

District Court of Prizren
sitting in the District Court of Gjilan
P. No. 85/2005

MINUTES OF THE MAIN TRIAL

Date of Proceedings:	9 November 2005
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:	Jude Romano, International Public Prosecutor
CD Legal Officer	Andrey Antonov
Defence Counsel:	Mahmut Halimi, Haxhi Millaku, Fatmir Celina, Ethem Rogova and Mexhid Sylja
Accused:	Selim Krasniqi, Bedri Zymberaj, Xhavit Elshani, Isuf (Sherifi) Gashi and Islam Gashi
Court Recorders:	Robina Struthers and Ursula Oteng
Interpreters:	Algent Mezini and Gazmend Isaj
IJSD Legal Officer:	Virginie Monchy
Humanitarian Law Centre Monitor :	Luan Dushi

Accused and Charges:

COUNT 1

On days between 2 June 1998 and 13 July 1998, Selim Krasniqi, Bedri Zymberaj, Xhemajli Gashi, Isuf Gashi, Islam Gashi and Xhavit Elshani, acting in concert with other individuals, and pursuant to a joint criminal enterprise, ordered and participated, directly or indirectly, in the illegal arrests and detention of Kosovo Albanian civilians in the Detention Center in Drenovc/Drenovac village. Among those illegally arrested

civilians were: Shaban Shala, Bedri Berisha, Hysen Krasniqi, Hidaj Popaj, Murat Rrustemi, Hazer Tarjani, Avdi Berisha. To this day, they have never been seen again.

By participating in the **illegal arrest and detention** of Kosovo Albanian civilians, as mentioned in paragraphs 61(i) to 61(vii) above, **Selim Krasniqi, Bedri Zymberaj, Isuf Gashi, Islam Gashi** and **Xhavit Elshani** incurred personal responsibility for the war crimes of **illegal arrests and detention** in violation of Article 142 of the CCY as read with Articles 22, 24, 26 and 30 of the CCY.

COUNT 2

On days between 2 June 1998 and 13 July 1998, **Selim Krasniqi, Bedri Zymberaj, Isuf Gashi, Islam Gashi** and **Xhavit Elshani** acting in concert with other individuals and pursuant to a joint criminal enterprise to unlawfully detain Kosovo Albanian civilians, ordered and participated, in the establishment and perpetuation of **inhumane treatment** of the Kosovo Albanian civilians illegally detained in the Detention Center located in Drenovc/Drenovac village, by housing those civilian detainees in inhumane conditions, depriving them of adequate sanitation, food and water, and needed medical treatment. The inhumane treatment of the civilian detainees caused immense suffering or was a violation of the bodily integrity and health of those detainees and constituted an application of measures of intimidation and terror. Among those civilians subjected to inhumane treatment were the seven (7) victims mentioned in paragraphs 61(i) to 61(vii) above.

By participating in the establishment and perpetuation of **inhumane treatment** of Kosovo Albanian civilians as mentioned in paragraphs 61(i) to 61(vii) above, **Selim Krasniqi, Bedri Zymberaj, Isuf Gashi, Islam Gashi** and **Xhavit Elshani** incurred personal responsibility for the war crimes of **inhumane treatment and immense suffering or violation of bodily health of the civilian detainees and constituted an application of measures of intimidation and terror** in violation of Article 142 of the CCY as read with Articles 22, 24, 26 and 30 of the CCY.

COUNT 3

On days between 2 June 1998 and 13 July 1998, **Selim Krasniqi, Bedri Zymberaj, Isuf Gashi, Islam Gashi** and **Xhavit Elshani** while being members of KLA, acting in concert with other individuals, and pursuant to a joint criminal enterprise, ordered and participated, directly or indirectly, in the **beating and torture** of civilians illegally detained in the Detention Center in Drenovc/Drenovac village. Among those civilians subjected to beatings and torture were the seven (7) victims mentioned in paragraph 61(i) to 61(vii) above.

