanian version is item 3,
13 Your Honour. And I have the page and line references for the English
14 version but sadly not for the Albanian, apart from page reference.
15 So if I may, can we concentrate on the -- because this is a short
16 point, on the English version, page 52 at lines 19 to 24.

17 Q. Do you see that, please?

18 A. Yes, I see.

19 Q. Thank you. Now, let me just read from lines -- I think the most
20 relevant lines are lines 19 to 25. So if I may, I'll read them:

21 "Fadil Fazliu: I called him to come to a gathering, someone got
22 wounded in Prishtina. A friend was wounded --

23 "Hashim Thaci: Ring him about that [Indiscernible].

24 "Fadil Fazliu: Yes.

25 "Hashim Thaci: This is why [Indiscernible].

Witness: Witness 7 (Resumed) (Open Session)

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1 "Fadil Fazliu: -- a friend of Remi's brother.

2 "Hashim Thaci: Go to him [Whispers] go to him indirectly."

3 Do you see that?

4 A. Yes, I see.

5 Q. Yes. And just to summarise what that effectively appears to be
6 suggesting, does that -- do you agree that that appears to be a
7 reference by Mr. Fazliu to a gun incident where somebody was wounded
8 in Prishtine; is that right?

9 A. That is right.

10 Q. And that the person who was wounded appears to be a friend of
11 Remi's brother. Is that effectively what he's saying?

12 A. That is correct.

13 Q. And do you agree it's a feasible inference, "a friend of Remi's
14 brother" may be a reference to Remi Mustafa's brother?

15 MR. HALLING: Objection. Calls for speculation at this point.

16 MR. YOUNG: I don't accept that at all, Your Honour. With
17 respect, the questioning in the -- given the background and the
18 context, it's clear -- in fact, the Prosecution case is that these
19 were conversations about Remi Mustafa. This is in relation to it
20 being an incident affecting Remi's brother. And so, with respect,
21 the overwhelming inference, it was -- it was -- I'm happy to say this
22 outside the presence of the witness.

23 JUDGE GOSNELL: Well, if the witness is able to comment based on
24 his --

25 MR. YOUNG: Yes.

1 JUDGE GOSNELL: -- personal knowledge --

2 MR. YOUNG: Thank you.

3 JUDGE GOSNELL: -- then I think you can proceed. Perhaps you
4 could just rephrase the question.

5 MR. YOUNG: Yes, certainly.

6 Q. Having regard to what you've just read there and could see
7 there, all right, is it fair to say when Mr. Fazliu is suggesting a
8 friend of Remi's brother was wounded, that may have been a reference
9 to a friend of Remi Mustafa's brother?

10 A. It can be.

11 Q. Yes, it could be. It might not be, but it's an inference, isn't
12 it? Do you know how many brothers Remi Mustafa has?

13 A. I don't know.

14 Q. Right. Now, let me get straight to the point here. Do you
15 know, as being a member of the Prosecution office, a senior member,
16 do you know whether there was any Prosecution investigation into a
17 gun incident in Prishtine which occurred on 23 June 2023 in the
18 evening at the Kafet e Vogla bar?

19 A. No, I don't know.

20 Q. So, in fairness, you cannot assist as to whether the victim of
21 the shooting of 23 June 2023 was, in fact, a friend of Remi Mustafa's
22 brother?

23 A. Definitely, I cannot --

24 Q. No.

25 A. -- because it's not part of my job.

1 Q. So you will not know if there was a victim or what the victim's
2 name was?

3 A. No.

4 Q. You will not know the nature of any injury to the victim?

5 A. No.

6 Q. You will not know whether it was a victim of a gun shooting?

7 A. No.

8 Q. You will not know whether or not one of the alleged suspects of
9 the shooting was, in addition, a contact of Mr. Fahri Fazliu, the son
10 of Mr. Fadil Fazliu?

11 A. No.

12 Q. And, finally, do you agree there is little or no point
13 whatsoever in me then showing you some Kosovo media articles of a gun
14 incident on 23 June at the Kafet e Vogla in Prishtine?

15 A. No.

16 Q. Thank you.

17 MR. YOUNG: Your Honour, if anyone is interested, there are on
18 the Fazliu presentation queue three articles. In Albanian, items 24,
19 25, and 26. In the English, they are items 33, 34, and 35.

