



District Court of Prizren  
Sitting at the premises of  
The District Court of Gjilan/Gnjilane

P. No. 85/2005

### MINUTES OF THE MAIN TRIAL

Date of Proceedings:	17 May 2006
Venue of Proceedings:	Courtroom of Gjilan District Court
Presiding Judge:	Vinod Boolell, International Judge
Panel Members:	Leonard Assira, International Judge Nurul Islam Khan, International Judge
Public Prosecutor:	Paul Flynn, International Public Prosecutor
CD Legal Officer:	Andrey Antonov
Defence Counsel:	Mahmut Halimi, Rexhep Hasani, Fatmir Celina, Ethem Rogova, Mexhid Syla and Fazli Balaj
Accused:	Selim Krasniqi, Bedri Zyberaj, Xhavit Elshani, Isuf (Sherifi) Gashi, Islam Gashi and Agron Krasniqi
Witnesses:	Witness "Z" and Witness "TT"
Court Recorders:	Nina Marie and Gwen Cheong
Interpreters:	Ilda Daci and Altina Ruli-Williams
IJSD Legal Officer:	Virginie Monchy
Humanitarian Law Centre Monitor :	Luan Dushi
OSCE Monitor :	Lumnije Shkodra

The accused are charged with war crimes.

The trial commences at 11:00 a.m.

The trial is public.



The Panel is composed of International Judge Vinod Boolell as Presiding Judge and Leonard Assira and Nurul Islam Khan, International Judges as Panel Members, which has been constituted in accordance with the law.

Present: Accused Selim Krasniqi, Bedri Zyberaj, Xhavit Elshani, Isuf (Sherifi) Gashi Islam Gashi and Agron Krasniqi; Paul Flynn, International Public Prosecutor; Defence Counsel Mahmut Halimi, Rexhep Hasani, Fatmir Celina, Ethem Rogova, Mexhid Sylja and Fazli Balaj; Luan Dushi, Humanitarian Law Center Monitor; Lumnije Shkodra, OSCE Monitor.

*Court Recorder: Nina Maric*

*Interpreters: Ilda Daci and Altina Ruli-Williams*

Presiding Judge: Good morning. We are resuming proceedings in the case of the Public Prosecutor against Selim Krasniqi and others. Do you have any witness Mr. Prosecutor?

Public Prosecutor: There are two witnesses. We had summoned three but only two are here. One witness is a protected witness and the other is anonymous witness. The protected witness is Witness "Z" and anonymous witness is Witness "TT". I would propose that we would start with Witness "Z". In relation to Witness "Z", he expressed to me reservation to give his testimony with the public being present and on the basis of our conversation I am forced to make an application to have the public excluded during the period that Witness "Z" gives testimony even though I will be asking him to give a testimony from the interpreter's booth. There is a protection order in place directing the defence counsels not to disclose the name of the witness to any party including I believe their clients. I think the court will have to decide whether or not that should continue, but more important than anything is that is quite clear from my conversation this morning that this witness is terrified. I would respectfully request in these circumstances to exclude the public so the witness is under ease to give the testimony. I appreciate the right of public to attend but given the fact that this trial is characterized by intimidation and threats, I believe that my proposal is justified. I would like the Panel to decide.

Presiding Judge: How would you reconcile the statement Mr. Flynn, concerning the fact that the defence should not reveal the identity with Article 170 paragraph 6?

Public Prosecutor: Paragraph 6 permits the defence counsel to be ordered not to disclose the identity of a witness and any material information that may disclose the identity of a witness.

Presiding Judge: May I also draw your attention to what was decided in *Doorson vs. Netherlands 1996 22 EHRR, 330* and other European Court cases on the need to balance anonymity order and fair trial principals.

Public Prosecutor: I have no difficulty with that.

Presiding Judge: With regard to the second limb of your motion on the exclusion of public the court should hear parties.



Mexhid Sylja, Defence Counsel: Regarding the exclusion of the public from the courtroom, I consider that there are no legal grounds to exclude the public, because the witness will be either protected or anonymous and will testify from the booth. Therefore, there is no way that the witness or his family can be endangered by the public. It is not first time when the witness is being heard from the booth for anonymous witnesses.

Regarding the motion related to the defence counsel not to disclose the identity of the witness it is a bit unclear as to why the Public Prosecutor is bringing this issue up taking into account that we are proceeding in such a manner, we are dealing with anonymous and protected witness. I believe I am speaking on behalf of my colleagues as well when I say that none of us knows the names and we are not interested to know the names of the witnesses.

Regarding the public and the exclusion, there is a suggestion Your Honor. Please take into account that all of them had to travel 100 kilometers one way to get here and another 100 kilometers to return home. It would be a violation of their human rights and moral right to exclude them from being present today. Thank you.

Presiding Judge: Mr. Rogova?

Ethem Rogova, Defence Counsel: Regarding the anonymous witness, the manner in which the Public Prosecutor is proposing that we go on with hearing today, my position on this motion would be a little bit distinct than that of my colleagues. The use of anonymous witness statement, the case when defence counsels are not aware of the identity of the witness during the main trial is violation of the rights of the accused who has the right to put forward the questions to the witness because the accused is deprived of receiving necessary information which will be useful in proving the credibility of the statement of the witness. Therefore, using the type of evidence collected by anonymous witness may bring the entire trial to an unfair one. Therefore, before the trial panel makes a decision in reference to the application of the Public Prosecutor it must take into account my comments. Thank you.

Presiding Judge: Most of you know who witness "Z" is because you were given the police statement during the investigation phase. All that we are saying is not to reveal the identity. That is all. You already know who he or she is.

Fazli Balaj, Defence Counsel: Yes. Your Honor, the rules are that the trial must be held publicly. We need concrete practical conditions in order to exclude the public from the courtroom. The Public Prosecutor proposes to hear the witness from the booth. From the booth we cannot see the witness and certainly the public cannot, there is no need to exclude them. Thank you.

Rexhep Hasani, Defence Counsel: In order to pay respect to the public present here today I would propose to hear this witness through the voice of the interpreter like we have done before.

Presiding Judge: What do you think about the suggestion of going through the interpreter Mr. Public Prosecutor?



Public Prosecutor: Given that my concern was that the problem was voice recognition, I do not have problem with that.

Presiding Judge: in the light of all discussion and views, the decision of the Panel is, following the original order confirming the protection of the witness remains as it is. With regard to the motion of the Public Prosecutor for the public to be excluded a consensus was reached by the defence counsels and the Public Prosecutor that the public would not be excluded but the voice of the witness will not transmit through the mechanical device but through the interpreter.

Presiding Judge: Witness "Z", I am addressing myself to you now through the interpreters and you are subject of an order for protection in this case and to make sure that that order we will make sure that you voice will not be transmitted to the courtroom by the mechanical device. Do you understand this?

Witness "Z": Yes

Presiding Judge: I have already taken the personal data of the witness, which will be sealed in an envelope and put in the record and nobody will see them. As a witness, it is your duty to speak the truth and that you should not withhold anything. You are warned that false testimony constitutes a criminal offence. You may not answer individual questions by which you would be likely to expose yourself or a close relative to a serious disgrace, considerable material damage or criminal prosecution. Have you understood this?

Witness "Z": Yes

Presiding Judge: Are you an injured party in that case?

Witness "Z": Yes

Presiding Judge: As an injured party in the case, you are entitled to file a claim and you have the right to call attention to all facts and to propose evidence which has a bearing on establishing the criminal offence, on finding the perpetrators of the offence or on establishing your claims. You have the right to propose evidence, to put questions to the defendants, witnesses and expert witnesses, to make remarks and present clarifications concerning their testimony and to give other statements and to file motions. You have the right to inspect the record and documents and objects that serve as evidence.

In the course of the testimony, please ensure that you don't say anything or mention any particular fact that may reveal your identity. If you have any doubt on the answer you have to give because of fear of revealing your identity, let us know and we will guide you but without coaching you. Is this clear to you?

Witness "Z": Yes.

Presiding Judge: Now the Public Prosecutor will interrogate you.



Public Prosecutor: Thank you Your Honor. Good morning Witness "Z", I have a number of questions for you and I would appreciate if you answer them as briefly as possible and as the judge said be careful not to disclose your identity. On 8 September 2004 did you appear before the Investigating Judge and give a statement as to what you knew about the disappearance of Hidaj Popaj during the war?

Witness "Z": Yes

Public Prosecutor: Did you also give a statement to the police in relation to this matter?

Witness "Z": Yes

Public Prosecutor: Is what you told the police and Investigating Judge correct and true and you stand by those statements?

Witness "Z": Yes

Public Prosecutor: Can you tell us if you remember on what date did Hidaj Popaj disappear?

Witness "Z": On 7 June 1998

Public Prosecutor: Can you tell us how you are so sure about this date? Is there something that jogs your memory?

Witness "Z": I remember that date because from that day Hidaj Popaj was detained in Drenovc detention center.

Public Prosecutor: Can you tell us anything about how Hidaj Popaj came to be detained in Drenovc detention center, the circumstances?

Witness "Z": Because I went to Drenovc a week later and ask the police officer Zaim Bajraktari to meet with Rrezik. Zaim told me that I need to go to the headquarters and meet with Bedri Zyberaj.

Public Prosecutor: Witness "Z", do you know anything about how Hidaj Popaj got to be in Drenovc, did anything happen before you went to Drenovc?

Witness "Z": It happened earlier that a person had been stopped and Hidaj Popaj was asked to go and release that person.

Public Prosecutor: In the testimony that you gave to the Investigating Judge on page 7 of the English minutes it appears that you told the judge that on 6 June two persons went to check if their names are on the black list, one of these men was kept in Drenovc and the other was asked to go and tell Hidaj to go to Drenovc and you said that on 7 June Hidaj went to Drenovc and that the other person was released, is this correct?

Witness "Z": Yes



Public Prosecutor: Can you remember what date it was when you went to Drenove yourself and met with this Zaim?

Witness "Z": I don't know it for sure but it could be somewhere between 12 and 13 June.

Public Prosecutor: Were you alone at that time?

Witness "Z": No, we were two people.

Public Prosecutor: After Zaim told you to go and meet with Bedri Zyberaj did you manage to meet with Mr. Zyberaj?

Witness "Z": Yes

Public Prosecutor: Did you know him at the time?

Witness "Z": No

Public Prosecutor: Can you tell us how Mr. Zyberaj was dressed on that occasion and what he said to you, if anything?

Witness "Z": Military clothes.

Public Prosecutor: Can you tell us what you said to Mr. Bedri Zyberaj and what he said to you, if anything?

Witness "Z": He asked why we were there and we replied that we had gone for Hidaj.

Public Prosecutor: Was he able to help you with your inquire or was he able to direct you to anybody else?

Witness "Z": He left the room where he was and entered another room and there he told us that we have to go to the police. From that room he went to another room and came to another room and then came to where we were.

Public Prosecutor: In telling you to go to the police, did he mention anybody that you should look for?

Witness "Z": I don't remember.

Public Prosecutor: Can you tell us when you met Bedri Zyberaj on this first occasion where was it that you were?

Witness "Z": At the location or building of the agricultural cooperative.

Public Prosecutor: Who was occupying the agricultural cooperative at that time, who was working there?



Witness "Z": The military headquarters were there.

Public Prosecutor: Which military please?

Witness "Z": It was the KLA.

Public Prosecutor: Now, when he told you to go to the police, where did you go and who did you meet?

Witness "Z": We went to the old school where the police station was. There we met Rrezik.

Public Prosecutor: Can you tell us who this Rrezik was?

Witness "Z": The police commander.

Public Prosecutor: Before meeting with Rrezik did you meet anybody else in the police station in the old school?

Witness "Z": We meet Zaim Bajraktari and Agron Krasniqi.

Public Prosecutor: Did you know this Zaim and this Agron at that time?

Witness "Z": I knew Zaim but not Agron.

Public Prosecutor: How is then that you can tell us that it was Agron Krasniqi that was present at the police station?

