

18 A. The meeting was a few days after that. I can't give you an exact
19 date.

20 MR. SHIN: Your Honour, if we could please go into private
21 session for the next area.

22 JUDGE PARKER: Yes.

23 [Private session] [Confidentiality lifted by later order of the Chamber]

24 MR. SHIN:

25 Q. Witness, you testified on Friday that you had registered with the

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1 KLA at -- at the barracks, a barracks were soldiers were staying. How
2 many soldiers were staying there, as far as you can recall?

3 A. Some 10 or 15 soldiers.

4 Q. And did you -- did you yourself stay at that barracks at some
5 point?

6 A. Yes. If you mean Jablanice, yes.

7 Q. Yes, I do mean Jablanica. Approximately how long did you stay
8 there at those barracks?

9 A. I don't know exactly how long we stayed, but even after I left
10 that place, I used to go there quite often.

11 Q. You -- do you know approximately when it was that you stayed
12 there, even if I don't recall exactly how long it was that you stayed
13 there?

14 A. Are you asking me about the time I went there or...

15 Q. I'm sorry, my question wasn't clear. Can you tell us what --

16 when it was that you were staying at the barracks in Jablanica, and you

17 can do that by what month or months it is was, or by any other way that

18 you can explain that.

19 A. I stayed there when I first went. That is, in April. Up to

20 early May. But during the time we also left the place, we went to other

21 places, to other surrounding villages. After 21st of May, I remember

22 that I personally went back there again.

23 Q. If we could just focus on -- on April first -- sorry, on the

24 month of April.

25 Apart from the 10 or 15 soldiers including yourself staying

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1 there, was there -- did you see anybody else who was there?

2 A. Yes, I have seen, but I'm not getting the point of your question.

3 Q. Were you aware of any persons who were being detained there?

4 A. Yes.

5 Q. When did you first become aware of this?

6 A. I learned that for the first time on the day I went there.

7 Q. Did you see anyone who was being detained there at that time?

8 A. Yes, I've seen two persons.

9 Q. Could you tell us who they were?

10 A. Afrim Morina, from Gjakova, someone by the name of Idriz, he was
11 from Polac of Drenica. He lived in Prizren at that time before he was
12 taken to that place.

13 Q. Could you describe to us where in those barracks you saw those
14 two people?

15 A. They were in the same building where I too stayed for some days.

16 Q. Could you tell us more specifically where in that building you
17 saw these two people?

18 A. In the same building that I stayed, meaning that this was the
19 only building that was like a barracks, if you like, where soldiers
20 stayed.

21 Q. Perhaps if I could ask it this way: Could you please describe
22 the barracks, the physical layout?

23 A. Yes. It is located at the -- the exit of Jablanice village. In
24 the direction where you live Jablanica, in the direction of Decane. It
25 is on the right side of the road. There were two big wooden gates. One

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1 part of it was covered. When you enter the gate on the left side of the
2 yard, there is a small house with four rooms. It is a bit higher from
3 the ground. It had a small cellar when you entered it, on the left side,
4 in the next room -- in the second room was where we stayed. That was the
5 place where I saw those two persons.

6 Q. In the room where you saw those two persons, was -- was the door
7 locked?

8 A. No, it was not.

9 Q. Were there -- were there any guards at the door?

10 A. I can't say that there were guards in the proper sense of the
11 word because we soldiers could go in, could go out. There wasn't
12 somebody designated to be a guard.

13 Q. Were there any guards at the house, if not actually at the door?

14 A. Yes. At the entrance we used to -- to be guard, to stand there
15 and guard in shifts by three or four hours.

16 Q. Now, turning back to the two persons that you say that you saw
17 there and beginning with Afrim Morina. What was his physical condition
18 when you saw him?

19 A. I used to know Afrim Morina, but when I saw him there, he wasn't
20 in a good state. He was beaten. There were some signs on his face. He
21 used to wear glasses, reading glasses.

22 Q. The translation said that there were some signs on his face.

23 Could you explain that, please?

24 A. Yes. Signs, meaning when somebody hits you, you know, and you
25 can find the injuries, you can see the marks of injuries or the scars on

1 the face.

