

Consolidated Witness Statement of Mahir DEMAJ

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE
PROSECUTION
OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS
OF INTERNATIONAL LAW COMMITTED IN THE TERRITORY
OF THE FORMER YUGOSLAVIA SINCE 1991

WITNESS STATEMENT

WITNESS INFORMATION:

Last Name: **DEMAJ**

First Name: **Mahir**

Nickname /Alias: ---

Father's name: **Selim** Mother's name: **Kune**

Date of Birth: **01.05.1976** Gender: **male**

Place of Birth: **Jablanica e Madhe, municipality of Peja**

Ethnic Origin: **Kosovo Albanian** Religion: **Muslim**

Current Occupation: **Farmer**

Former: ---

Language(s) Spoken: **Albanian**

Language(s) Written: **Albanian**

Date of Interview: **16/04/2007 and 19/04/2007**

Place of Interview: **Jablanica e Madhe, Kosovo**

Interviewer: **Barney KELLY**

Interpreter: **Gazmend TROKA**

Language(s) Used in Interview: **Albanian and English**

Names of all persons present during interview: **Mr. Mahir DEMAJ, Mr. Gazmend TROKA, Ms. Antoinette ISSA, Trial Attorney, Ms. Romana SCHWEIGER, Associate Legal Officer and Mr. Barney KELLY.**

Signature

Demaj
(Witness)

Signatures

Barney Kelly
(Others Present)

Antoinette Issa
Romana Schweiger

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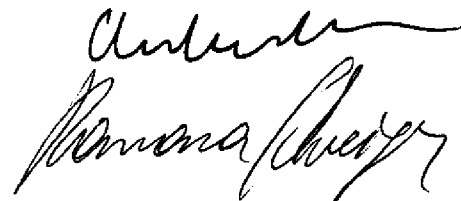
Consolidated Witness Statement of Mahir DEMAJConsolidated Witness Statement

1. I was asked to give a statement to the International Criminal Tribunal for the Former Yugoslavia (ICTY). I have not been threatened or forced to come here, nor have I been offered any promises or incentives to do so.
2. I have agreed to provide a written signed statement. I have been told that my statement may be used as evidence in the proceedings at the ICTY.
3. I was born in the village of Jablanica e Madhe, Peja municipality, where I lived ever since. After finishing my secondary school I went to the technical faculty in Peja, studying economics. Due to the war I could not graduate, so I finished my last exams in June 1998. After this I decided to join the KLA.
4. Around the time the village of Loxha was attacked by Serb aircrafts I decided to join the KLA but I did not know where the Headquarters were. I remember that I met Pal KRASNIQI in Peja and told him about my decision to join the KLA. Since he had the same intention and knew the way, we decided to go and join them together. When I met him in Peja he told me that he had been in the KLA area 2 weeks prior to this time. I did not know exactly where we were going.
5. Both of us went by bus to Trestenik, which is somewhere between Peja and Klina. We were going towards a village called Krusheva which is near Klina because Pal wanted to spend the night at his mother's house. On our way we were stopped by a group of armed Serb Civilians in Krusheva. After we were stopped they called the uniformed police, who arrived shortly afterwards. Immediately they started to beat and kick us. They asked Pal to take off his jacket. Later on we were brought to the Police Station in Klina, where the beating continued. Pal and I were put into a room and they started to interrogate us. However, since I was not able to speak the Serbian language I

Signature


 (Witness)

Signatures


 (Others Present)
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Consolidated Witness Statement of Mahir DEMAJ

could not understand their questions, I only understood that they were interested in where we were going. During the interrogation we were heavily beaten by them with their fists and boots. I was also beaten with a metal tool or bar, until I collapsed. I fainted for some time. The moment I recovered I heard Pal asking me to stand up, because they were trying to kill me if I did not follow their orders. When I stood up I also noticed a civilian person had entered the room where I was kept with Pal. I remember that he was a bald guy and he was fit. He addressed me in the Albanian language and asked me how I ended up badly beaten. I tried to explain to him that I could not speak Serbian and therefore I was badly beaten. He also kept on asking me about my whereabouts and where I was going. I told him that I was from Jablanica e Madhe which is part of Peja municipality. I also gave him my name and father's name so he could confirm this information with the Police authority in Peja. At the Police Station, I was with Pal the whole time, except for a couple of minutes.