Witness "Z": I got to know later who he was and about one month later I learned his name.

Public Prosecutor: At the police station, did you speak to this Rrezik and was he able to help you regarding Hidaj Popaj?

Witness "Z": Rrezik said that Hidaj is in the hands of the police.

Public Prosecutor: Did he explain to you why police was holding Hidaj?

Witness "Z": No

Public Prosecutor: Did you ask him if Hidaj would be released?

Witness "Z": At the time I saw Hidaj with his hands tied or handcuffed when they were taking him to Rrezik. His hands were handcuffed from behind and Agron Krasniqi was following him.

Public Prosecutor: Witness "Z", did Rrezik explained to you why Hidaj has been kept and did he said anything to you about the possibility of Hidaj being released?



Witness "Z": He told us to go home and after we had walked about 50 meters some police officers stopped us.

Public Prosecutor: Did you tell the Investigating Judge in September 2004 as recorded on page 4 of these minutes that Rrezik came to you and told you, "Hidaj had done nothing wrong but if you bring Nesim Popaj you could take Hidaj home right away". Did you say that to the Investigating Judge?

Witness "Z": Yes, everything I said at that time I could repeat again but a long time passed since then and maybe I have forgotten couple of things.

Public Prosecutor: That is perfectly understandable. In any event, can you tell us now about seeing Hidaj, did you see him handcuffed when you first went there on that day?

Witness "Z": When we went for the first time to the police we saw Hidaj being taken to Rrezik's office and at that moment we were sitting at the wall.

Public Prosecutor: When you say the police are you talking about the police that Bedri Zyberaj had sent you to?

Witness "Z": Yes

Public Prosecutor: Can you describe Hidaj's condition, how he looked at that time?

Witness "Z": We were about 50 to 60 meters away.

Public Prosecutor: Are you able to describe his condition or was he too far away?

Witness "Z": He wasn't injured. We were far away, however, his facial expression was not good, wasn't okay.

Public Prosecutor: You have been told by Rrezik that if you exchange Nesim, Hidaj would be released, did you give him a response that day or did you come back to talk to him another day again?

Witness "Z": We returned on another day for that.

Public Prosecutor: Did you go back to the police station again, and if so, can you tell us on this occasion whom did you meet?

Witness "Z": On the other day that I returned to the office I saw Selim Krasniqi, Celiku and Rreziku.

Public Prosecutor: Do you have a full name to give us for the person known as Rreziku?

Witness "Z": Gani Paqarizi



Public Prosecutor: On the second occasion where did you meet this people, in which part of the building and was anybody else there with Rreziku and Celiku?

Witness "Z": A police officer accompanied us to the office and there we saw Celiku, Rreziku and another police officer.

Public Prosecutor: Did you recognize this other police officer? Do you know his name by any chance?

Witness "Z": Maybe Isuf Berisha.

Public Prosecutor: Did you know Isuf Berisha at this time?

Witness "Z": No

Public Prosecutor: When you were telling the Investigating Judge (page 4 of the minutes) about this and talking about the policeman you said that you were not sure whether he was Islam or Isuf, do you remember this?

Witness "Z": That is correct.

Public Prosecutor: Where did you get the name Islam and why you were so sure that it was Islam or Isuf?

Witness "Z": I said it at the beginning that later on I learned their names and who they were.

Public Prosecutor: But today you have told us that it may have been Isuf Berisha and this is slightly different evidence and now I am wondering which one is correct?

Witness "Z": Well, 8 years have gone by since 1998 so some things may have been forgotten.

Public Prosecutor: Can you describe this police officer for us, was he young or old?

Witness "Z": Young

Public Prosecutor: Are you able to give us any other description?

Witness "Z": Tall

Public Prosecutor: Was he fat, or thin or normal build?

Witness "Z": Average, normal

Public Prosecutor: Had you seen him before that day and if so where had you seen him?

Witness "Z": No



Public Prosecutor: Can you tell us on the second meeting who was the one that was talking, who said what to you?

Witness "Z": Celiku

Public Prosecutor: Tell us what he said to you?

Witness "Z": He said, "The condition is, if you bring Nesim, Hidaj is released".

Public Prosecutor: Tell us what happened after this, did you stay there that day or did you go back again?

Witness "Z": He told us to go home.

Public Prosecutor: It would be helpful to tell us the story slowly as to what happened after this.

Witness "Z": After this we went home. Before we arrived home two persons had gone there. These persons said, "Hidaj is dead at Rrasad".

Public Prosecutor: Did you subsequently find out that the story about Hidaj being dead was a mistake?

Witness "Z": Yes

Public Prosecutor: Did you or anybody else to your knowledge receive a contact who told you that you can see Hidaj?

Witness "Z": No

Public Prosecutor: Did anybody who you know go to Drenovc and see Hidaj after the last day when you met Rreziku and Celiku?

Witness "Z": After the corpses that we took we went and met Hidaj.

Public Prosecutor: Can you tell us if you know what date this was and where it was you went to meet Hidaj?

Witness "Z": This was at the beginning of July.

Public Prosecutor: Where was it that you went to meet him?

Witness "Z": At the office near the office of Rrezik, in another room.

Public Prosecutor: Did you meet any members of the police on this occasion?

Witness "Z": Yes

Public Prosecutor: Can you tell us who was there when you went to meet Hidaj, who was there from police?



Witness "Z": Rrezik said, "Anyone can go and see Hidaj", but Bedri Zyberaj said, "They can see Hidaj but Hidaj cannot see them".

Public Prosecutor: But on the day that you went to meet Hidaj, can you tell us, which members of the police were there and which ones you met?

Witness "Z": With those police officers I mentioned.

Public Prosecutor: Can I ask you to give us their names again, please?

Witness "Z": It was important to see Hidaj at the moment when we went to pick up corpses and we could not see and it has been long time since then.

Public Prosecutor: When you went back to Drenove you managed to see Hidaj, before you saw Hidaj, did you speak to any of the police officers and if so could you tell us who?

Witness "Z": With Isuf Berisha

Public Prosecutor: Can you tell us if Rrezik, Gani Paqarizi or Selim Krasniqi was present on this occasion?

Witness "Z": At that office you talking about?

Public Prosecutor: When you went back to meet with Hidaj.

Witness "Z": No. I remember Gani Paqarizi because he said that not even a black of the nail had been touched of Hidaj.

Public Prosecutor: Did you tell the Investigating Judge in September 2004 (page 5), "Rrezik received us in his office. Present were also Celiku and another policeman. I don't remember quite well because six years has passed. We told him that we had brought Hidaj's false teeth which had been taken for repairs and asked if it was possible to meet Hidaj again. Then either Selim Krasniqi or Gani Krasniqi ordered a policeman to bring Hidaj there." Do you remember this or people who were present?

Witness "Z": The next time when we went to see Hidaj to give him the false teeth, the bridge, at this time we saw these other two persons. The first day when we saw him he told us that his bridge in the mouth had been broken and he could not eat. He said, "The bridge got broken while I was eating". We took the bridge and after we repaired it we returned it another day. We met at the office only with Rreziku and Celiku and we said, "We have brought back the bridge. Can we see Hidaj? We just want to see Hidaj." And they ordered Hidaj to come and meet us there. That is all.

Presiding Judge: Can you clarify with the witness who is "they"?

Witness "Z": Celiku and Rreziku ordered the policeman there to bring Hidaj.

Presiding Judge: We will break now for lunch at come back at 2:00 p.m.



*Session breaks for lunch at 12:55 and resumes at 2:15 p.m.*  
*Court Recorder: Gwen Cheong*

Presiding Judge: The Public Prosecutor will continue with his questions to the Witness.

Public Prosecutor: Mr. "Z", before lunch, you were telling us about two visits that had been made to Hidaj, the first in which he had been given his teeth and the second in which the teeth had been brought back to him. Do I understand it correctly to say therefore, that there were just two visits to Hidaj by you or by his friends or family?

Witness "Z": Two visits on the same day and two days later, another visit.

Public Prosecutor: Were you present during any of the two visits on the one day and the visit later?

Witness "Z": Only on the third visit two days after when I returned the teeth.

Public Prosecutor: On the day that you returned the teeth, can you tell us if you noticed what condition Hidaj was in?

Witness "Z": He was worried because he had heard about the corpse and he asked him where people were coming for condolences.

Public Prosecutor: Did he have anything to say to you as to why he was kept in Drenovc by the police?

Witness "Z": No, we didn't have the chance to ask him.

Public Prosecutor: Did he make any allegation that somebody had denounced him or made any allegations against him?

Witness "Z": He only said that someone from the village did all this.

Public Prosecutor: Did he give any reason why people had done this and did he identify any of these people?

Witness "Z": No, because when he started to say something, we were told that visiting time was over.

Public Prosecutor: How long in total were you allowed to spend with him?

Witness "Z": About two to three minutes.

Public Prosecutor: Apart from giving him his teeth, were you allowed to give him clothes or food or anything he might need?



Witness "Z": Not on that day but a month and a half later, we brought him some clothes, but I don't know if those clothes were given to him or not. It could have been around 15<sup>th</sup> to 17<sup>th</sup> of July.

Public Prosecutor: To whom were the clothes given in order to be given to Hidaj?

Witness "Z": To Zaim Bajraktari.

Public Prosecutor: After this third visit, did you see Hidaj again?

Witness "Z": No, because around the 18<sup>th</sup>, the Serbian offensive started in our village and we had to leave our village.

Public Prosecutor: Can you tell us the 18<sup>th</sup> of what month it was?

Witness "Z": It was 18<sup>th</sup> of July and we went to Ratkovic.

Public Prosecutor: When did you return to your village after that?

Witness "Z": After about maybe one month.

Public Prosecutor: When you returned, did you go back to Drenove to look for Hidaj?

Witness "Z": We went to Drenove but I don't remember now if it was August or September. Rreziku had been murdered during the offensive in our village and at the time we met, Selim Krasniqi (Celiku) at the location of the Agricultural Cooperative, said "When you left Drenove, I was in Albania." This means that they removed the prisoners as well as Hidaj from there for security reasons and said, "Yesterday, people came from the headquarters". So he said that some people came and I asked for their names so that they could inform me where those people were. They said, "We are waiting now and they will inform us when they will give us the news." From that day, we could not get in touch with them again.

Public Prosecutor: You said, "That means they moved the prisoners for security reasons" referring to the offensive on 18<sup>th</sup> July. Did anybody specifically tell you that the prisoners were moved?

Witness "Z": Zaim Bajraktari said, "We removed them."

Public Prosecutor: Did he tell you to where they had been moved?

Witness "Z": He said "We removed them and I was with them until the point of Malishevo."

Public Prosecutor: Did he say where in Malishevo they were taken?

Witness "Z": No.

Public Prosecutor: Do you yourself know about Malishevo and where they had been taken?



Witness "Z": No.

Public Prosecutor: Did you spend sometime up to when you returned from Malishevo looking for Hidaj and asking people where he was?

Witness "Z": We wasted a lot of time.

Public Prosecutor: Did you ever speak to those people whom you had seen in the military police detention center and ask them again about Hidaj?

Witness "Z": No.

Public Prosecutor: You mentioned to us earlier that on the first occasion when you went to Drenovc, that you met with Rrezik and then you followed up a further visit the day after, where Rrezik, Celiku and other policemen were present. You told us the name of the policeman may have been Isuf Berisha. Did you meet that Isuf Berisha again after Hidaj had been removed?

Witness "Z": Yes.

Public Prosecutor: Did this man tell you anything about Hidaj as to where he was and why he was being detained?

Witness "Z": He said they had absolutely no facts about Hidaj. Besides that, he had bought one vehicle from Hasan Rrustemi.

Public Prosecutor: Can you tell us who this Hasan Rrustemi was?

Witness "Z": He worked at Sop, the Serbian police station.

Public Prosecutor: Did this Isuf Berisha give you any indication as to who was primarily responsible for the detention of Hidaj?

Witness "Z": No.