2 Q. And what was the physical condition, as far as you saw, of the
3 other person, this Idriz?

4 A. His physical condition was also bad. He was shrunk. He too had
5 signs or marks. I can't tell you whether there were many of them or not,
6 but there were some.

7 Q. Why were these two persons being held there?

8 A. To my recollection, from what I heard there, also from Afrim
9 directly and also from Idriz, Idriz came from Drenica, and he said that
10 he had talked with someone from the KLA there. He came to Dukagjin
11 plateau to find someone to find arms. Afrim was his friend. Afrim was
12 someone who had been engaged in activities or in the organisation field
13 regarding the Kosovo issue. They met and they came together. And they
14 asked for weapons. I'm not clear but this is how it was then. This is
15 what both of them told me.

16 When they came to the headquarters, they were told that, We will
17 talk with the leader who sent you here. Idriz said to me that somebody
18 which the pseudonym of Lisi, this is what he told me, that is Idriz,
19 after contacting that certain Lisi, they told him that you are lying,
20 nobody has sent you. You have come here to gather information and this
21 is where the bad thing that happened to them started.

22 Q. And when you say that this is when the bad thing that happened to
23 them started, could you explain what you mean by that?

24 A. By this I mean their maltreatment. And the scars and the signs

25 that I saw with my own eyes.

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1 Q. Do you know how long those two were in that barracks in detention

2 in Jablanica?

3 A. I don't know exactly, but I know that when I went there, they

4 were there.

5 Q. Could you say roughly. Were they there for more than a week or

6 less than a week?

7 A. I don't know. I didn't discuss this so I cannot tell you whether

8 it was one or two weeks.

9 Q. Do you know what ultimately happened to Afrim Morina and to this

10 Idriz?

11 A. I met Afrim much later, maybe it was even earlier that I met him,

12 but I remember meeting him sometime in August. I'm not certain about the

13 time. I can describe the conversation I had with him. He told me that I

14 left and I went to Baran, in Azem municipality [phoen] [as interpreted],

15 under the command of Tahir Zema. They had barracks there. It was in

16 August after I returned to Jablanica for some days. I was in Jablanica

17 with some friends of mine whom I knew from the past, when I was a

18 soldier, and I said so him, Are you coming? No, he said, because you

19 know what I have been through. I know that he told me that he was

20 injured at the entrance to Gllogjan. I said I went there as
21 reinforcements and he was injured on his arm. He showed me the wound.
22 He showed me also about Idriz. He said, Yes they accepted him as a
23 soldier. He participated in the attack on Jablanica. He wasn't good
24 enough and he was killed by the Serbs. Then he was massacred, he said.
25 Q. And just so that we're clear, when you say that Afrim told you

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1 that hes with a soldier and that Idriz had become a soldier, what -- who
2 were they soldiers for? Was that -- I'll leave it at that: Who were
3 they soldiers for?

4 A. They were KLA soldiers, but I -- but I know that Afrim went to
5 Jaran [phoen], whereas Idriz to Jablanice headquarters.

6 Q. Did you see other people who were being detained at those
7 barracks in the month of April?

8 A. I don't remember.

9 Q. Did you see anyone there who was detained in the month of May?

10 A. Yes. In May, on the 21st of May, I saw two.

11 Q. Could you --

12 A. They were tied up.

13 Q. I'm sorry to interrupt. Could you tell us who it was that you
14 saw?

15 A. Their names I don't know.

16 Q. Was there anything that you did know about them, if not their
17 names?

18 A. Those two persons on the 21st of May in the morning, that day
19 that I participated in the front fighting where a friend of mine got
20 killed, I saw them earlier. They said that they were Roma or Gypsy -
21 this is what is what we say - they suspected them of something. I didn't
22 see them anymore that day and I wasn't interested in them. When we
23 returned on the same day in the evening, I know that I saw them in that
24 part that was covered, it was lam [phoen], we called it, like a stable.
25 They were tied with a wire and I know that they were son-in-law and

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1 father-in-law. That is, they were in-laws.