By participating in the **beating and torture** of Kosovo Albanian civilians as mentioned in paragraphs 61(i) to 61(vii), **Selim Krasniqi, Bedri Zymberaj, Isuf Gashi, Islam Gashi** and **Xhavit Elshani** incurred personal responsibility for the war crimes of **beating and torture** in violation of Article 142 of the CCY as read with Articles 22, 24, 26 and 30 of the CCY.

COUNT 4

On days between 2 June 1998 and 13 July 1998, **Selim Krasniqi, Bedri Zymberaj, Isuf Sherifi Gashi, Islam Gashi** and **Xhavit Elshani** while being members of KLA, acting in concert with other individuals, and pursuant to a joint criminal enterprise, ordered and participated, directly or indirectly, in the **killings** of Kosovo Albanian civilians illegally arrested and detained in the Detention Center in Drenovc/Drenovac village. Among those civilians were the seven (7) victims mentioned in paragraph 61(i) to 61(vii) above.

By participating in the **killings** of Kosovo Albanian civilians as mentioned in paragraphs 61(i) to 61 (vii), **Selim Krasniqi, Bedri Zymberaj, Isuf Sherifi Gashi, Islam Gashi** and **Xhavit Elshani** incurred personal responsibility for the war crimes of **killings** and in violation of Article 142 of the CCY as read with Articles 22, 24, 26 and 30 of the CCY.

The trial commences at 10:40 a.m.

The trial is public.

Presiding Judge: Good morning. We are resuming the trial today in this matter.

Robina Struthers is the court recorder.

Mahmut Halimi, Defence Counsel: in order to protect our clients we ask you to inform us before the session the names of the witness who are to be called. We are not informed about the witness that is to be processed and therefore we do not have a statement and this is difficult. Secondly, we ask you to give us the translated minutes so that we can make our remarks. I stress this because until this moment we have not received any minutes from the previous proceedings. As you know we are to follow the procedures step by step and it very difficult because we do not have the minutes or the statements of the witnesses.

Presiding Judge: thank you for your observations.

The Public Prosecutor calls in Mrs. Shala, the wife of one of the victims as the witness to be heard.

Presiding Judge: Mrs. Shala good morning, thank you for attending to give testimony in this case. Before we proceed I must tell you that as a witness you are obliged to tell the truth and may not withhold anything. I remind you that the giving of false testimony is a criminal act. If the answer to a question would expose you or a close relative to disgrace, substantial financial loss or criminal prosecution, you are not required to answer the question. Have you understood what I said?

Witness: yes

I will now confirm your personal data.

Name:	Mirsada Shala
Name of Father:	Islam Elezaj
Mother's Name:	Denore Krasniqi
Occupation:	Head Worker, Bakery
Residence:	Prizren
Date of Birth:	13 December 1964
Place of Birth:	Montenegro
Nationality &Citizenship:	Kosovar Albanian
Civil Status:	Widow, Mother of Four children
Relationship to any accused:	None
Relationship to injured party:	I am an injured party.

Presiding Judge: now the Public Prosecutor will ask you questions.

Public Prosecutor: you said you are married to Shaban Shala, can you tell us where he is right now?

Witness: I do not know, I have had no information about my husband for seven and one half years now, I do not know where he went or with whom.

Public Prosecutor: when was the last time you saw your husband?

Witness: I saw him when he left on 2 June 1998, he left from his house with his car, a 128, and he said he was going to Drenovc together with Hahxi Morina from Xerxe and with Fadil Hoti from Ratkoc village.

Public Prosecutor: can you tell us the nationality or citizenship of your husband?

Witness: he is Albanian, a citizen of Prizren. He was born and grew up there. He is literate and educated. The father of four children. He was a lawyer, involved in politics and has done everything he could for his country.

Public Prosecutor: you said on June 2 1998 your husband went to Drenovc do you know why he went to Drenovc?

Witness: he went there to join the KLA.

Public Prosecutor: how did you know that he went to Drenovc on 2 June 1998 to join the KLA?

Witness: he told me this. Then after this Haki Morina came and he told me that they had gone there together but Shaban, had stayed there while Haki returned. I don't know why he stayed there. All I know is that he wanted to join the KLA but I never came to understand why he did not come back from there and what happened to him until this day.