20 Q. And just to finish this point --

21 MR. YOUNG: And, Your Honour, these were articles that were in
22 the Kosovo media in public, and the articles named the alleged victim
23 and named the alleged suspect. And if I may, I'd like to ask the
24 witness these two names, all right, unless there's any objection.

25 MR. HALLING: No objection to asking the witness if he knows the

1 names. I think it's quite likely what the answer will be given the
2 testimony thus far.

3 JUDGE GOSNELL: Please proceed.

4 MR. YOUNG: Yes, thank you. Yes.

5 Q. So the names of the persons in the articles were described as
6 and identified as, in terms of being the wounded person, the injured
7 person, a Mr. Meriton Pajaziti. Does that name ring any bells to
8 you?

9 A. No.

10 Q. One of the suspects was named as being Mr. Trim --
11 Mr. Leutrim Krasniqi. Again, does that name ring any bells to you?

12 A. No.

13 Q. Are you aware, Mr. Witness, of an Albanian cultural practice of
14 blood reconciliation that is often used to deescalate conflict and
15 promote peace? It's called *besa*.

16 A. Yes, I'm aware of that.

17 Q. Right. And do you have any idea whether or not it may have been
18 involved in this case in relation to the Fazliu family and the family
19 of Remi Mustafa?

20 A. I am not aware of that.

21 Q. Now, can I suggest to you, Mr. Witness, that this alleged
22 incident was said to have occurred on 23 June 2023. May I ask you
23 this. Do you know why that date I'm suggesting is arguably
24 significant with Remi Mustafa?

25 A. I don't know.

Witness: Witness 7 (Resumed) (Open Session)

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1 Q. Were you aware that the Fahri Fazliu phone contact with
2 Remi Mustafa started on 26 June, some three days later? Were you
3 aware of that?

4 A. I am not aware of that.

5 Q. Were you aware that the first alleged meeting between
6 Remi Mustafa and Fadil Fazliu was on the 29th of June, again, only
7 another three days -- or -- no, my math isn't very -- yes, three days
8 after that?

9 A. I am not aware of that.

10 Q. Do you agree that the timing of it, if these dates are correct,
11 provides another good reason why this gun incident should have been
12 investigated?

13 A. I am -- I am not sure that I understand your question.

14 Q. Okay. I'll start again. It's my fault. The -- do you
15 understand that, effectively, from the transcript, a line of inquiry
16 I'm suggesting should have taken place in relation to whether or not
17 there was a gun incident at all and whether or not it could have
18 related to either the Mustafa family or the Fazliu family?

19 A. It could.

20 Q. Yes. So it would have been an appropriate line of inquiry?

21 A. Of course, one of the lines --

22 Q. Yes.

23 A. -- of inquiry.

24 Q. Do you know whether it was ever investigated at all or taken
25 seriously by the Prosecution?

1 A. I cannot answer this question because it's not within our
2 mandate. So I don't know what -- what is local police is doing in
3 this case. I am not aware.

4 Q. Yes, but, forgive me, the transcripts I've referred you to are
5 2 July, which were transcripts from the Hague prison, they concern
6 your office, the SPO office. And you've told us that you had a
7 relationship, worked alongside the investigators in this case. So
8 what I'm asking you is, are you aware of any investigation into that
9 gun incident at all?

10 A. No, I was not aware.

11 Q. Do you agree that contact with a witness, whether it's criminal,
12 should be investigated, if it's criminal or looks to be criminal,
13 should be investigated, shouldn't it?

14 A. Yes.

15 Q. Yes. And equally, if the contact seems to be innocent, lawful
16 contact, equally should also be investigated?

17 A. That is correct.

18 Q. Thank you. But in this case, is it fair to say that
19 Mr. Fadil Fazliu was never interviewed by the Prosecution about these
20 allegations at all?

21 A. I really don't know because, as I said, this incident is not
22 within our mandate.

23 Q. I hear what you say. I'm going to turn to the final topic then,
24 if I may, and just ask you about one more topic. All right?
25 Hopefully I am under my time estimate.

1 MR. YOUNG: Your Honour, at this stage I'd like to ask for a
2 document to go on the screen. It's an agreed fact. And then I have
3 a few questions of the witness on it, and this is my final topic.