2 Q. And just to clarify, when you say that you saw them in that part
3 that was covered, is that a part of the barracks in Jablanica?

4 A. Yes.

5 Q. And when you tell us that they suspected them of something, who
6 is the "they"? Who suspected these two persons of something?

7 A. The fact that they were tied up means that they were suspected of
8 one thing or another. I can't tell you who suspected of them, because I
9 didn't know who brought them there.

10 Q. Did you learn anything about what it was that they were suspected
11 of?

12 A. No, I don't know. I can't tell you.

13 Q. What was the physical condition of these two people when you saw
14 them?

15 A. I can't describe that. I can't describe it in fact.

16 Q. Do you know what ultimately happened to those two persons?

17 A. No. I do know that Lahija, my first leader, said that I will
18 sent them to Drenica. I heard him say that. I don't know -- remember
19 with whom he was talking when I heard that. At that time, these words,
20 meaning if you send somebody to Drenica, you will see the end of that
21 person. That person was supposed to be executed.

22 Q. Did anyone tell you specifically that that's what that phrase
23 meant?

24 A. That was a phrase that was constantly used that. Was the meaning
25 of that phrase that I knew.

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13 English transcripts.

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1 Q. Witness, was there somebody else at that barracks at some point

2 that was detained, someone that you knew from before?

3 A. Yes.

4 Q. Who was that?

5 A. There were two persons. I met them when I was coming from

6 Albania. I don't know exactly at what time I met them. It might have

7 been the beginning of July or the mid-July.

8 Q. Can you tell us the names of those two persons?

9 A. Yes.

10 Q. And what are those name, please. We are in private session.

11 A. Yes, I know. Pal Krasniqi from Kline and Skender Kugi from a

12 village close by to the village that I come from.

13 Q. What was the physical condition of those two persons when you saw

14 them?

15 A. That day I stopped before the door, I was with a group of

16 friends. They were from Drini Valley. Most of them were Catholics some

17 of them I knew from before. We were returning from Albania. We stopped

18 there because I used to go to that headquarters to meet some friends.

19 When we went inside I saw those two persons. Lahi had told me, Do you

20 know them? Do you know your neighbour? I said, Yes, what has he done,

21 why is he here, I said. You -- you don't know that he was a big fish,

22 meaning a big spy. This is how I understood the word to mean. He said,

23 he has worked for UBD, Yugoslavia secret service and then I asked, I

24 asked I talked with Pal because his brother is a friend of mine, even

25 today. And for the sake of his brother, I asked him he said, I don't

1 know why I'm here. I came here to enlist to become a KLA soldier. I
2 stayed as a soldier for one week and then they suspected me to be a spy
3 and they brought me here, he told me. I saw it with my own eyes. He was
4 maltreated. He was reading a book that I saw him.

5 Q. And when you say he was maltreated could you explain briefly how
6 he looked?

7 A. I don't know how to put it. Somebody beats you, you can see the
8 marks of the beating. You can always tell when somebody is badly beaten.

9 Q. Did either of these two persons say anything to you about the
10 accusations against them, that they were a spy, or a big spy?

11 A. Didn't tell me anything. Pal told me that. After Lahi left
12 together with Bandash. I don't know his true name even now. I asked Pal
13 myself. I told him Pal tell me, why are you here, what have you done?
14 He said, They have maltreated me greatly. They forced me to admit to
15 them that an inspector from Peja sent me to get information from KLA. He
16 said, Then I accept it because they were beating me and I said Yes, and I
17 said to him You shouldn't have accepted this but I understand what it
18 means to -- when you are forced to admit something, because I tried it on
19 my own back at a later time.

20 Q. Just so that we're clear when you say he told you that he had
21 been forced to admit that an inspector had sent him to get information

22 about the KLA, and inspector for whom?

23 A. It was an inspector from Peja. His name was Aca. Almost
24 everybody in Peja knew that person. An inspector is somebody who is
25 supposed to capture people who commit a theft or rob something.