Public Prosecutor: Did you tell the Investigating Judge for example in September 2004, (Page 6 of the English version) that "Isuf Berisha told us that Agron Krasniqi and Rrezik are the ones who dealt with the maltreatment and the beating up, if such had been done?" Do you remember saying that to the Investigating Judge and is it true?

Witness "Z": Yes.

Public Prosecutor: Do you have any knowledge that following your last visit to Hidaj, he was released from detention? Was he let go?

Witness "Z": The corpse was found around 2001 but it was buried again in 2005.



Public Prosecutor: I'm going back to my last question. From the time you last saw Hidaj to the time of the offensive, you were told that he was taken to Malishevo and particularly afterwards, do you know if Hidaj was released by the police that held him?

Witness "Z": No, I don't know.

Public Prosecutor: Do you have any knowledge as to whether or not Hidaj may have been released and was hiding or living either in the Klina or Pec/Peje area in 1998 or 1999?

Witness "Z": I don't know but if he had been released, he would have come home.

Public Prosecutor: To your knowledge, at the time that he disappeared, did he have any serious rows, disputes or otherwise with anybody?

Witness "Z": No.

Public Prosecutor: When you were questioned by the international police, did they present to you a bunch of photographs and ask you to see if you could identify any people?

Witness "Z": Yes.

Public Prosecutor: You told us about a number of people that you met at the detention center, the first being Zaim Bajraktari. You then told us that you met Agron Krasniqi. Would you be able to describe Agron Krasniqi to us?

Witness "Z": Yes.

Public Prosecutor: Please give us a full description if you can.

Witness "Z": He was 165(cm) tall. He had a sharp face and wore a bit of a beard. Weight-wise was average. He was not fat or thin. I don't know how else to describe him.

Public Prosecutor: Could you give us an approximate age for this man?

Witness "Z": Age - I don't know. I'm not quite sure if he was even 25 years old; maybe a bit younger.

Public Prosecutor: You then told us about meeting Bedri Zyberaj. Can you give us a brief description of this man?

Witness "Z": Bedri Zyberaj is bald on the upper part of his head. He has a mark on his face. I'm not sure if it is a mole or something else.

Public Prosecutor: This is the way he appeared to you when you saw him in Drenovec in 1998?



Witness "Z": Yes.

Public Prosecutor: Can you give us an approximation of his age?

Witness "Z": More than 40 years old.

Public Prosecutor: I asked you earlier how he was dressed and you said a green uniform. Can you tell us how Agron Krasniqi was dressed when you saw him?

Witness "Z": He also had an army uniform on.

Public Prosecutor: Were these men armed; carrying weapons?

Witness "Z": I saw Bedri Zyberaj having a rifle with two heads on the desk, whereas I saw Agron Krasniqi with a knife at his waist.

Public Prosecutor: Did the uniforms have any insignias or badges?

Witness "Z": I didn't notice.

Public Prosecutor: You told us also about meeting Rrezik and Celiku. Can you tell us and describe Celiku when you met him?

Witness "Z": I think Selim Krasniqi was not in uniform. I think he is about 1.75 tall and about 35 years old and is of average weight. His hair had a pattern on the side usually. I don't know what else to say.

Public Prosecutor: This policeman who was in Rrezik's office with Celiku on the second day when you went to visit, did you notice if he had any injuries or incapacities?

Witness "Z": Who?

Public Prosecutor: You told the Investigating Judge that when you went to Drenove on the second day and went to Rrezik's office, there was Rrezik, Celiku and another policeman. You then went on to say, "I'm not sure if it was Islam or Isuf." I want to know whether this policeman had any injuries or incapacities that you noticed?

Witness "Z": No.

Public Prosecutor: Your Honor, at this stage, I'd like to present a number of exhibits to the Witness if I may, or perhaps Your Honor would like to present them.

Presiding Judge: Which exhibits?

Public Prosecutor: The photographs of the thirty-three persons - Exhibit C. It was marked as Exhibit 4 or 5 at the investigative stage.

Presiding Judge: I don't think it was marked during the investigation.



Public Prosecutor: I believe in any event, the photographs that were presented during the investigation are not the same photographs I wish to present now. So let's take Exhibit C and present them.

*The Legal Officer enters the witness booth.*

*The Presiding Judge gives witness the Article 255 of the PCPCK warning.*

Witness "Z": Yes. No. 2 - Agron Krasniqi. No. 8 - Selim Krasniqi. No. 16 - Bedri Zyberaj. No. 23 - Milaim Latifi. No. 32 - Isuf Gashi. No. 27 - Islam Gashi.

Presiding Judge: Mr. "Z", you have gone through this album twice, I believe and you have picked out six persons whom you have named.

Witness "Z": Yes.

Presiding Judge: Mr. Public Prosecutor?

Public Prosecutor: One question in relation to those photographs. Photograph No. 2 - Agron Krasniqi. Is this the same Agron Krasniqi that you say you met in the police headquarters in Drenovc?

Witness "Z": Yes.

Public Prosecutor: Photograph No. 8 - Selim Krasniqi. Is it the same Selim Krasniqi that you met in the office of Rrezik?

Witness "Z": Yes.

Public Prosecutor: Photograph No. 16 - Bedri Zyberaj. Is it the same Bedri Zyberaj that sent you to the police station to find out about Mr. Popaj?

Witness "Z": Yes.

Public Prosecutor: No. 32 and No. 27 - Isuf Gashi and Islam Gashi. You told the Investigating Judge that there was an Isuf or an Islam in Rrezik's office when you went there on the second day. Mr. Z, you identified two photographs; No. 27 - Islam Gashi and No. 32 - Isuf Gashi. Can you tell me firstly how you know these two men?

Witness "Z": I never met Isuf Gashi there but I met him later on after the war at the meeting of the organizer.

Public Prosecutor: How is it you know Islam Gashi from the photograph?

Witness "Z": I saw Islam Gashi there.

Public Prosecutor: Could you be more explicit when you say you saw him there? Was it your first, second or third visit there?



Witness "Z": I only saw Islam Gashi in the car. I don't know if he was the driver or not but I saw both of them sitting in the car. I never spoke to him and he never told me anything.

Public Prosecutor: When you say "both of them," can you tell us what you mean by "both of them" as you only mentioned Islam Gashi?

Witness "Z": Islam Gashi and Rrezik.

Public Prosecutor: On which day was this? Was it on the first day that you met Rrezik, or the second day when you met Rrezik and Celiku, or on the days you subsequently went there including the day when you met Hidaj?

Witness "Z": I saw him before I saw Hidaj but I don't know which time it was when I met him. I saw him on the day when we picked up the corpse.

Public Prosecutor: On the day that you saw him, did you see if he had any injuries?

Witness "Z": Whom do you mean?

Public Prosecutor: Islam Gashi.

Witness "Z": No, I didn't see close up.

Public Prosecutor: When you went to Drenovc on the first occasion where you met Bedri Zyberaj - I think you told us you met him at the Agricultural Cooperative, can you briefly describe that building?

Mexhid Sylja, Defence Counsel: Your Honor, please be patient. Just one small detail if it's entered in the record about the driver of the car.

*The Witness' answer in the previous page was read to the Court by the Court Recorder:*

*Witness "Z": I only saw Islam Gashi in the car. I don't know if he was the driver or not but I saw both of them sitting in the car. I never spoke to him and he never told me anything.*

Public Prosecutor: Can you briefly describe this Agricultural Cooperative building?

Witness "Z": Two floors.

Public Prosecutor: Was this an old or new building?

Witness "Z": It was a new building.

Public Prosecutor: Can you remember what it was constructed of?

Witness "Z": I don't remember.



Public Prosecutor: How close was the old school building where the military police was to Bedri Zyberaj's building?

Witness "Z": I think about 500meters.

Public Prosecutor: Can you briefly describe the old school building - what it was constructed of and how many floors?

Witness "Z": It was an old building. The prison was at the basement.

Public Prosecutor: Did the basement have any windows? Can you describe those windows?

Witness "Z": There was a small window about 50x50cms and there were iron bars. There were also some iron bars at the window to avoid leaving and entering the place.

Public Prosecutor: At this stage, I would like to present the witness with Exhibit D, which was marked as Exhibit 5 during the investigative hearings. Perhaps Your Honor would give the Witness the warning again under Article 255.

*The Presiding Judge gives witness the Article 255 of the PCPCK warning.*

*The Legal Officer enters the witness booth.*

Witness "Z": No. 6 is the old school, now repaired.

*The Witness points to the left side of the photographs stating that that was the prison, whereas on the right side of the photograph is the window of the office of Rreziku. In the back, there was the entrance door for the prison.*

Witness "Z": Photograph No. 7 remains the same. No. 8 is the same. No. 9 is the same too. Photograph No. 11 depicts the toilet. Photograph No. 13 depicts the entrance door of the prison where there is a cow. Photograph No. 18 is the prison gate. Photograph No. 19 is the prison window. Photograph No. 20 is the new school and a little bit further, there is some kind of wall that is raised above the ground, and that was where I was sitting when I saw Hidaj. Photographs 23 and 24 depict the kitchen of the army where I saw them going in and leaving from. I don't see the Cooperative anywhere here.

*The Legal Officer leaves the witness booth and shows the photographs to Mr. Balaj.*

Public Prosecutor: Mr. Z, you told us that when you went to the prison, to the police that you met Rrezik, Gani Paqarizi, Selim Krasniqi and that Agron Krasniqi was there also. Do you know or can you assist the Court in any way about what positions, what ranks, if any, that these men held at the police?

Witness "Z": Agron Krasniqi was a policeman.

Mahmut Halimi, Defence Counsel: I challenge this question. The Witness did not mention ranks at any point. So could the Public Prosecutor rephrase the question?



Public Prosecutor: I asked him if he knew what ranks, if any, that these men held. I'm not suggesting that they had any ranks.

Presiding Judge: The Panel rules that the witness can answer the question because the question is relevant. In fact it goes to a factual issue.

Witness "Z": Gani Paqarizi was head of the police station. Selim Krasniqi was the deputy of Gani Paqarizi. After the murder of Gani Paqarizi, Selim Krasniqi took over as the head of the police station. When I met Selim Krasniqi at the location of the Cooperative, he received me better than the first time. When he told me that the ones from the headquarters were there - not that they were there but that they had been there before, he asked where those persons were.

Public Prosecutor: You didn't tell us anything about Agron Krasniqi. Did you know if he had any rank at the police at the time you saw him there?

Witness "Z": I don't know what rank he held. I just know he was a policeman.

Public Prosecutor: No further questions for the Witness.

*Session breaks at 4:15 p.m. and continues at 4:25 p.m.*  
*Court Recorder: Nina Maric*

Presiding Judge: Mr. Halimi?

Mahmut Halimi, Defence Counsel: Thank you Your Honor. Mr. Witness "Z", my name is Mahmut Halimi and I am defence counsel for Selim Krasniqi. I will try to refresh your memory concerning several dates that I consider very important. In today's statement you did not mention in detail so for the purpose of those dates I will ask questions. Can you remember how long did it go from the moment of the attack on Drenove village and when the villagers left until the moment when you met Mr. Krasniqi and promised about the delivery of the persons that you mentioned to be transferred? How long did it go from first meeting until second one in between those attacks?

Witness "Z": I did not say in the village of Drenove, I said that on 18 July the attacks in the village of Bellacerkve started.

Mahmut Halimi, Defence Counsel: Witness "Z", I did not want you to repeat the dates 17 and 18 again, I refer to a more specific issue meaning the time when this region was attacked. My question is about the time between your meeting on 17 and 18 July and your meeting with Mr. Krasniqi after the villagers have returned? I refer my questions always about my client Selim Krasniqi.

Witness "Z": I think it was a month of time interval.

Mahmut Halimi, Defence Counsel: Earlier asked by the Public Prosecutor you answered in relation to posts that specifically Gani Paqarizi and Selim Krasniqi held,



did Selim Krasniqi or Gani Paqarizi ever presented themselves before you with their ranks or introduce themselves by ranks to you?