4 So could we have please on the screen -- I think the reference
5 is F00742-A01, and it's an agreed fact in relation to a suspect
6 interview of Remi Mustafa of 18 November 2023.

7 THE COURT OFFICER: I am not able to find this document in the
8 Fazliu presentation queue.

9 MR. YOUNG: Forgive me, yes. It's on our presentation queue.
10 It's -- ah, yes. Well, as it's an agreed fact, and we have a
11 reference number, F00742, I'm not sure it was put on the queue. But
12 I understand the Court has access to -- no, it doesn't. Ah. This is
13 my last document I'd like to take the Court to.

14 JUDGE GOSNELL: How long is the passage, Mr. Young?

15 MR. YOUNG: Your Honour, it's only --

16 JUDGE GOSNELL: Could it be read?

17 MR. YOUNG: -- a couple of pages.

18 JUDGE GOSNELL: I'm sorry?

19 MR. YOUNG: Can I -- I'm going to deal with it paragraph by
20 paragraph. Can I perhaps read it out slowly?

21 JUDGE GOSNELL: Just one moment.

22 [Trial Panel and Court Officer confers]

23 JUDGE GOSNELL: Let's just pause for one moment, Mr. Young, and
24 we'll try and get it up.

25 MR. YOUNG: Thank you, Your Honour. Very helpful.

1 JUDGE GOSNELL: May I ask the Prosecution whether any redirect
2 is planned?

3 MR. HALLING: Well, it's not quite there yet, but none
4 anticipated, Your Honour.

5 JUDGE GOSNELL: Mr. Young, which agreed fact?

6 MR. YOUNG: [Microphone not activated]. Forgive me, the
7 reference I have is F00742, Annex 01. I hope that's correct.

8 MR. HALLING: Yes, Your Honour, what counsel is referencing is
9 the annex to this filing, which is a seven-paragraph set of agreed
10 facts.

11 JUDGE GOSNELL: There we are. And which paragraph, Mr. Young?

12 MR. YOUNG: Your Honour, I'd like to start with 1. I'd like to
13 go through it. It has seven paragraphs.

14 Thank you, Mr. Halling.

15 Q. So, Mr. Witness, do you have that on the screen? Yes, you do.

16 A. Yes, I have.

17 Q. You see that? Thank you. I'd just like to, if I may, just read
18 it, and then I'll ask you a couple of questions when I've finished.
19 All right? So on paragraph 1, it reads:

20 "On 18 November 2023, Rrustem Mustafa [Witness 1] was
21 interviewed by the SPO in Pristina, Kosovo in response to a suspect
22 summons issued the week prior. Witness 1 was interviewed by
23 Mr. Josh Hafetz, who was" --

24 MR. HALLING: Just apologies to counsel. If we could not read
25 the names of the SPO --

1 MR. YOUNG: I'm sorry.

2 MR. HALLING: -- staff members in public session. Mr. Hafetz is
3 fine, but just for the other ones in this same document.

4 MR. YOUNG: With pleasure. I don't think there are any more,
5 but it's point taken.

6 Q. "... who was assisted by SPO investigator," and then we have a
7 name, "and an Interpreter," and a number. "The interview began at
8 9:32 am and ended at 10:06 am. It was an audio and video recorded
9 interview held at the EULEX facility in Pristina."

10 You see that? Yes?

11 A. Yes, I see that.

12 Q. And then at paragraph 2, does it read:

13 "Witness 1 was told: 'The SPO is investigating allegations of
14 serious international and transboundary crimes in Kosovo and in parts
15 of the Republic of Albania between 1998 and 2000. The SPO is also
16 investigating obstruction of the administration of justice related
17 offences that fall within the scope of the SPO's mandate.'"

18 Paragraph 3:

19 "Witness 1 was further told that, if he did make a statement, he
20 was expected to 'tell the truth during the interview,' and warned
21 that 'If you give a statement that is untruthful, you could be
22 prosecuted before the KSC pursuant to Article 15[2] of the Law
23 establishing the Kosovo Specialist Chambers.' He was advised of his
24 right to an attorney but knowingly, voluntarily and willingly waived
25 the right to an attorney."

Witness: Witness 7 (Resumed) (Open Session)

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1 Is that right?