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1 Q. I'm sorry, just to be clear, this is -- who does this inspector
2 work for?

3 A. He worked for the Serb service.

4 Q. Could you explain, if you know, what ultimately happened to
5 Skender Kugi and Pal Krasniqi?

6 A. When I left them the day, I went towards Malisevo. It was July.
7 This is what I remember, if I am not wrong even though much time was
8 elapsed. Then we arrived in Drenica and towards Likovc there are several
9 villages there. Isdrime [phoen] was the last point. When you come from
10 Kline and between Kline and Istog then we went in that direction right at
11 Drenace village. Then I borrowed a car from a friend and we drove -- all
12 over those villages to arrive at the village where my family lives. I
13 met my relatives and I told my uncle about these two persons whom he too
14 knew. I told him they were suspected of being collaborators, of being
15 spies. My uncle said I don't believe that, because -- we were talking
16 more about Skender because he said Skender was a person whom he knew, and
17 there were many persons -- there were certificates to prove that he sent

18 foodstuffs to the KLA, food provisions. And my uncle said, I don't
19 believe that, because he will to work with the Serbs. He had to get
20 commodities, goods from them. But I don't think he has -- he is a spy,
21 so he told me. If you can do something about him, please do that, to
22 save him.

23 (redacted)

24 (redacted)

25 (redacted)

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1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 I don't know about Pal. After the offensive, after the attacks,

7 I heard that -- it was September -- I don't know what happened to them

8 after that. I met his brother after the war. He said I don't know, his

9 (redacted)

10 with him I told him -- I went to KLA that he had no heard about him after

11 that.

12 Q. And after -- after Skender died, do you know what happened to the

13 body?

14 A. Yes. He was buried nearby. There was a building meant to be an
15 ambulance it was not finished yet. He was buried behind that building.
16 I heard that his family tried to find out about him. They wanted to take
17 away his body from that place. Somebody in Jablanice told me that they
18 took him to another place where some relatives of his were living. This
19 is what I heard. I didn't see it with my own eyes.

20 Q. Do you know where he was ultimately buried?

21 A. I thought first he was buried in Jablanice. Then his body was
22 buried in Irzniq. Some soldiers accompanied him. I don't know where.
23 This is what I heard, that he was buried in Irzniq.

24 Q. And who did you hear this from?

25 A. I heard this in Jablanice. From some friends.

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1 Q. When you say some soldiers accompanied him, what does that mean?

2 A. I heard. This is what I heard, I'm saying. That some soldiers
3 accompanied him and that he was buried with military honours. This is
4 what I heard.

5 Q. Did you speak to anyone about the fact that you had heard that he
6 had been buried with military honours?

7 A. Yes. I talked with Lahi about that. Asked him, I told him that
8 I have heard that he was buried with military honours. I remember you
9 telling me that he is a spy. And you -- how come you didn't know him

10 even though he was your neighbour? He said, Forget about that. These
11 are rumours. So I didn't pursue it further.

12 Q. And you mentioned Lahi and you mentioned him a couple of other
13 times.

14 When you mention Lahi, is that the same person? I'm sorry, let
15 me ask this first. Who is Lahi when you talk about him here?

16 A. Lahi is the same person that I have been mentioning all over
17 here, in my statement. His name is Lahi Ibrahimaj. His pseudonym was
18 Magjupi first. That is the person that I'm talking about.

19 Q. And when you say that Lahi told you that these are rumours what
20 was he talking about? They were rumours that he was a spy or there were
21 rumours that he was buried with military honours?

22 A. He meant that they were words. Words he meant, the military
23 honours. He said, Forget about them that is not true. This is what the
24 implication of his word. That was the answer to my question, when I
25 asked him, that I heard that he was buried with military honours.

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1 Q. Witness, apart from the persons that you have named, if you could
2 just answer yes or no to this question. Did you see other persons being
3 detained at Jablanica in that barracks?

4 A. Yes.

5 Q. You've mentioned -- some of the people you have mentioned have

6 been -- you mentioned that they showed signs of being beaten. Did you

7 actually yourself see these people, these detainees being beaten?