6. It was around midnight when we were allowed to leave the Police Station. I remember asking Pal where we were going. Pal had to carry me because I was unable to walk by myself. I don't know which direction we went, I only remember that we ended up at one stage at a house, where Pal had brought us. The police were searching for us during this time. We were able to hide, but we were discovered by them. One of them hit me with a gun on my head. Pal started to beg them for mercy so that they wouldn't kill me. We were both put into one of the police vehicles and driven in the direction of Peja, however due to unknown reasons we returned to Klina, where we were later released. After our release we headed to the church in the direction of Zilakoqan.
7. We went inside the church and we waited there. We could hear the police shooting once in a while. Around 04.00 o'clock in the morning Pal told me that a police officer had ordered us to report back to the police station commander the next morning at 08.00 hrs.

Signature

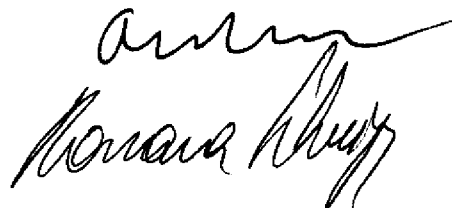


(Witness)

Signatures



(Others Present)



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Consolidated Witness Statement of Mahir DEMAJ

8. From the church we went to the post office, where Pal KRASNIQI called his father and informed him about our situation. Since we were not planning to report to the police like we were ordered, we continued on our way towards the village of Novo Selo and further on to Grabanica. In Grabanica we followed the concrete canal, which we had to cross. After crossing the canal we met a group of Kosovo Albanians, who seemed to be KLA village guards. They were armed but in civilian clothes. One of them joined us and asked if we wanted to continue to the KLA area. We said yes and he showed us the way to the village of Jablanica which is in the Gjakova municipality.
9. On the way to Jablanica, I saw many KLA members on the road. I had the impression that Pal KRASNIQI was well known in the area and he knew many soldiers there because soldiers on the road greeted him as we arrived in Jablanica. I also had the impression that there was training for new recruits taking place on the road where I saw the KLA soldiers because I saw some young boys in civilian clothing walking with uniformed KLA soldiers on the road.
10. After our arrival in Jablanica Pal KRASNIQI and I were immediately brought to a kind of improvised hospital, which was located in a private house, which consisted of 2 floors. I was brought to a room on the second floor, where other injured soldiers were also treated. I told the doctor and others at the hospital how and why we ended up here. We also told them about the beating. There were 2 or 3 uniformed KLA soldiers present and they listened as I explained to the doctor how I was injured. I was not asked questions by the KLA soldiers. In paragraph 9 in my previous statement which I gave on 12 December 2005, it says that I was taken to the Headquarters of the KLA in Jablanica, but this is not correct, we were just taken to the hospital.
11. At the hospital, I received treatment by a doctor whose name I don't know. He was about 40 years old and of stout stature. I received 6 injections and

Signature

Pang
(Witness)

Signatures

Barney Kelly
(Others Present)

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Consolidated Witness Statement of Mahir DEMAJ

bandages for my broken ribs. After the injections we all had something to eat in a house close to the hospital. In the house where I ate there were some people wearing civilian clothing and others wearing uniforms going in and out of the house. After I ate I slept on a bed in the same place where I ate. I then went back to the hospital.

12. When I was hospitalized I saw at least 10 persons who were treated. I remember one wounded KLA member who was injured by a bullet. I don't recall any names of persons in Jablanica as I was not familiar with this area. I stayed only one night in the hospital and left the next morning against the advice of the doctor.
13. Some of my relatives showed up the next morning in Jablanica in order to join a big group which was supposed to go to Albania to collect weapons. My relatives told me to go to Junik with my group. I joined this group on the same day and went towards Junik. Before we left I saw unarmed groups being divided to be sent to Albania to obtain weapons. Once they obtained the weapons they could then return to their villages to protect them from the Serbs. I did not know the people who were organising the groups.
14. Before I left for Junik I spoke to Pal and asked him to join me. He said that he wanted to stay with his friends in Jablanica and later on go home. Pal **KRASNIQI** stayed behind in Jablanica. This was the last time I saw Pal **KRASNIQI**. I left him in front of the hospital on the road in Jablanica. He was wearing civilian clothing and he was wearing blue Jeans. He was about my height, which is 175 cm, brown hair.
15. After the war I spoke once with Pal **KRASNIQI**'s father and I informed him about what happened to us on our way to Jablanica. I don't have any further information about Pal's fate.