2 A. That is right.

3 Q. And then paragraph 4 reads:

4 "Witness 1 was told that the SPO was mandated to investigate
5 certain criminal offences from 1998 to 2000, upon matters he had
6 testified about in July 2023, as well as 'any attempts to obstruct
7 the prosecution or trial of that case. And, specifically, any
8 attempts to interfere with the testimony of witnesses such as
9 yourself.' Witness 1 was told that the prosecution had collected a
10 significant amount of additional evidence in addition to what was
11 recovered from his phone."

12 End of paragraph.

13 Paragraph 5:

14 "Before any questions from the prosecution, Witness 1
15 volunteered that: 'What I said before the Court was public and was
16 related to the past. No one has interfered regarding me, and no one
17 can interfere. This time, I will reply before you through silence.'"

18 Paragraph 6:

19 "Witness 1 further added that: 'I'm not going to talk about
20 things that I have already talked about. What I said is exactly like
21 that, and I also defend what I said. Even today.'"

22 Do you see that?

23 A. Yes, I see.

24 Q. And does the final paragraph reads as follows -- I think it's
25 the final paragraph.

1 MR. HALLING: Yes, actually, this note seems to have two
2 paragraph 7s.

3 MR. YOUNG: Ah, I see.

4 MR. HALLING: So there's two left.

5 MR. YOUNG: Sorry. Yes, I think one's a typo.

6 Q. "The Prosecutor then explained that he was not here to ask him
7 about his testimony in July 2023, or about the facts from 1998 to
8 2000, but instead sought to question him about things in June and
9 July 2023, and on the contacts in his phone who sought to meet him
10 before and after his testimony. Witness 1 responded that 'I
11 understand what you're talking about. You have all my contacts.
12 They aren't important. They continue being my friends. I also meet
13 them nowadays. Everything I have done with them -- everything I have
14 said to them or I have done with them, I can also -- I still can keep
15 saying or keep [indiscernible].' Witness 1 added that 'I do not wish
16 to add anything to what you already know. I know that it is easy to
17 understand for whoever investigated me that I'm not a person who can
18 be influenced.'"

19 Then paragraph -- I think it's meant to be paragraph 8, but it
20 says 7:

21 "At the end of the interview, Witness 1 confirmed that, to the
22 best of his knowledge and belief, the content of the statement given
23 during this interview was true and accurate, and that he had nothing
24 further to add. He confirmed that he had been given the opportunity
25 to clarify or amend, made his statement voluntarily, had not been

1 forced or threatened, nor given any promises or guarantees in return
2 for making the statement, and had no objections to the manner or
3 process by which the statement was taken."

4 Right?

5 A. That is right.

6 Q. And does it go on -- I think that's -- sorry, that's the end of
7 it. That's the end of the agreed facts.

8 MR. YOUNG: And for Your Honour's reference, Your Honour may
9 recall that reference to this -- in fact, a summary of this,
10 effectively, was also referred to, for Your Honour's note, in the
11 Prosecution pre-trial brief, and if Your Honour wishes the reference,
12 page 20, paragraph 47.

13 Q. So in conclusion, Witness 7, is it right to say that your
14 colleagues in the Prosecution interviewed Witness 1 about the alleged
15 attempted interference in June, July of the same year?

16 A. That is correct.

17 Q. And is it right to say these are essentially the same
18 allegations Mr. Fazliu faces today?

19 A. That is correct.

20 Q. But Witness 1 was clear, was he not, that no one had interfered
21 with him?

22 A. That is correct.

23 Q. And, indeed, can I finally suggest this, that nor did Witness 1
24 in any interview, at any stage, suggest that anybody had even
25 attempted to interfere with him or obstruct him; is that right?

Witness: Witness 7 (Resumed) (Open Session)

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1 A. That is right.

2 Q. Thank you, sir. These are my questions.

3 MR. YOUNG: [Microphone not activated] ... tender some items.
4 Could I deal with it now or is this an inconvenient time?

5 JUDGE GOSNELL: Yes, please.

6 MR. YOUNG: Yes, thank you. Your Honour, I'm told, I'm sure
7 correctly, that in relation to -- although I think I gave the Court
8 the PQ numbers for the gun incident media reports, there are three
9 different media articles, I'm told to seek admission and tender them.
10 I need to ask the witness about them. So can I ask for them to be,
11 the three, briefly put on the screen and shown to the witness?