8 A. Yes, I've seen them.

9 Q. And just from what you've seen, could you name some of the people

10 that you saw carrying out these beatings, if you know their names? And

11 bearing in mind we are in private session.

12 MR. GUY-SMITH: Excuse me Your Honour, I'm going to at this point

13 interpose an observation. Which I think is more than just being on --

14 it's Monday I had had some rest over the weekend. But this entire line

15 of questioning is outside the matters charged in our indictment, it deals

16 with an entirely different geographical area. Deals with an entirely

17 different participants. I believe I understand some of the reason why

18 the Prosecution may be seeking this testimony. However, they are in a

19 better position than I, of course, to explain that to the Court if need

20 be. But with regard to the last question asked which is the names of

21 people, unless those names are in some way connected to people who are on

22 trial here, I think that it stretches the bound the relevance.

23 JUDGE PARKER: Mr. Shin.

24 MR. SHIN: Your Honour, I believe Mr. Guy-Smith anticipated my

25 response, which is that these -- these events do go to the widespread or

1 systematic nature of these incidents.

2 JUDGE PARKER: And the names?

3 MR. SHIN: I'm sorry?

4 JUDGE PARKER: The names.

5 MR. SHIN: With regard to the names I would submit that the names
6 of these persons engaged in these beatings go to first of all,
7 completeness of the story. And secondly, they go to some indication of
8 the nature of this widespread and systematic event. In other words, and
9 I don't wish to anticipate too much the witness's testimony on this
10 point, but the persons who are involved in it, the persons who is are
11 involved in the direct beatings do reflect the manner in which these
12 incidents were carried out in this particular place, and we would submit
13 that is this a as spent of the widespread and systematic nature of these
14 crimes which is relevant to this case.

15 JUDGE PARKER: Thank you.

16 Carry on, Mr. Shin. The decision is that there is a potential
17 relevance.

18 MR. SHIN:

19 Q. Witness, bearing in mind that we are in private session, of the
20 beatings that you saw yourself now, that yourself saw, can you name some
21 of these -- can you name the persons that you saw carrying out those
22 beatings?

23 A. Before I give these names, is it possible to make an explanation?

24 I think it is useful to the Court and to the counsel as well. If I'm

25 allowed to make it.

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1 Q. Witness, if you could please try answering the question first and

2 then provided an explanation. Could we do it that way?

3 A. Yes. I saw Lahi Ibrahimaj, when he beat Jah Bushati which I

4 didn't mention. I saw Togerri. Idriz Bala was his name. I learned it

5 later. In the beginning nobody knew it. He came to the Jablanica

6 headquarters. Anybody he found he would beat them. I saw Bandashi. The

7 same thing. I could say the same thing about him as well. I saw Muftari

8 and from what I know he was the person that took Jah Bushati and brought

9 him to the headquarters. And another one Xhevdeti, he was from

10 Jablanica. I saw him once. I did not see him the same as the other

11 people in the sense that...

12 Q. Witness, did you wish to provide an explanation to that now?

13 A. Yes, if I'm allowed to.

14 Q. Yes. Please go ahead. Please go ahead and provide an

15 explanation of your answer.

16 A. It is very difficult for me to be here and testify. I am an

17 Albanian; that's what I think, at least. But there are people who are in

18 a more difficult position than me because -- because they have been

19 accused. The people that I mentioned earlier and people of the same --

20 of the same ilk, they have called me a traitor. Well, I've been in

21 prison in Nis for three months and three days.

22 THE INTERPRETER: Interpreter's correction: Imprisonment was for

23 three years and three months.