Witness "Z": They never introduced themselves to me by ranks but Zaim Bajraktari told me that Gani Paqarizi is the one in the police, and to Selim Krasniqi, when I got back I intended to meet with the head of the police station and Selim Krasniqi introduce himself to me.

Mahmut Halimi, Defence Counsel: Can you tell us through whom did you manage to contact Selim Krasniqi, was it directly or through someone else since you ask for the head of the police?

Witness "Z": When I went to the location of the cooperative I asked to see the head of the police and they told me that he is not here and to wait downstairs. In the meanwhile Selim Krasniqi arrived in a BMW white in color and went upstairs. Those persons, police officers or I don't know what they were, informed Selim Krasniqi that we were waiting downstairs and Selim Krasniqi came downstairs and we asked him about Hidaj and he said that yesterday there were some people from the headquarters and that they were waiting to receive the information. That is what I think he said and I believe he was his deputy.

Mahmut Halimi, Defence Counsel: In the meeting you had did he tell you where he had been during this time about a month or possibly more?

Witness "Z": Mr. defence counsel, I stated earlier on that he said that he had been to Albania. "I have been in Albania during the time they were removed from here so I was not here", that is what he said.

Mahmut Halimi, Defence Counsel: Who do you mean by 'they'?

Witness "Z": The prisoners.

Mahmut Halimi, Defence Counsel: From the time that you gave statement at the police dated 8 April 2000, also you provided the statement before the Investigating Judge on 8 September 2004, did you ever receive any threats from the members of the family of Selim Krasniqi or anyone else up to this moment that you came here today to testify?

Witness "Z": No, I did not receive any threats.

Mahmut Halimi, Defence Counsel: Thank you. I have no further questions.

Presiding Judge: Thank you Mr. Halimi. Mr. Rexhep Hasani?

Rexhep Hasani, Defence Counsel: I have only one question. On page 5 of the statement given before the Investigating Judge you stated that when Muharrem and Shajndere visited Hidaj, Bedri Zyberaj in a way said after the visit, "I would not have allowed Hidaj to see them, but I would only allow them to see Hidaj", who told you this?



Witness "Z": Bedri Zyberaj has said that they can see him but he cannot see them and the policemen there told this. The policemen there said that it was Gani Paqarizi who had informed them to say so.

Rexhep Hasani, Defence Counsel: To whom he said this?

Witness "Z": Bedri Zyberaj shouted at the policemen saying, "Why allowing him to see them".

Rexhep Hasani, Defence Counsel: Thank you. I have no further questions.

Presiding Judge: Thank you Mr. Hasani. Mr. Celina?

Fatmir Celina, Defence Counsel: I have no questions.

Presiding Judge: Mr Rogova?

Ethem Rogova, Defence Counsel: I have no questions.

Presiding Judge: Mr. Sylja?

Mexhid Sylja, Defence Counsel: Thank you Your Honor. Mr. Witness, I am Mexhid Sylja, defence counsel. In the minutes of the statement given before the Investigating Judge on page 23, top of the page of the English version, you answered, "Yes that is true. I have never had contact with Islam. He never asked me about anything", do you remember having said this and is this true?

Witness "Z": It is true that he never asked me why I had gone there. I only saw him there.

Mexhid Sylja, Defence Counsel: Mr. Witness "Z", on the question of the Public Prosecutor little bit earlier regarding the person you identified as Islam, when you saw him in a car with Rreziku and whether he was injured, you said, "No, I was far away", could you be more particular about the distance you were at to the place they were?

Witness "Z": The distance was about 15 meters but I was not interested in seeing Islam Gashi, I was interested to see what Rrezik had to say to me.

Mexhid Sylja, Defence Counsel: Do you personally know or have you heard from anyone that in between the village Bellacerkve and village Xerxe around end of May 1998 if any event occurred with consequences such as injured persons or dead persons?

Witness "Z": I have heard.

Mexhid Sylja, Defence Counsel: Can you tell us what did you hear?

Witness "Z": I heard that two or three got killed. I don't know.



Mexhid Sylja, Defence Counsel: Do you remember whether there were any injured persons there?

Witness "Z": I remember that there was one I think.

Mexhid Sylja, Defence Counsel: Do you remember any of the names of the persons that were killed there or the name of an injured person?

Witness "Z": I don't know because I was not interested in knowing who they were.

Mexhid Sylja, Defence Counsel: Is there a monument somewhere at the place of that event?

Witness "Z": Yes

Mexhid Sylja, Defence Counsel: If I mention some names can you say yes or no to that? Prparim Thaqi?

Witness "Z": I don't know.

Mexhid Sylja, Defence Counsel: Sakit Belaxha?

Witness "Z": I think so.

Mexhid Sylja, Defence Counsel: Fehim Gashi?

Witness "Z": Yes, I think.

Mexhid Sylja, Defence Counsel: Have you heard that at the same event where those three persons died as martyrs, Islam Gashi was injured?

Witness "Z": I remember that I have heard that there is an injured person that escaped but I don't know who it was.

Mexhid Sylja, Defence Counsel: You have seen some photographs, are those photographs you saw today here and the photographs you saw at the police station the same ones?

Witness "Z": As far as I know there were other photographs. I think they were black and white.

Mexhid Sylja, Defence Counsel: It could be possible but I am interested to know the number of the photographs shown to you and if the photographs were in the same way and order like the photographs you saw today?

Witness "Z": No, there were no numbers and sequences necessarily.

Mexhid Sylja, Defence Counsel: Thank you. I have no further questions.

Presiding Judge: Thank you Mr. Sylja. Mr. Balaj?



Fazli Balaj, Defence Counsel: Mr. Witness "Z", I am Fazli Balaj, defence counsel for Agron Krasniqi. I have read your statement before the investigating judge and I have heard you today and I have few questions. I noticed that you were student in 1998 in Pristina my question is, when did you leave Pristina and returned to your home place?

Witness "Z": some time around 10 to 12 June 1998.

Fazli Balaj, Defence Counsel: How did you go from Pristina to your home place?

Witness "Z": From Pristina I went to Suhareke, and then to Prizren and then to my home place.

Fazli Balaj, Defence Counsel: By which transport mean?

Witness "Z": By bus.

Fazli Balaj, Defence Counsel: You answered that village of Bellacerkve was burned, who got murdered during this event, were they civilians or was there an army, was there a liberation army?

Witness "Z": On 17 and 18 the road was blocked by the KLA in Bellacerkve. The Serbian police bridged that barricade and during the attack some person from Drenovc was killed, three women from Bellacerkve and two men from Bellacerkve, one from Drenovc. Gani was murdered at the crossroad of Bellacerkve by a Serb.

Fazli Balaj, Defence Counsel: My point was that there was no armed conflict at that time. Does the witness know if there were murdered people in Rahovec region at that time, and if he knows, when did this happen, if he knows?

Witness "Z": The one of Bellacerkve that were murdered were civilian population apart from Gani Paqarizi and there was one from Bellacerkve that was a soldier.

Fazli Balaj, Defence Counsel: I would ask for some villages if you can tell. Does the witness know whether any civilians were killed by Serbians in the villages of Xerxe, Drenovc, Krushe and other villages in the municipality of Rahovec. My question is, was there any fighting or did Serbian forces enter villages and burned them and killed people?

Witness "Z": Do you mean during the last attack?

Fazli Balaj, Defence Counsel: I mean during 1998, August or September, if you know?

Witness "Z": I don't know.

Fazli Balaj, Defence Counsel: What does the witness understand by the word 'offensive'?

Witness "Z": I am thinking of the last offensive that Serbian army undertook?



Fazli Balaj, Defence Counsel: Does the witness know during May, June, July, August, September or October of 1998 was there fighting between two armies in the region of Rahovec or this all happened during 1999?

Witness "Z": There was for a period of time but not the same as it was in March 1999.

Fazli Balaj, Defence Counsel: Did I understand the witness correctly when he said that the KLA created some barricade in Bellacerkve and that the police removed it, I am not sure?

*The Presiding Judge reads the answer witness gave earlier.*

Fazli Balaj, Defence Counsel: My question is, does the witness consider this fighting the existence of barricades, and does that mean war to him?

Public Prosecutor: Objection. I don't think that the witness is expert on war.

Presiding Judge: Question overruled. The witness is not an expert and does not need to answer the last question.

Fazli Balaj, Defence Counsel: Your Honor, the witness lived in that territory just like I lived in Pristina and we know that there was no armed conflict in Pristina. We are talking about war crimes and if there is need I may ask.

Presiding Judge: I know exactly what elements of war crimes have to be proved.

Fazli Balaj, Defence Counsel: Were there soldiers in his village, I mean KLA soldiers and did they fight in this village with the Serbian forces?

Witness "Z": When Serbian police forces bombarded the center of the village then the KLA army left.

Fazli Balaj, Defence Counsel: Was there fighting in May, June or July 1998, not only in your villages but in other neighboring villages, if the witness know?

Witness "Z": I did not participate in any war and I don't know whether the war happened.

Fazli Balaj, Defence Counsel: Were you in your home place? If there was war in your village and surrounding villages would you be able to hear or see or observe, yes or no?

Witness "Z": I stated that I was not there. I was in the area where the liberation army was, the area of Drenovc and Ratkovc.

Fazli Balaj, Defence Counsel: Mr. Witness "Z", during the investigation of 8 September 2004 the witness described the journey he took and how he ended up in Prizren and stayed there. The passage reads, "Some days later, myself and the others who were there, left Ratkovc village because the Serbian police were about to enter



also the area controlled by KLA. We left and went to Rogove village. We were several families in Ratkove, not only my family and we all left to Rogove village. I stayed in Rogova overnight. On the following day I went to Prizren through Has village area along Drini. I stayed in Prizren for two weeks. After two weeks I returned back to my village from Prizren through the same route along Drini area because some other families had also returned to the home village.” You have heard this passage; can you confirm whether you said it and whether it is true?

Witness "Z": Yes

Fazli Balaj, Defence Counsel: Your Honor, I have no further questions.

Presiding Judge: Mr. Selim Krasniqi?

Selim Krasniqi: Yes Your Honor. Mr. Witness, I am Selim Krasniqi and I have some questions. Did you have any bad involvement with the KLA, you or your family?

Witness "Z": During which period?

Selim Krasniqi: Before the war has started.

Witness "Z": I cannot answer.

Selim Krasniqi: Do you know why KLA was created?

Witness "Z": Those who created KLA know better.

Selim Krasniqi: Did the KLA protect a civilian population during the fighting that happened in Kosovo?

Witness "Z": I think yes.

Selim Krasniqi: Did the civilian population support and helped the KLA in your region?

Witness "Z": Yes

Selim Krasniqi: Did the KLA during the war help with food, clothes, medicine and other stuff?

Witness "Z": What do you mean? Do you want to know if the army supported population or the other way around?

Selim Krasniqi: In this case, did the army help the population?

Witness "Z": I think that they helped.

Selim Krasniqi: You personally and your family, what opinion do you reserve about the KLA?



Witness "Z": I believe that everybody respected KLA but some individuals misused it. By misuse I mean some persons did not behave as they should have.

Selim Krasniqi: Do you believe that I belong to this group of individuals?

Witness "Z": I have not worked with you so I don't know you or other persons. I am just saying some persons, some individuals.

Selim Krasniqi: When did the witness meet for the first time with Selim Krasniqi? I would appreciate the date, month and year?

Witness "Z": 13 or 14 July 1998.

Selim Krasniqi: Are you certain Mr. Witness?

Witness "Z": Yes

Selim Krasniqi: Can you tell exactly the place where we met?

Witness "Z": At the office of Rrezik.

Selim Krasniqi: I asked the witness whether he was certain that he met me on 13 and 14 July 1998.

Presiding Judge: He answered that he is certain.