Signature *[Signature]*
(Witness)

Signatures *[Signature]* ²⁶/₀₄/₀₇
(Others Present)

[Signature]
[Signature]

U0161127

Consolidated Witness Statement of Mahir DEMAJ

16. I remained in Junik for around 4-5 days. We were not able to cross the border to Albania so I returned home. I never returned to Jablanica, because it was attacked by the Serb forces shortly after I left for Junik. I was not registered as a member of the KLA because I think in order to do this you had to cross the border to Albania in order to get a uniform and a weapon. Only after you get a uniform and a weapon you could take the KLA oath. But I am not exactly sure what has to be done to become registered as a KLA member. However, my main reason for wanting to cross the border to Albania was in fact to get better medical treatment because I had been seriously injured by the Serb Police in Klina.

Signature *Dancy*
(Witness)

Signatures *Barney Kelly* ²⁶/₀₄/₀₇
(Others Present)

Antun
Samir Mujic

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Consolidated Witness Statement of Mahir DEMAJWITNESS ACKNOWLEDGEMENT

This statement consisting of 08 pages has been read over to me in the Albanian language and is true to the best of my knowledge and recollection. I have given this statement voluntarily and am aware that it may be used in legal proceedings before the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991, and that I may be called to give evidence in public before the Tribunal.

Signed: _____

Dated: _____

VËRTETIM I DËSHMITARIT

Kjo deklaratë që përmban 08 faqe më është lexuar në gjuhën shqipe dhe përmban të gjitha informacionet që i kam thënë sipas njohurisë sime dhe me sa mbaj mend. Deklaratën e kam dhënë vullnetarisht dhe i/c vetëdijshëm/shme jam që mund të përdoret në procedurë gjyqësore para Gjyqit Ndërkombëtar për Përndjekjen Penale të Personave të Përgjegjshëm për Shkelje të Rënda të së Drejtës Ndërkombëtare të Kryera në Teritorin e ish-Jugosllavisë prej vitit 1991 dhe se mund të thirrem të dëshmoj publikisht para Gjyqit.

Nënshkrim: Maaj

Data: _____

Signature _____
(Witness)Signatures Barney Kelly ²⁶/₀₄/₀₇
(Others Present)

Maaj
Perrona/Bray

Consolidated Witness Statement of Mahir DEMAJ

INTERPRETER CERTIFICATION

I, Gazmend TROKA, Interpreter, certify that:

1. I am duly qualified and approved by The Registry of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 to interpret from the Albanian language into the English language and from the English language into the Albanian language.
2. I have been informed by Mahir DEMAJ that he speaks and understands the Albanian language.
3. I have orally translated the above statement from the English language to the Albanian language in the presence of Mahir DEMAJ who appeared to have heard and understood my translation of this statement.
4. Mahir DEMAJ has acknowledged that the facts and matters set out in his statement, as translated by me, are true to the best of his knowledge and recollection and has accordingly signed his signature where indicated.

Dated: _____

Signed: _____

Signature *Damir*
(Witness)

Signatures *Barney Kelly* ²⁶/₀₄/₀₇
(Others Present)

[Handwritten signatures]

INTERNATIONAL CRIMINAL TRIBUNAL FOR THE PROSECUTION
OF PERSONS RESPONSIBLE FOR SERIOUS VIOLATIONS
OF INTERNATIONAL LAW COMMITTED IN THE TERRITORY
OF THE FORMER YUGOSLAVIA SINCE 1991

**Addendum to the
WITNESS STATEMENT**

WITNESS INFORMATION:

Last Name: **DEMAJ**

First Name: **Mahir** Middle name:

Father's name: **Selim**

Date of Birth: **01/05/1976** Gender: **Male**

Place of Birth: **Jablanica e Madh, Municipality of Peja.**

Ethnic Origin: **Kosovo Albanian**

Religion: **Muslim**

Current Occupation: **Farmer**

Language(s) Spoken: **Albanian**

Language(s) Written: **Albanian**

Date(s) of Addendum: **23/04/2007**

Place of interview: **At the house of the witness in Jablanica e Madh**

Interviewer: **ICTY investigator, Shahzada Sultan**

Interpreter: **Ilir Ziu**

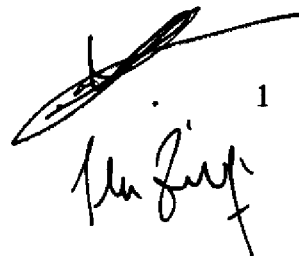
Language(s) Used in Interview: **Albanian-English**

Names of all persons present during interview(s): **the above mentioned: Shahzada Sultan, Mahir Demaj, Ilir Ziu**

Signed:



Others Present:



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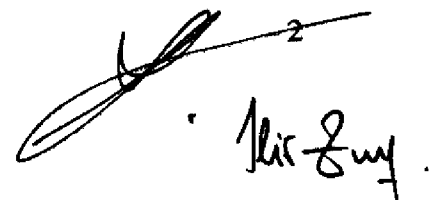
Addendum to the Statement of Mahir Demaj

1. The OTP investigator Shahzada Sultan has given me my consolidated statement taken on 16/04/2007 and 19/04/2007 by the OTP investigator Barney Kelly. I have read the Albanian version of this statement and signed it. The English version has also been read over to me that I have signed. However, I would like to attach an addendum to both versions of my statement containing some corrections that I would like to make now, so that the contents of my statement are completely correct. Further, the Albanian version of my statement may be considered authoritative as my changes are based on this version, and this is the version that I have personally read. Following are the changes I would like to make to this consolidated statement:
2. Paragraph No. 4: I do not remember the time or day or the date when I decided to join the KLA. It was 1998. Pal Krasniqi told me that he knew the way because he had been in the KLA area for two weeks or two weeks ago, I am not sure what he said.
3. Paragraph No. 7: This paragraph creates the impression that a Serb policeman ordered Pal at 0400 hours that we should report to the police commander at 0800 hours. This impression is incorrect. Actually Pal gave me this information at 0400 hours; I do not know when he got this order from the police officer.
4. Paragraph No. 8: In Grabanica, we did not cross the concrete canal; we crossed only a shallow branch of some river. Actually, I did not see a concrete canal at all. One of the armed persons who showed us the way to Jablanica of Gjakova actually accompanied us to the village. He did not say that he was a KLA member but it was just my impression.
5. Paragraph No. 9: On our way to Jablanica, the people who greeted Pal were villagers and not the KLA members. I want to completely delete the second sentence of the paragraph: I did not see any recruits at all, nor did I see any body in KLA uniforms on the road. I saw the KLA in uniforms only at the KLA hospital which I have stated in paragraph 10. The mention of the KLA in paragraph 9 is incorrect; may be I was unable to state it properly or the interviewers got it wrong.
6. Paragraph No. 12: The word **shtab** may be taken out from the Albanian version to make it consistent with the English version. I did not mention the word shtab or HQ.
7. Paragraph No. 13: The impression or the fact that somebody was dividing or organising the groups of people going to Albania for weapons is incorrect. I saw no one organising them. I think that the people were acting on their own, because at least no body ordered me to go there. May be it is because that I was asked as to who was organising these people and I said I do not know which does not mean that I did not know who the people were. What I meant was no one.
8. Paragraph No. 16: The reason I did not go back to Jablanica was not that it came under the Serb attack as stated in my statement. Actually, I do not know when it came under attack. The reason was simpler; I was unable to cross into Albania because the Serbian forces had sealed the border. And I returned to my village like everybody else who could not cross into Albania. I was just following a big group. Sentence number 4 of this paragraph is also incorrectly composed: I had no information as to what was required of a person to be a KLA member. I followed Pal to Jablanica to be a KLA member but I did not ask anyone to register me as a KLA member. I did not know if there were any procedures involved to be a member. May be the composition of this sentence is based on

Signed:



Others Present:



the kind of questions I was asked during the interview. I never said what is contained in sentence number 4.

WITNESS ACKNOWLEDGMENT

I have read and signed this addendum in the Albanian language which is true to the best of my knowledge and recollection. This addendum may be read in conjunction with my consolidated statement that I have just signed.

Signed: _____



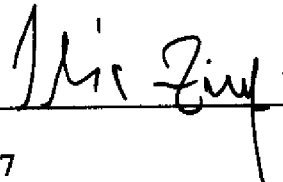
Dated: 23/04/2007

INTERPRETER CERTIFICATION

I, Ilir Ziu, Interpreter, certify that:

1. I am duly qualified and approved by The Registry of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Law Committed in the Territory of the Former Yugoslavia since 1991 to interpret from the Albanian language into the English language and from the English language into the Albanian language.
2. I have been informed by Mahir DEMAJ that he reads, speaks and understands the Albanian language.
3. I have read out this addendum to Mahir DEMAJ in the Albanian language.
4. Mahir DEMAJ has acknowledged that the facts and matters set out in this addendum as translated by me, are true to the best of his knowledge and recollection and has accordingly signed his signature where indicated.

Signed: _____



Dated: 23/04/2007

Signed: _____

Others Present: _____



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