12 If there's another way around it, I'm happy to just give
13 Your Honour the ERN references and PQ numbers.

14 JUDGE GOSNELL: Mr. Halling.

15 MR. HALLING: The witness couldn't have been clearer that he
16 knows nothing about this at all. If admitting those items on the
17 record will resolve this issue so that no further questions are
18 needed, we have no problem with them being admitted.

19 MR. YOUNG: Thank you. That's very helpful. In these
20 circumstances, Your Honour, can I take Your Honour through the
21 references in English and Albanian?

22 JUDGE GOSNELL: Yes. These are on your presentation queue?

23 MR. YOUNG: They are, Your Honour. Yes, the first one is, in
24 English, PQ 33; and in Albanian, PQ 24. Your Honour, the English ERN
25 is reference DFF00153 to DFF00156. The Albanian ERN is DFF00121 to

1 DFF00125.

2 The second -- and that's a kallxo.com article. [Microphone not
3 activated].

4 Your Honour, the English ERN is, I'm told, DFF00153 to DFF00156.
5 And the Albanian ERN is DFF00117 to DFF00120. Forgive me.

6 Your Honour, that was -- just to give some context and describe
7 it, Your Honour, that was a kallxo.com article entitled "Shooting at
8 Kafet e Vogla in Pristina, one person injured," dated 23 June 2023.

9 Moving on to the second article. Your Honour, this is
10 entitled -- it's a sinjali.com article entitled "The injured man
11 [is]" -- I can't pronounce that, but "Vranjevc is suspected of
12 attempted murder in June at the 'small cafes' - he has a criminal
13 past," dated 4 October 2023. It's in the presentation queues at 25
14 and -- in Albanian, and 34 in English, I'm told. And the -- the
15 English ERN, I'm told, is DFF00162-DFF00164. The Albanian ERN is
16 DFF00126 to DFF00128.

17 Then the final article, if I may, is entitled -- it's a
18 sinjali.com article entitled "Incident at 'Kafet e Vogla': This is
19 the person who was injured by gunfire." It's dated, Your Honour,
20 23 June 2023. It's at presentation queue 33 in English and
21 presentation queue 26 in Albanian. I'm now being told it's 35 in
22 English, apologies, and 26 in Albanian. And the ERNs are, in
23 English, DFF00165 to DFF00168. In Albanian, the reference I have is
24 DFF00129 to DFF00132.

25 And, Your Honour, respectfully, we tender them for admission.

1 JUDGE GOSNELL: In light of the Prosecution's position, these
2 three documents are admitted.

3 THE COURT OFFICER: Thank you, Your Honour.

4 The first document with ERN DFF00153 to 00156, I believe it's
5 the English version, and corresponding Albanian version with the ERN
6 DFF00117 to 00120, will receive Exhibit 4D00003. The second one with
7 ERN DFF00126 to 00128, Albanian version, and English version DFF00162
8 to 00164, will receive Exhibit 4D00004. And the last one with ERN
9 DFF00165 to 00168, English version, and DFF00129 to 00132, Albanian
10 version, will receive Exhibit 4D00005. Thank you.

11 JUDGE GOSNELL: Mr. Edwards.

12 MR. EDWARDS: Yes, I have a few questions. I hope I'll be
13 finished by 4.00.

14 Cross-examination by Mr. Edwards:

15 Q. Good afternoon, Mr. Witness.

16 MR. EDWARDS: I'm going to go back, Your Honour, to some
17 questions asked by my learned friend for Mr. Thaci, and I'm going to
18 have to go into private session, please.

19 JUDGE GOSNELL: Private session, please.

20 [Private session]

21 [Private session text removed]

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Mr. Edwards

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Mr. Edwards

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Mr. Edwards

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Mr. Edwards

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Witness: Witness 7 (Resumed) (Private Session)

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Cross-examination by Mr. Edwards

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13 [Open session]

14 THE COURT OFFICER: Your Honour, we are now in open session.

15 JUDGE GOSNELL: Thank you very much to everyone around the
16 courtroom who have provided the additional support going over time.

17 We stand adjourned until tomorrow morning at 9.30 a.m. for the
18 testimony of the next witness, which is Witness 8. Thank you very
19 much.

20 --- Whereupon the hearing adjourned at 4.05 p.m.

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