Selim Krasniqi: I have no further questions but a brief comment with reference to the KLA. The KLA fought with all its possibilities and within the capacity and as much as it could and from the core and heart of this voluntary army almost 2000 martyrs died. All these martyrs died on the field of honor fighting against Serbs. The KLA and its members fought nearly to reach the liberation as well as the rights we deserve just like all the other nations of the world. Based on our just war we received the appreciation of democratic world and during 1999 the NATO forces were our allies. I don't believe that had it been an unjust war we would have received the appreciation we did from our allies, the support we did. I would like to express here my immense pride that I belonged to that army convinced that our efforts and our war were driven by good decent intentions and simultaneously I believe that that war was forced upon us and we were obliged to go there and support and protect our population. Thank you.

Presiding Judge: Thank you Mr. Selim Krasniqi. Mr. Zyberaj?

Bedri Zyberaj: I have no questions.

Presiding Judge: Mr. Elshani?

Xhavit Elshani: I have no questions.

Presiding Judge: Mr. Isuf Gashi?



Isuf Gashi: I have no questions.

Presiding Judge: Mr Islam Gashi?

Islam Gashi: I have no questions.

Presiding Judge: Mr. Agron Krasniqi?

Agron Krasniqi: I have no questions.

Presiding Judge: Yes Mr. Halimi?

Mahmut Halimi, Defence Counsel: Your Honor, when the witness answered to my client's question as to when did you meet Selim Krasniqi for the first time he mentioned either 13 or 14 July 1998, whereas in the investigative minutes, page 15, he has decisively answered that he met Selim Krasniqi on 16 June 1998, can we clarify which one is true?

Witness "Z": Sorry it was mistake. It is June and not July.

Presiding Judge: June, which date?

Witness "Z": around 12 or 13 June.

Presiding Judge: Mr. Public Prosecutor, do you have any re-examination?

Public Prosecutor: Mr. Witness "Z", it is the Public Prosecutor again. The judge few moments ago read from the passage of the investigative testimony which you gave to the investigating judge on 8 September 2004 in which you told about the village Bellacerkve being burned and your leaving number of days later because the Serbian police was about the enter area controlled by the KLA, can you tell us the names of the villages and towns which made up the area controlled by the KLA in your area?

Mahmut Halimi, Defence Counsel: I object to the question because we heard what the witness had to state regarding that he was not there for the most of the time and I think we will probably prove our opinion again that the witness is not an expert in the regions around the area.

Public Prosecutor: It is a fair question. Mr. Balaj asked for the statement to be read, page 6, top of the page.

Presiding Judge: Witness can answer.

Witness "Z": I was not there. I don't know which of those villages were considered as the occupied area. I may know two to three but not how far would extend.

Public Prosecutor: Can you give those names?

Presiding Judge: He said Drenovc and Ratkovc.



Public Prosecutor: Who was controlling your village and please do not mention the name of your village?

Witness "Z": No one controlled it.

Public Prosecutor: Thank you. I have no further questions.

Presiding Judge: Witness "Z" that terminates your interrogation.

Witness "Z": Your Honor, I would like to say something.

Presiding Judge: Yes

Witness "Z": I beg this court for justice to try and find who the guilty ones are and I do not wish for the persons who are not guilty to be convicted. Since the body was found and buried, I am not interested if this court's hearing continues or not. The important thing for me was to find body, dead or alive and since you have imposed a violence to bring me here I am saying that I do not wish to participate. I am sorry for the accused. Maybe they are not guilty. I hope that the justice would do its job and we will win at the end. Thank you.

Presiding Judge: Thank you. We will have 5-minute break.

The Presiding Judge responds to the comment of defence counsel Fazli Balaj that the accused are up since early morning and says that we will continue with breaks.

*Session breaks at 6:10 p.m. and resumes at 6:40 p.m.*

*Court Recorder: Gwen Cheong*

Presiding Judge: Your next witness Mr. Flynn.

Public Prosecutor: He is an anonymous witness - Witness "TT". He has asked to testify under anonymity.

Presiding Judge: We will refer to him as Witness "TT". Witness "TT", I'm addressing myself to you now. We apologize for starting your testimony late due to the circumstances. Since you are a witness in the case, I must warn you that it is your duty to speak the truth and that you should not withhold anything. You are warned that false testimony constitutes a criminal offence. You may not answer individual questions by which you would be likely to expose yourself or a close relative to a serious disgrace, considerable material damage or criminal prosecution. If you are an injured party in the case, you are entitled to file a claim and you have the right to call attention to all facts and to propose evidence which has a bearing on establishing the criminal offence, on finding the perpetrators of the offence or on establishing your claims. You have the right to propose evidence, to put questions to the defendants, witnesses and expert witnesses, to make remarks and present clarifications concerning their testimony and to give other statements and to file motions. You have the right to inspect the record and documents and objects that serve as evidence.



In the course of the testimony, please ensure that you don't say anything or mention any particular fact that may reveal your identity. If you have any doubt on the answer you have to give because of fear of revealing your identity, let us know and we will guide you but without coaching you. Is this clear to you?

Witness "TT": Yes.

Presiding Judge: The Public Prosecutor will now put questions to you.

Public Prosecutor: Do you remember giving evidence to another judge concerning an incident which happened to a man called Hysen Krasniqi during the war?

Witness "TT": Yes.

Public Prosecutor: Was the statement in which you gave to the Judge true and correct in its content?

Witness "TT": It's the truth.

Public Prosecutor: Can you remember the date on which something happened to this Hysen Krasniqi?

Witness "TT": I only remember that he was taken by Agron Krasniqi and Zaim Krasniqi.

Public Prosecutor: I will come back to the date. Can you tell us first of all and if you can without disclosing your identity, where you were at the time this incident happened?

Witness "TT": I was a soldier on duty.

Public Prosecutor: How close away were you from the incident when it happened?

Witness "TT": I was far.

Public Prosecutor: How far?

Witness "TT": I don't remember.

Public Prosecutor: You were starting to tell us something about an Agron Krasniqi and another man. Can you tell us in your own words, what you remember happened?

Witness "TT": He was taken and sent to the headquarters in Drenovc. I don't know anything further.

Public Prosecutor: Can you remember if there was anybody else with this Agron and the other man you may have recognized?

Witness "TT": No.



Public Prosecutor: Do you remember if you told the Investigating Judge the names of anybody else?

Witness "TT": Zaim Krasniqi and Agron Krasniqi.

Public Prosecutor: Did you ever tell the Investigating Judge there was another person, whose first name is Islam?

Witness "TT": Islam Gashi.

Public Prosecutor: Did you see a person called Islam Gashi accompany Agron Krasniqi on that day?

Witness "TT": Yes.

Public Prosecutor: If you were very far away as you told us, can you explain to us how you recognized the three men that you mentioned?

Witness "TT": They passed by. They came across there.

Public Prosecutor: Was this before Mr. Krasniqi was taken or after?

Witness "TT": As they took him, the three of them passed by in a car.

Public Prosecutor: Can you tell us how these three were dressed, starting from Agron Krasniqi?

Witness "TT": They had black uniform on, just like bulletproof vests with a lot of pockets.

Public Prosecutor: Did you recognize this uniform and can you tell us what uniform it represented?

Witness "TT": Military police.

Public Prosecutor: Military police of which forces?

Witness "TT": Kosovo Army.

Public Prosecutor: Can you tell us if you know where they took him and how you know where they took him?

Witness "TT": In Drenovc.

Public Prosecutor: How did you know this on the day?

Witness "TT": I know because I was there as a soldier and I had seen it.

Public Prosecutor: Did you go to Drenovc the same day?



Witness "TT": I was there.

Public Prosecutor: Do you know where in Drenove that Mr. Krasniqi was taken; what building?

Witness "TT": At the old school, so-called the Coal Barracks.

Public Prosecutor: Can you tell us who was occupying this building?

Witness "TT": The military police and the headquarters were further down.

Public Prosecutor: Is this the military police or the Kosovo Army that you earlier told us about?

Witness "TT": Yes, the military police.

Public Prosecutor: When you were there in Drenove, did you look for Hysen Krasniqi?

Witness "TT": Yes.

Public Prosecutor: Whom did you speak to?

Witness "TT": I spoke with Bedri Zyberaj.

Public Prosecutor: Who was Bedri Zyberaj at the time and what was he?

Witness "TT": Political Secretary.

Public Prosecutor: What did you ask Mr. Zyberaj and what was his reply if he gave any?

Witness "TT": He wouldn't listen.

Public Prosecutor: Tell us what you said to him and what he said to you?

Witness "TT": I don't remember at this moment.

Public Prosecutor: Before going to see Bedri Zyberaj, did you speak to anyone else in-charge or anyone else in this military building?

Witness "TT": The main person was the Political Secretary.

Public Prosecutor: Did you meet anybody there with the first name "Selim" or "Isuf"?

Witness "TT": With Isuf I met with Selim we only saw one another incidentally.

Public Prosecutor: Where was it that you met this Isuf and can you give us his surname?



Witness "TT": At the headquarters, he is called Isuf Sherifi or "old uncle."

Public Prosecutor: Did he offer you any advice or assistance concerning your enquiries?

Witness "TT": Yes, he helped me. He said, "Let's see. There is time." He said "Let's see. Let's see."

*The Witness tells the Court that he is not feeling well.*

Public Prosecutor: Do you need a break or do you feel up to going on?

Witness "TT": We can continue.

Public Prosecutor: When you went to see Bedri Zyberaj, did he recommend that you speak to anybody else concerning the whereabouts and the affair of Hysen Krasniqi?

Witness "TT": He didn't take us into consideration at all there.

Public Prosecutor: I'm looking at the records of the statement you gave to the Investigating Judge on Page 5 of the English minutes and it's recorded that you may have said "I went to see Bedri Zyberaj and he answered you should talk to Selim Krasniqi because this is under his competence. He is the commander of the police." Did Bedri Zyberaj say this to you?

Witness "TT": I don't recall this.

Public Prosecutor: In any event, on the day you went there, did you manage to get to see Mr. Hysen Krasniqi?

Witness "TT": Yes.

Public Prosecutor: Where was it that you saw him?

Witness "TT": We saw him in the prison in the room upstairs above the prison. They allowed us 15 minutes to see him.

Public Prosecutor: Was there anyone else from the prison present in the room when you saw him?

Witness "TT": Islam Gashi was there. He was present there.

Public Prosecutor: Was there anyone else there?

Witness "TT": There were three or four other persons but I don't remember because they would not allow us to look around.



Public Prosecutor: You told us earlier that Agron Krasniqi had been one of the men that took Hysen Krasniqi away. Did you see Agron Krasniqi at any stage at the prison and did you speak to him?

Witness "TT": He never received me.

Public Prosecutor: But did you ever have an opportunity of having a discussion with him concerning what had happened to Hysen?

Witness "TT": He didn't allow us. He asked us to go from there together with Zaim Krasniqi.

Public Prosecutor: How many times did you manage to visit with Hysen Krasniqi from the day that he was taken?

Witness "TT": I don't remember. Agron knows.

Public Prosecutor: On Page 7 of the English minutes, it would appear that you told the Investigating Judge about collecting dirty clothes from Hysen Krasniqi. Did you bring clean clothes and take away dirty clothes from the prison?

Witness "TT": Agron knows.

Public Prosecutor: I'm sure you remember if you had brought clean clothes and took away dirty clothes. Do you remember if you went more than once?

Witness "TT": Twenty or thirty times.

Public Prosecutor: When you saw Hysen Krasniqi in Drenove, could you describe his condition to us? How did he look?

Witness "TT": He looked well and he told me "Go to Agron's family."

Public Prosecutor: What were you expected to do for Agron's family?

Witness "TT": I took there his dirty clothes that had bloodstains.

Public Prosecutor: Which Agron are we talking about now?

Witness "TT": Agron Krasniqi.

Public Prosecutor: You mentioned bloodstains. Are you saying you saw bloodstains on his clothes?

Witness "TT": On Hysen's clothes.

Public Prosecutor: I have to ask you this because the Investigating Judge asked you the same question on Page 8 of the English minutes. The Judge said "Did you see any blood on the clothes he wore that day?" And you said "I did not see any bloodstains on his clothes." You are now telling us today that you saw bloodstains on his clothes.