Public Prosecutor: on the day after your husband did not come back, what did you do, if anything?

Witness: the first day, we waited until late for him, he did not come back. Then on the next day his father went to Xerxe where he received the news that Shaban had stopped at Drenovc village at Zatriq.

Public Prosecutor: can you tell us the name of Shaban Shala's father?

Witness: Rexhep Shala.

Public Prosecutor: you said that Shaban's father received the news after going to Xerxe after going to Drenovc, can you tell us from whom he received this news?

Witness: he received this information from Haki from Xerxe.

Public Prosecutor: after receiving this news from Haki, what happened next if anything?

Witness: the father of Shaban came back home that day. After two days he came and told us that they had gone together to Drenovc and that there Shaban had met a friend from Ferizaj and they had been together in Dubrava prison and that they had stayed together until 4:00 p.m.

Public Prosecutor: to clarify, you said that two days after "he" came to your house, who is that person?

Witness: Haki Morina.

Public Prosecutor: and then you said that they met somebody from Ferizaj and they were together in Dubrava, who is this "they" you are referring to?

Witness: he met my husband and they had been together in Dubrava during 1993 to 1994.

Public Prosecutor: you are telling us your husband was in Dubrava?

Witness: yes. He was imprisoned by the Serbs in 1993/94.

Public Prosecutor: can you tell us why he was imprisoned by the Serbs?

Witness: he was imprisoned and was sentenced as the Minister of the Army that formed the liberation army of Kosovo. And the charge was that he was acting against the territorial integrity of the former socialist republic of Yugoslavia.

Public Prosecutor: how long did he stay in prison.

Witness: he stayed one year all together. He was imprisoned on 31 October 1993 and on 31 October 1994 he was released.

Public Prosecutor: let's go back to the time when Haki Morina went to your house two days after your husband did not come home. Can you tell us what happened when Haki went to your house?

Witness: I will tell you the words that Haki told us, they came to the house after meeting with a friend, as they said he had stayed until 4:00 p.m. together. He told us that some soldiers had said they were not in a position to accept him and that he had to wait for some other superiors to give him that permission. Then somebody else had come there and had welcomed Shaban inside some sort of office there, I suppose, I don't know exactly. They had talked together and then one of them walked out and had told Haki outside to drive the car inside the yard of the army headquarters. He said that he did not know how to drive and in that moment someone else came and took the car keys and that person drove the car inside the headquarters yard, I do not know exactly where. Then one of them told Haki you can go because he will stay with us. Haki had told him what should I tell his family? The other person said you can tell his family whatever you want or you can tell that the distance between Xerxe and Prizren is 25 kilometers and anything could have happened to him. Then Haki told him that the family knows that he left with me and I have to tell them something. All that I am saying are Haki's words. Then we asked him whom are we to contact now? Who were these persons? This is the conversation that occurred between us and Haki at the house two days when he came to the house, these are the words that Haki told us. He gave us some names and those were: Mehiri Hasani, Xhemajli Gashi, Bedri Zymberaj, Selim Krasniqi, Islam Gashi.

Public Prosecutor: who was present when Haki Morina told you all of these things?

Witness: the people present were Shaban's parents and me and no one else.

Public Prosecutor: what happened next after you learned these things from Haki Morina?

Witness: after we learned this then Shaban's father, a few days later, decided to go with Haki to Drenas Village.

Public Prosecutor: do you have any knowledge as to what happened when the father of Shaban and Haki went to Drenovc village?

Witness: yes. They went there together and there was the headquarters of the army and they were welcomed there for a conversation.

Public Prosecutor: you mentioned the army headquarters what army are you referring to?

Witness: the KLA army.

Public Prosecutor: can you continue?

Witness: during that conversation they accepted the fact that Shaban was there but they said you couldn't see him.

Public Prosecutor: how did they establish that Shaban was at the UCK headquarters in Drenovc Village?

Witness: I understand that because Haki told us. They had gone together and he was a witness to this.

Public Prosecutor: what happened next after Shaban's father was not allowed to see Shaban?

Witness: they did not allow him to see Shaban, they saw the car in the yard, but they told him to come there in a week's time. They told him that in one week he would be able to see him.