24 THE WITNESS: [Interpretation] I asked for a private session here,

25 because there are many criminals at large in Kosovo now. They have

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1 killed many people during the war and after the war as well. It was a

2 very difficult situation after the war. I have had threats, there have

3 been threats to my family, to my father --

4 MR. KHAN: I apologise for interpreting up the witness. And I

5 know we are all very grateful that he has come to come to the Court to

6 give his evidence and for Your Honours to assist that. But Your Honours,

7 there is a difference between explaining testimony and going on a detour

8 about matter about which in fact have not been raised in

9 examination-in-chief and I would ask Your Honours to -- exclude the

10 witness commenting on matters which have not in fact been sought to be

11 elicited in examination-in-chief. By all means, an explanation in

12 relation to evidence but not in relation to collateral matters which need

13 not engage your Your Honours' time.

14 JUDGE PARKER: Thank you, Mr. Khan for having concern at the time

15 but in the personal and political circumstance, think in fairness to the

16 witness, he should be allowed to express these matters that concern him
17 deeply about his evidence.

18 If there is more that you wish to say.

19 THE WITNESS: [Interpretation] Thank you. I don't want to take
20 too much of your time myself. But these are many things that have
21 followed me all the time, from the time of the war, in the prison, and
22 now as well. And it's been very difficult for me to come here and give
23 evidence. And that's why I have asked for it to be a private session.
24 It's because of my family, of my relatives. There are many people who
25 don't know about the things that have happened. Many people have been

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1 killed after the war in Kosovo. They were innocent, they were killed
2 only because they believed in one party or another party. I don't belong
3 to any party, but I never said things that did not exist or did not
4 happen, although I have been called a traitor. Those people can well
5 remain there where they are in their lofty positions as patriots, while I
6 am here.

7 This is an international court. This is not a court about Serbia
8 as it's been called in Kosovo. And that's why I would like to apologise
9 if I make any mistakes or give inaccurate dates because it's been a long
10 time and I can't remember all of the things as they happened and I'm very
11 excited and nervous at this moment. That's all.

12 JUDGE PARKER: Thank you very much.

13 Yes, Mr. Shin.

14 MR. SHIN:

15 Q. Thank you, Witness. To the best of your knowledge what was Lahi
16 Ibrahimaj's position at Jablanica?

17 A. At his home.

18 Q. I'm sorry my question may have come unclear. What was his --
19 what was his position within the KLA at Jablanica?

20 A. In the beginning when I went to Jablanica, he was a commander. I
21 can corroborate that with another fact. Because at the moment I went
22 there to the barracks from the headquarters -- the headquarters was
23 Lahi's house -- when I was sent to be admitted as a soldier. I met
24 Leopardi. He admitted me as a soldier. He accepted me there.

25 But how I knew that Lahi was a commander. This was because many

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1 people from the village came, some in uniform, some without a uniform,
2 they came from various villages, and there was a list that he made that
3 he put -- posted at the gate of the barracks and this list described the
4 people who had the right to go inside the barracks and the first name
5 there was Lahi Ibrahimaj's name. There were other names as well but
6 this is the fact that showed me that he was the leader there.

7 Q. As far as you know, was there anyone in a more senior position to

8 Lahi Ibrahimaj in Jablanica?

9 A. As far as I know, no.

10 Q. Very briefly on Jah Bushati. Was he -- just to confirm: Was he a
11 detainee at Jablanica?

12 A. Yes, I said it earlier. Jah Bushati was stopped by Muftari. He
13 was traveling from Kosarice to Dukagjin in the direction of Jablanica.

14 There is a hill there. There is a river as well the Betonaj River
15 [phoen] and he was stopped on the way. Muftari brought him to Jablanica.

16 Q. Do you know why -- do you know why Jah Bushati was stopped and
17 why he was brought to Jablanica?

18 A. I don't know. I can't say anything concrete about this. He was
19 stopped because he had done some spy work. A day or two before that,
20 somebody had been shot. This person was with his brother and his brother
21 escaped. This was a person call the Shala from Buqan. But I don't know,
22 I can't -- maybe his surname, I can't give you his surname. So one of
23 them was killed and the other injured. And later, in Jablanica, I heard
24 that Jaha had something to do with this.

25 Q. Witness, was there a time in 1998 when you left Jablanica and did

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1 not return?

2 A. Yes, I left.

3 Q. And when was that, as far as you can recall?