How many days had passed from the day he was taken to the day you saw bloodstains on his clothes?

Witness "TT": I don't remember that well, maybe ten or twelve days.

Public Prosecutor: Can you explain to us how is it you said to the Judge that you did not see any bloodstains on his clothes, whilst today you are telling us that you did see bloodstains on his clothes?

Witness "TT": When we saw the white T-shirt, it was from inside covered in blood.

Public Prosecutor: But did you ever tell the Investigating Judge that you never saw bloodstains on his clothes?

Witness "TT": I don't remember.

Public Prosecutor: Of the people who were frequenting the police station, did you get to know any of the other guards or did you actually know any of the guards working there at the time?

Witness "TT": No.

Public Prosecutor: Did you meet or know a police officer at the police station called "Isuf?"

Witness "TT": No. We only dealt with Agron and Zaim. I don't remember anything else.

Public Prosecutor: So it appears that you told the Investigating Judge that at the detention centre, there was a police officer called Isuf Berisha and he was killed in Dubrava during the war. Do you remember meeting this man and did he say anything to you about what was going on in the center?

Witness "TT": I don't remember.

Public Prosecutor: Do you remember if you told the Investigating Judge that Isuf Berisha told you that people in the detention center were ill-treated like cattle. Do you remember those words?

Witness "TT": I don't remember saying such stuff.

Public Prosecutor: You also told the Investigating Judge that it was this Isuf - this police officer that cared most about Hysen and that it was Isuf who passed on to you news about Hysen and that Isuf was given items for Hysen. Do you remember saying that?

Witness "TT": Yes - clothes, cigarettes, Juices. He took everything.

Public Prosecutor: Who was it within the detention center who made it possible for you to visit Hysen when you did it?



Witness "TT": I didn't know him then. They only allowed us 15 minutes to half an hour to meet with him. Agron told Hysen's brothers that no one had seen Hysen at Drenovc -neither the uncle, nor the others.

Public Prosecutor: When did this happen?

Witness "TT": When he went to Switzerland after the war and he spoke on the phone to his brother in Germany.

Public Prosecutor: Earlier in your testimony this evening, you identified an Islam Gashi as being one of those persons who took Hysen along with Agron Krasniqi.

Witness "TT": Together with Zaim Krasniqi.

Public Prosecutor: Did you ever see this Islam Gashi at any stage at the detention center when you went there?

Witness "TT": Yes; a guard.

Public Prosecutor: Can you give us a description of the Islam Gashi you are referring to? How did he look like at that time?

Witness "TT": Agron knows him better.

Public Prosecutor: But Mr. "TT", you saw him on the day Hysen was taken and on the day at the detention center. Can you please describe Islam Gashi for us?

Witness "TT": Islam is tall. He has black hair.

Public Prosecutor: Could you give an estimate of his age at the time?

Witness "TT": His face is not straight because he received an injury. It is partly elongated because he received an injury.

Public Prosecutor: Did you see any signs of injury apart from what you mentioned about his face on this man you know as Islam Gashi?

Witness "TT": No. I was not interested.

Public Prosecutor: Can you describe to us the Agron Krasniqi we have been mentioning throughout your testimony. Can you give us an estimate of his age, his stature, any distinctive marks, etc?

Witness "TT": Agron Krasniqi is not that tall. He is short. He is young. I did not notice the marks.

Public Prosecutor: Where did you know Agron Krasniqi from?

Witness "TT": They are from the village of Hysen.



Public Prosecutor: Did you know him before this critical period?

Witness "TT": Yes.

Public Prosecutor: Did you know the man you described as Islam Gashi before this critical period?

Witness "TT": No. Never.

Public Prosecutor: How did you know that the man you say is Islam Gashi, was in fact Islam Gashi. Where did you learn his name?

Witness "TT": When we would go to visit and when we would take the clothes to Hysen. I don't know anything else. Agron knows all. Don't ask me anymore. Agron knows it all.

Public Prosecutor: You mentioned earlier in your testimony that Bedri Zyberaj was a Political Secretary. How do you know this and how did you come to learn this?

Witness "TT": We were soldiers.

Public Prosecutor: Did you know Mr. Zyberaj before this day?

Witness "TT": No.

Public Prosecutor: I'm looking at a commentary by the Investigating Judge on Page 4 of the minutes in which it says "Bedri Zyberaj was a Political Commissar. He could do whatever he wanted. He once wanted to arrest me." Did you have previous problems with Bedri Zyberaj before Hysen Krasniqi was taken?

Witness "TT": No. Never.

Public Prosecutor: Can you give us a brief description of Bedri Zyberaj when you saw him during the critical period?

Witness "TT": Bedri Zyberaj is bald and he is a bit short. He is possibly 40 years old or more.

Public Prosecutor: I asked you if you ever had a row with Bedri Zyberaj and you said "No." Did you ever have a row with people in the detention center?

Witness "TT": No.

Public Prosecutor: I'm looking again in the minutes of Page 6 of the English version in which you described going to the center and bringing clothes to Hysen and meeting Agron Krasniqi. You said "We were having a conversation in a loud voice. Selim came out and asked us 'What is happening over here? Why are you yelling at each other?' Selim told Agron 'You go and do your job' and he said to me 'You keep your mouth shut or closed'." Did that incident happen?



Witness "TT": I don't remember this.

Public Prosecutor: I'm almost concluded. I would like to present the Witness with the photo line-up - Exhibit C, the same that was produced to the other witness here today.

*The Legal Officer takes the photo line-up to the booth.*

*The Presiding Judge gives the witness the Article 255 of the PCPCK warning on photographs identification.*

Witness "TT": Agron Krasniqi - No. 2. No. 8 - Selim Krasniqi. Bedri Zyberaj - No. 16. No. 27 - Islam Gashi. No. 32 - Isuf Sherifi Gashi.

*The Legal Officer returns to the courtroom.*

*Since Mr. Halimi had gone out for one minute, the identification that the Witness gave to the Court is being read out to Mr. Halimi.*

Public Prosecutor: Mr. Witness "TT", the photographs that you recognize today and the names you've given us - these were the people either involved in taking Hysen Krasniqi away or were present in the police station. Is Agron Krasniqi the one you recognize today the same Agron Krasniqi that took away Hysen?

Witness "TT": The same one.

Public Prosecutor: The Islam Gashi - no. 27 that you recognized, is he the same Islam Gashi that took away Hsen?

Witness "TT": The same one.

Public Prosecutor: The other three - Bedri Zyberaj, Isuf Gashi and Selim Krasniqi - are these the same ones that you saw in the police station?

Witness "TT": I saw them at the military area near the headquarters.

Public Prosecutor: I asked you when you started your testimony if you could tell us the date Hysen was taken away and you said you could not. Can you remember if there were any attacks in your area in the summer of 1998 by Serb forces?

Witness "TT": I cannot remember the date as seven years had passed by and I also did not think of remembering dates.

Public Prosecutor: Can you remember if there were any attacks in your area in the summer of 1998 by Serb forces?

Witness "TT": Yes.

Public Prosecutor: Do you know if the village of Drenovc was attacked?



Witness "TT": Yes, it was.

Public Prosecutor: Can you tell us whether the incident with Hysen Krasniqi occurred before or after the attack by Serbs in Drenovc?

Witness "TT": Before the attack. They took Hysen away on 4 May.

Public Prosecutor: I see here from the investigation minutes that one of the first questions the Investigating Judge asked you was "In the first part of June 1998, did you observe someone being taken away by UCK" and your answer was "Yes." Does it help you to remember the exact date the incident occurred? Was what you told the Investigating Judge correct?

Witness "TT": I don't remember.

Public Prosecutor: Can you tell us if you can remember, during the months of May, June, July of 1998, who was in control of the villages of Drenovc and the villages surrounding it?

Witness "TT": KLA.

Public Prosecutor: Could you tell us if there were any fights or skirmishes during this period between the KLA and the Serb forces?

Witness "TT": Not at that terrain but in Bellacerkve, Celin, Bartatin and Drenovc.

Public Prosecutor: Do you know if there were any Serbs or Albanians killed during this period?

Witness "TT": I don't know. Tafil Krasniqi from Drenovc was killed. Serbs and Albanians were fighting each other and one person died.

Public Prosecutor: Thank you. I have concluded with this witness.

*Court Recorder: Nina Maric*

Mahmut Halimi, Defence Counsel: Mr. Witness, my name is Mahmut Halimi and I am defence counsel for Selim Krasniqi. In your statement today before this panel you mentioned that you have met Selim Krasniqi only once incidentally, is that correct? I have it here noted down as, "I have seen him once and that was incidentally".

Witness "TT": I don't remember if I saw him once or twice but I have seen Selim.

Mahmut Halimi, Defence Counsel: Bearing in mind your statement before the Investigating Judge on 26 April 2004 and what you said today concerning Selim Krasniqi today, that you had seen him incidentally and then you corrected it by saying that you saw him once or twice. My question is about your statement given to the Investigating Judge and the portion of it presented by the Public Prosecutor, whether this statement was the result of your anger because Hysen Krasniqi was taken?



Presiding Judge: you have a witness who has been waiting here since 8 or 9 o'clock. I will summarize for him and you tell me if it is correct.

Witness "TT": Maybe there has been some mistake during translation but it was not anger.

Mahmut Halimi, Defence Counsel: Is it what you stated today or is it what you said at that time about Selim Krasniqi correct?

Witness "TT": Now I don't remember what I have said at that time but nothing bad happened to me from Selim Krasniqi.

Mahmut Halimi, Defence Counsel: Mr. Witness, you stated that at the time you were a KLA soldier, did I understand it correctly?

Witness "TT": Yes

Mahmut Halimi, Defence Counsel: Did you use to go to Drenovc as a soldier and if so did you have your KLA uniform on?

Witness "TT": Yes. I was in uniform.

Mahmut Halimi, Defence Counsel: Thank you. I have no further questions.

Presiding Judge: We will have a short break now.

*The session breaks at 8:20 and resumes at 8:30 p.m.*

Presiding Judge: Mr. Hasani?

Rexhep Hasani, Defence Counsel: As a soldier of the KLA were you at Drenovc group or elsewhere?

Witness "TT": I was a soldier in the municipality or Rahovec and wherever they needed me.

Rexhep Hasani, Defence Counsel: Since you were soldier do you know obligations and duties of a political commissar?

Witness "TT": I know what political commissar means, he plays general role in the army.

Rexhep Hasani, Defence Counsel: You are wrong; however, that is your opinion. In your statement before the Investigating Judge dated 26 April, page 4 in English version somewhere in the middle, "He could have done whatever he wanted once he wanted to arrest me", in Albanian version it says "once he arrested me"?

Witness "TT": Bedri Zyberaj told Hysen's brother, I arrest you and he said to other you try to arrest me.



Rexhep Hasani, Defence Counsel: But did he arrest you or did he want to arrest you?

Public Prosecutor: I already asked the question earlier tonight.

Witness "TT": They wanted to arrest Hysen's brother and he sent the police at home.

Rexhep Hasani, Defence Counsel: I request that this statement should be seen very seriously as it is full of insinuations and anger.

Witness "TT": There is nothing I want the revenge on Bedri Zyberaj but that is just the way he operated.

Presiding Judge: Thank you Mr. Hasani. Mr. Celina?

Fatmir Celina, Defence Counsel: I have no questions for this witness.

Presiding Judge: Mr. Rogova?

Ethem Rogova, Defence Counsel: Your Honor, the accused wishes to question witness himself.

Presiding Judge: Mr. Syla?

Mexhid Syla, Defence Counsel: Mr. Witness "TT", in one of the Public Prosecutor's questions in relation to Islam Gashi's identification you said that part of his face is slightly elongated because he had received an injury. Can you tell the Panel if you know when Islam Gashi received that injury?

Witness "TT": He was injured at the beginning of the war.

Mexhid Syla, Defence Counsel: When do you exactly mean at the beginning of the war, can you give more details, the date or month or which year was it?

Witness "TT": I noticed that injury by beginning of May and it was in the center of Drenove.

Mexhid Syla, Defence Counsel: If I say that Islam Gashi was injured on 27 May 1998 do you agree that I am right to say so?

Witness "TT": I did not keep notes about dates when persons got injured.

Mexhid Syla, Defence Counsel: Mr. Witness, you mentioned the center of Drenove, what did you mean by center of Drenove as it remains unclear for me?

Witness "TT": There was the center of military compound, at the mosque that is where I saw him.

Mexhid Syla, Defence Counsel: So from what I realize you saw him in Drenove can you be little bit more particular?



Presiding Judge: He has answered that question.

Mexhid Sylja, Defence Counsel: Can I conclude from the previous statement of the witness that he saw Islam Gashi injured in the center of Drenove?

Witness "TT": I saw him. He had his face covered.

Mexhid Sylja, Defence Counsel: Which part of his face was covered?

Witness "TT": I was not a doctor to examine it.

Mexhid Sylja, Defence Counsel: Do you remember approximately when you saw him?

Witness "TT": No, I don't remember.

Mexhid Sylja, Defence Counsel: How about the month when you saw him?

Witness "TT": I don't remember.

Mexhid Sylja, Defence Counsel: Was this before Hysen Krasniqi was taken from his home or after he was taken?

Witness "TT": After he was taken.

Mexhid Sylja, Defence Counsel: Do you remember approximately how many days or how many months after he was taken?

Witness "TT": I don't know.

Mexhid Sylja, Defence Counsel: To the Public Prosecutor's question you answered, "I think it was 4<sup>th</sup> of May when they took Hysen" and we had the option you mentioned before the Investigating Judge and your answer was that you don't remember the exact day that Hysen had been taken. Am I right to think that you don't know exactly the date or month when Hysen Krasniqi was taken?

Witness "TT": He was taken in May but was it 4 or 6 I don't know. You have it in writing.

Mexhid Sylja, Defence Counsel: Is it true what you stated before the Investigating Judge or what you stated today?

Witness "TT": It has been seven years since then.

Presiding Judge: Put your questions. Let's not repeat questions.

Mexhid Sylja, Defence Counsel: The witness is forcing me to ask such a questions and it is your job to draw the attention to the witness.



Mexhid Sylja, Defence Counsel: I don't wish to continue with the questions, not under these circumstances.

*The Presiding Judge draws the attention of Mr. Sylja that the date on which Mr. Hysen Krasniqi was allegedly taken has been canvassed before by the Public Prosecutor and there is no need to be repetitive about that issue and it is up to the court to evaluate the evidence and that he can put it in his closing speech. Mr. Sylja said that in those circumstances he is not ready to put any further questions.*

Presiding Judge: You should make a summary one, not a long speech.

Mexhid Sylja, Defence Counsel: I deserve this even less taking into consideration my attitude and my behavior in this hearing and this case. For this reason I do not wish to continue with my questions.

Presiding Judge: Can I ask you one simple question Mr. Sylja? Are you conscious that you are here in the interest of your client, not mine or yours but your client's?

Mexhid Sylja, Defence Counsel: Your Honor, you have extended all the limitation by lecturing us. We don't need to hear this. I am very conscience and you are not allowing me to make my points and you are maltreating those accused here and all of us here because of one witness. We are here all day and after this they would be handcuffed and sent to Dubrava and in the morning will be back here. You did not take into consideration my colleague's proposal earlier but you continued with your decision. We are listening your lectures constantly like we came from the mountains yesterday. We are lawyers and we worked for years and we worked in a very serious high profile cases and we were praised for our work.

Presiding Judge: Thank you very much Mr. Sylja. Mr. Balaj?

Mexhid Sylja, Defence Counsel: I am not in a position to stay here any longer.

*Mr. Sylja leaves the courtroom at 9:05 p.m. and returns after ten minutes.*

Fazli Balaj, Defence Counsel: Mr. Witness, I am defence counsel of Agron Krasniqi and my name is Fazli Balaj. In your statement given before the investigating judge, in English version is last page, at the very end, it says, "we saw him" and you mentioned 16 July 1998, do you confirm your statement?

Presiding Judge: What is the question?

Fazli Balaj, Defence Counsel: Do you confirm the statement regarding 16 July or not?

Witness "TT": Just like I have stated.

Fazli Balaj, Defence Counsel: After 16 July did you go back to Drenove on any other day?

Witness "TT": Yes



Fazli Balaj, Defence Counsel: When if you remember and how many times?

Witness "TT": I did not go on 16<sup>th</sup> but I went on 13<sup>th</sup>

Fazli Balaj, Defence Counsel: I repeat the question; did you go after 13<sup>th</sup> of July to Drenovec again or not?

Witness "TT": We went but I don't know the date as it was war in Bellacerkve.

Fazli Balaj, Defence Counsel: In the village of Bellacerkve do you go through villages of Xerxe, Rahovec and then Pristina?

Witness "TT": I don't know. It is a non-asphalted road.

Fazli Balaj, Defence Counsel: Do you know if the police forces in Rahovec pass by that road or not during the May, June or July in 1998? Your Honor, the witness said that in July 1998 the Serbian forces took us all, my question was not about that. My question is, during this period did the Serbian forces rotate in that area of Rahovec, Prizren and Xerxe?

Witness "TT": I don't remember.

Fazli Balaj, Defence Counsel: Do you know whether during this period in these villages were there any positions of Yugoslavian Army, barracks or forces or anything?

Witness "TT": When the area was taken by the Serbs there was army and other Serbian forces and the area was taken by Serbs.

Fazli Balaj, Defence Counsel: Where was the checkpoint, where was the area taken by the Serbs?

Witness "TT": It was on 18<sup>th</sup> of July that they took Bellacerkve and all.

Fazli Balaj, Defence Counsel: I did not get the answer, where was the area?

Witness "TT": Bellacerkve

Presiding Judge: This is what he said where a checkpoint was.

Witness "TT": Bellacerkve

Fazli Balaj, Defence Counsel: Your Honor, I would like to ask the witness where this checkpoint was placed in Bellacerkve?

Witness "TT": Ask Agron Krasniqi he will tell you.

Presiding Judge: Mr. Witness, answer the question. Do you know the date when the checkpoint was installed?



Witness "TT": I don't remember the date or the day.

Fazli Balaj, Defence Counsel: During May, June or July 1998 as a KLA soldier did you participate personally in any fights in that territory?

Witness "TT": Yes, on 18 July in Bellacerkve.

Fazli Balaj, Defence Counsel: How many soldiers were there?

Witness "TT": More than 100 soldiers.

Fazli Balaj, Defence Counsel: At this barricade checkpoint you said that Tafir Krasniqi was killed?

Witness "TT": Yes

Fazli Balaj, Defence Counsel: Were there soldiers of the Yugoslavian Army or after this checkpoint was shelled by the police or bombarded?

Witness "TT": From Muhadri they shelled us and then Serbs came and took everything from us.

Fazli Balaj, Defence Counsel: Do you know what weapons they used to shell the area?

Witness "TT": They called it Russian Katjusha.

Fazli Balaj, Defence Counsel: I know you are not a military expert but weapons complicated ones for shelling like you may have seen in movies are in question. The village of Muhadri, is this village in the Hasi area, within the border of Albania further the river Drini?

Witness "TT": Yes

Fazli Balaj, Defence Counsel: Gani Paqarizi was murdered on 16 or 17 July in Bellacerkve, correct?

Witness "TT": On 18 July

Fazli Balaj, Defence Counsel: Thank you. During May, June, July or August 1998 in the Drenovc region, municipality of Rahovec, how many KLA soldiers were killed during the fighting?

Witness "TT": To tell the truth I don't know.

Fazli Balaj, Defence Counsel: After the event in Bellacerkve, did you participate in fighting during the months of July, August and September?

Witness "TT": No



Presiding Judge: Mr. Balaj, what is the point in asking these questions?

Fazli Balaj, Defence Counsel: My question is, was there any fighting in that territory after 18 July, in August or September?

Witness "TT": I don't remember because when the attack of Bellacerkve started the Serbs ruined it all.

Fazli Balaj, Defence Counsel: Did you see during the months of May, June, July, August or September any single Serbian policeman that was killed in that territory during the fighting?

Witness "TT": I did not see any dead people.

Fazli Balaj, Defence Counsel: Your Honor, at the last page one line above what you saw earlier (page 17), "after the death of Gani Paqarizi, Agron Krasniqi was assigned deputy head of the police station". How do you know this? Your Honor, I can withdraw this question if you think so. Even the Public Prosecutor is not accusing the Agron Krasniqi that he was the deputy head of the police station.

Presiding Judge: Charges are not that Agron Krasniqi was appointed as a deputy. You have to be careful how you put it. It is for you to decide what is in best interest of your client.

Fazli Balaj, Defence Counsel: I withdraw the question. During the fighting in Bellacerkve or during your whole career in the KLA did you ever hear that any commander of yours or any other commander ever ordered attack against the population, no matter if they were Albanians or Serbians?

Witness "TT": No

Fazli Balaj, Defence Counsel: I have no further questions now.

Presiding Judge: Thank you. Mr. Selim Krasniqi?

Selim Krasniqi: I have no questions.

Presiding Judge: Mr. Bedri Zyberaj?

Bedri Zyberaj: Your Honor, I don't have any questions for the witness but I would like to express comment of mine not towards the statement of the witness but not following that level of commenting about it. I wish to comment to regarding this court hearing today. In few minutes it will be 17 hours exactly since the time we got up and from those 17 hours during four of them we were handcuffed. Despite the request of our defence counsel to call the witness tomorrow the Panel refused to do so with the justification that this is done for our benefit. Not to prolong this marathon session but just to say that we are not to blame for this because none of sessions apart from the one when Selim Krasniqi was ill was postponed because of us. Even if we start our journey this moment we will not arrive before 1 o'clock and I have to wake up tomorrow quite early so I am feeling that I have been treated not as I should have



been as an accused so I support entirely the statement that attorney Sylva provided earlier.

Presiding Judge: I fully agree that it is late and everybody is tired. It is difficult to get some witnesses to come to the court and when we do get them we want to hear them so they don't disappear. It is in interest of everybody. If I have been told in a very formal manner that this was going to cause prejudice the Panel would take the decision. You have been here and you know when we don't have witnesses we are told that we are not doing our best, but when we do I understand the inconvenience. I heard what you said and we will hear only one witness and we will also discuss tomorrow's hearing as everybody is tired.

Presiding Judge: Mr. Elshani?

Xhavit Elshani: I have no questions.

Presiding Judge: Mr. Agron Krasniqi?

Agron Krasniqi: Thank you. First of all I would like to state that I don't have any questions for the witness but to give a brief comment regarding the witness. From what I noticed from very beginning of his statement up to this point I believe that this witness is willing and has the desire and he is probably born to accuse another one. I believe in a principle that a person is free to say what he or she thinks based on a clear reasoning and conscious but this witness needn't be anonymous since he states that he is a known one and since he stated few times that "Agron Krasniqi knows", and I would like to ask, what does he think I know? What am I in position to know? This is actually mini question for him. That is all. This question came into my mind and I brought it up here as it is burden for me when he kept saying, "Agron knows", what do I know?

Presiding Judge: Mr. Balaj, you want to talk to your client?

Fazli Balaj, Defence Counsel: I believe that what Agron Krasniqi said is more like a comment than a question. What he actually meant and what we believe is that the statement of the witness cannot be sufficient enough as the evidence for what Mr. Agron Krasniqi is charged with. If this question is necessary, than why not?

Presiding Judge: Thank you. Mr. Islam Gashi?

Islam Gashi: As you know Your Honor, in my statement before the Investigating Judge I stated that on 27 May 1998 at about midnight I was injured badly and it took a long time for me to recover. This was a consequence of grief injuries that I have received and when I say grief and serious that means one was on my head and three on my right leg or foot. I am left from the day with 15 bits of shells in my leg. As I got injured on 27 May 1998 and the fact that I was injured was proved by the witness, so when Witness "TT" says that I arrested Hysen Krasniqi that is not true because even if I wanted I would not have been able.

I have a brief comment with regard with today's session when the session started, in one of your words Your Honor, you promised that you would protect our rights the



rights of the accused starting from this I requested my Defence Counsel to ask for recess of the hearing for tomorrow.

Presiding Judge: Thank you. Mr. Isuf Gashi?

Isuf Gashi: Mr. Witness "TT", I am Isuf Sherif Gashi; do you know me?

Witness "TT": Yes

Isuf Gashi: From which village am I?

Witness "TT": from Drenove

Isuf Gashi: Are we related at all? Are we members of an extended family, do we share lands, do we live nearby or is there any sort of connection between us?

Witness "TT": We have no connections between us.

Isuf Gashi: I asked him humanely and he answered that he does not know. I am 60 years old and I have enough energy to ask him questions and I want him to answer properly.

Witness "TT": I am not witness against you and I have absolutely nothing against you in this court hearing.

Isuf Gashi: Of course you are not witness against any of us but because of persons like you and some hearsay we are here for about two years.

Witness "TT": Then follow the hearsay or rumors.

Isuf Gashi: Do you know who established the KLA in the region you said you were a soldier in?

Witness "TT": No

Isuf Gashi: At the region of Drenove?

Witness "TT": Isuf Sherifi

Isuf Gashi: Did you know Mensur Zymberi?

Witness "TT": No

Isuf Gashi: At what month, approximately, the KLA appeared officially in our region? At what month did you become a soldier of the KLA?

Witness "TT": I don't know.

Isuf Gashi: When was the first martyr killed in that region?



Witness "TT": I think it was Isuf Sherifi's son.

Isuf Gashi: So, approximately when was Sherifi's son killed?

Witness "TT": I don't remember.

Isuf Gashi: Do you remember when Prparim Thaqi was killed?

Witness "TT": No

Isuf Gashi: Were you at the funeral of Milaim Krasniqi?

Witness "TT": Yes

Isuf Gashi: Were you in the army when that funeral happened?

Witness "TT": I don't remember.

Isuf Gashi: Who got killed first?

Witness "TT": I don't remember.

Isuf Gashi: Since you said that you were soldier and usually soldiers take part in martyrs' funerals that is why I asked you whether you were from my village and you said no or whether you have been to those funerals and you said no.

Witness "TT": I don't remember.

Isuf Gashi: Are you sure that the son of Isuf Gashi was killed?

Witness "TT": Yes, him and Isuf's brother, Avdi Sherifi and Jusuf Sherifi. I am not sure about Jusuf.

Isuf Gashi: Do you remember the particular place maybe you are not from there?

Witness "TT": I don't remember.

*Court Recorder: Gwen Cheong*

Witness "TT": Are you talking about the Isuf Sherifi that is here?

Witness "TT": Yes. I'm talking about this Isuf Sherifi Gashi because I don't know any other.

Isuf Gashi: Do you remember those local headquarters you mentioned earlier in Radoste?

Witness "TT": I have a summons in my hands that proves that I am a soldier. Yes, there were headquarters in Radoste.



Isuf Gashi: How about in Ratkove? Was there one?

Witness "TT": Yes.

Isuf Gashi: How about in Ndeje?

Witness "TT": I don't know if there is one in Ndeje.

Isuf Gashi: Cifllak?

Witness "TT": All over the place.

Public Prosecutor: Is there a point in these questions, Mr. Gashi?

Isuf Gashi: I asked those questions as I need those answers as they were units established there to protect the Serb forces. Do you know if Isuf Gashi was injured?

Witness "TT": Isuf Gashi, Gani Paqarizi got killed.

Isuf Gashi: Which date?

Witness "TT": Either 18<sup>th</sup> or 17<sup>th</sup>; one of those two dates.

Isuf Gashi: What did Isuf Gashi work as before the war?

Witness "TT": I don't know.

Isuf Gashi: After the war?

Witness "TT": I don't know.

Isuf Gashi: Since Hysen Krasniqi was arrested, was he at any time working officially for the government/state?

Witness "TT": I think in the vineyards.

Isuf Gashi: You mean agriculture?

Witness "TT": Exactly.

Isuf Gashi: Do you think he's a good or bad guy?

Witness "TT": I don't know. We are waiting from you.

Isuf Gashi: I'm not convinced that the KLA would have arrested the Albanian civilian population. My opinion is that KLA helped as much as it could. Did anyone force you to go to provide a statement at the international police?

Witness "TT": No.



Isuf Gashi: How about the Investigating Judge in 2004? Did anyone force you to give a statement?

Witness "TT": I don't know. I don't remember.

Isuf Gashi: No. No. You should remember if you were forced to give a statement. You're an adult. You should remember.

Witness "TT": I don't remember.

Isuf Gashi: How about in today's session? Were you forced to come here to testify?

Witness "TT": Yes. They came and forced me to come here.

Isuf Gashi: Do you remember the name of the commander at the local headquarters where you were a soldier?

Witness "TT": I don't remember.

Isuf Gashi: In the statement given by the Panel before that American, you said that it was Commander Xhem Gashi with the nickname "Xhemajli." How is it that you have forgotten such a thing?

Public Prosecutor: I'm not sure I understand such a question.

Witness "TT": Since you have my statement, why are you asking me this question? Are you my judge?

Isuf Gashi: I have no further questions for the Witness but a brief comment. It is unfortunate that at the age of 60 - I'm talking about myself, to get so disappointed, so disillusioned by an international court. Three statements given in different ways and three statements given before international authorities and he states that he produced the statement without being forced or under obligation - a witness that you warned about false testimony and consequences before the law. Witnesses "E" and "TT" are controversial witnesses. That is why you disillusioned me although by those words I'm not accusing you. And so the same was said by Witness "E" and through those false testimonies of those witnesses, you keep us here for seventeen months; Selim Krasniqi and friends and myself for twenty something months. So please bear in mind, Your Honor, we told you not to admit Witness "E" that the Public Prosecutor proposed and you still did so. However, I have a little bit of hope left and hopefully you will consult among yourselves and with the Public Prosecutor, and with regard to the false testimony given by those false witnesses in question, to take some judicial ruling. I have nothing else to say. Have a good night and see you tomorrow.

Presiding Judge: Any further questions?

Public Prosecutor: I have two short questions. Mr. Witness "TT", you told us earlier that you saw Islam Gashi after he had been injured, with his face covered. Can you tell us when you saw him, was he moving around?



Witness "TT": With his friends he had gone out to the old school and I saw him with my own eyes.

Public Prosecutor: Did you see if he was using crutches or any other means to walk or was he able to walk without any difficulty?

Witness "TT": I did not have a chance to observe him or to notice.

Public Prosecutor: In response to Mr. Halimi, you told us that you may have seen Selim Krasniqi, two or three times.

Witness "TT": That's it.

Public Prosecutor: I will read you a short passage from your testimony. Please tell us if this is correct. Selim Krasniqi's defence counsel asked you if you recollect how many times you had contact with Selim Krasniqi. And your answer was "Ten times." Is this correct?

Witness "TT": Maybe to a question on Zaim Bajraktari. Maybe there's a mistake.

Public Prosecutor: According to the English version, the question was "Would you recollect how many times you had contact with Selim Krasniqi?" And that was by his counsel at the time, Mr. Destan Rukiqi and the answer recorded was "ten times." Did you have contact with Selim Krasniqi ten times over these days you went to Drenovc?

Witness "TT": Maybe I was in contact with him ten times but I didn't notice that he was Selim Krasniqi.

Public Prosecutor: I don't understand that. In response to Mr. Rukiqi you said you had contact with Selim Krasniqi ten times. Did you have contact with Selim Krasniqi ten times?

Witness "TT": Maybe that is correct.

Public Prosecutor: Because you had said in a statement just before this that the first time you went to the detention center, you saw Selim Krasniqi and Bedri Zyberaj. So you know what Selim Krasniqi looks like. Is that correct?

Witness "TT": Correct.

Public Prosecutor: Did you tell the defense counsel for Selim Krasniqi that Selim Krasniqi took the clothes you brought for Hysen?

Witness "TT": I don't remember. This is two to three years ago now. I'm not in the position to continue any longer.

Mahmut Halimi, Defence Counsel: On my last question when I asked the Witness with regard to the differences in statements that you entered into the minutes - that the witness stands with today's statement, I don't want to enter into details but will



continue with questions that are derived from the investigative sessions. I think this part was already clarified. It is not necessary to continue with these questions.

Public Prosecutor: I was just trying to find out the issue on the number of times. I will not ask any further questions.

Presiding Judge: In light of this question, do you have any further questions, Mr. Islam Gashi?

Islam Gashi: I would like to ask the Witness in relation to the moment when Isuf Sherifi asked him whether he participated during the funeral of Avdi Berisha's son. From what I remembered, the Witness said he took part. Is that correct?

Witness "TT": Yes, I participated.

Islam Gashi: Do you remember the name of Avdi's son?

Witness "TT": No, I don't. We gathered as a group and went to the funeral.

Islam Gashi: If I mentioned to you the names, would it refresh your memory?

Witness "TT": After.

Mexhid Sylja, Defence Counsel: For the minutes, regarding the Public Prosecutor's question, "When did the Witness see Islam Gashi?" When he answered, the witness said "I saw him with his friends." When the clarification was provided during the question through the translation, we understood that the Witness with his friends saw. The Witness said that was a mistake.

Presiding Judge: I understood that Islam Gashi had gone with his friends to the old school.

Witness "TT": I was with my friends when I saw Islam Gashi passing by with one crutch.

Public Prosecutor: I have one question for you, Mr. "TT". The bottom line of all your answers about how many times you had seen Selim Krasniqi, you said to Mr. Halimi and you referred to the investigative minutes, you said ten times.

Presiding Judge: Mr. "TT", you have said to Mr. Halimi that you may have seen Selim Krasniqi two or three times and to the Public Prosecutor, you said you may have seen him ten times. Where did you see him, if you saw him?

Witness "TT": I saw him in Drenove at the headquarters.

*No questions or observations by prosecution or other defendants.*

Presiding Judge: Did you have any conversation with him?

Witness "TT": We spoke two or three times outside the headquarters.



Presiding Judge: On the same day or on different occasions?

Witness "TT": Different days, whenever I went there or several times when I went there.

Presiding Judge: What was the reason you were going there on different days?

Witness "TT": I can't answer.

Presiding Judge: Do you remember how Selim Krasniqi was dressed when you saw him and spoke to him on these occasions?

Witness "TT": In police uniform.

Presiding Judge: The first question the Public Prosecutor asked you if you stood by the statement you gave to the Investigating Judge on 26 April 2004, do you still stand by the first answer you gave to the Public Prosecutor?

Witness "TT": I don't remember now what I said in April 2004.

Presiding Judge: If you don't remember, we will bring you back tomorrow and ask you the same question.

Witness "TT": You have all the responses to the questions asked. I have not taken any notes and it's been more than two years now.

Presiding Judge: In view of the all the criticisms we have been burdened with, I have a question. What do we do with tomorrow's session?

Public Prosecutor: It is in everyone's interest to get through as many witnesses as possible and as it has been a very taxing day, my suggestion is to start at 2.00 p.m.

Fazli Balaj, Defence Counsel: 12:00 is fine for us.

Presiding Judge: What about the proposition for tomorrow?

Mahmut Halimi, Defence Counsel: I agree with my colleagues.

Presiding Judge: If we start at 2:00 p.m., what time do we work up to? I don't want to be accused of finishing late again.

Mahmut Halimi, Defence Counsel: Our clients are requesting not to be woken up at 5:00 a.m. and if they could be asked to be woken up at least at 8:00 a.m.

Presiding Judge: The trial is adjourned till 1:00 p.m. tomorrow.



The court adjourns at 11:00 p.m.

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Presiding Judge, Vinod Boolell

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Court Recorder, Nina Maric

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Court Recorder, Gwen Cheong