Public Prosecutor: do you have any information as to who this person was who told your father in law that he could see Shaban after one week?

Witness: no, we do not know this and he does not know this himself, he said it was a soldier or officer or something like that.

Public Prosecutor: you said that Shaban's father saw Shaban's car in the yard, can you describe this car please?

Witness: this car was in perfect condition, a 128 model, blue colour, Ferizaj number plates and nothing else. As he could not do anything more on that day, he came home.

Public Prosecutor: do you know the make of this car?

Witness: perhaps it was a Zastava, but I am not sure. I have the document of the car with me if you want to see it.

The Public Prosecutor asks that the original registration is photocopied and that the photocopy be an exhibit.

Presiding Judge: the document says a Zastava 128. [Put in and marked Exhibit I]

Public Prosecutor: what happened next after your father in law was told to come back one week after?

Witness: after one week my father in law went with Haki again to Drenovc. They asked there to at least see him from a distance but one of them told him that he had left for Drenica. The car was still there. But now the number plates had been removed. They were no longer there.

Public Prosecutor: what did your father in law do after being informed that Shaban was in Drenica if you know?

Witness: my father in law came back home hoping that Shaban would contact me or he would learn something about him. Then after 3 days Serbian police came to our house and they forced their entrance inside and were asking for Shaban. We told them that he had left to Skopje to work and not to join the KLA as they were claiming.

Public Prosecutor: do you know why the Serb police were looking for Shaban?

Witness: yes I know, I believe it was because he was an Albanian and an important person for them. He was fighting for his rights. They threatened us and said they would cut his head if they were to find him.

Public Prosecutor: you mentioned that your husband was an important person, can you please expound on that, what do you mean by that?

Witness: because since 1987 he was affiliated with the movement for liberation of Kosovo then he had the position as secretary of LDK for two years in a row. Then he quit the position and one evening while he was returning from a meeting, he was tortured and ill treated by Serbian police. They threatened him with the words "we do not want to see you any more in this car". From that time he started to drive a Golf that 5 persons had put together the money to buy.

Public Prosecutor: can you tell us when Shaban became a member of LDK?

Witness: Shaban became a member of LDK in 1989 or 1990 when LDK was founded.

Public Prosecutor: do you know until when he was a member of LDK?

Witness: he was an LDK member until 1992 or 1993.

Public Prosecutor: you said that after coming from a meeting he was ill treated and tortured by Serb police, could you tell us what this meeting was?

Witness: that was an LDK meeting. I don't know where the exact meeting location was, he would never tell us but after the intimidation he went to the president Mr. Ekrem. That was the LDK president; I believe he still is today.

Public Prosecutor: can you continue, what happened after he went to Mr. Ekrem?

Witness: Mr. Ekrem advised him that since he had received these threats from Serb police to quit that position that he held until the time this police procedure would stop. He told him to say that the reasons for leaving were financial even though this was not true.

Public Prosecutor: do you know if Shaban quit the LDK?

Witness: yes he quit LDK that evening and Mr. Ekrem was present at that occasion and Qazim Kabashi and Skender Berisha.

Public Prosecutor: what happened after he resigned from LDK?

Witness: after he resigned from LDK there were immediately words spread around that Shaban was a spy.

Public Prosecutor: spy for whom?

Witness: allegedly he was collaborating with the Serbs.

Public Prosecutor: was there any proof to that talk that he was a spy or Serb collaborator?

Witness: me and everyone knows that Shaban never helped Serbs, he helped only Albanians and most people know and as far as I know no one came to knock on my door or bring me facts that he did something bad to someone. He did only good.

Public Prosecutor: what did Shaban do after these rumors started circulating that he was a collaborator or spy for the Serbian authorities?

Witness: Shaban left his job. He started to work as a simple worker even though he was a graduated lawyer, he was trying to provide for his family, he did not go abroad but stayed at his house and he was waiting for someone to come and knock at least once on his door or for someone to come and bring forward some facts or the slightest evidence that he had done something bad to someone else. In fact he has done only good to everyone. I have a letter that he addressed to the president of the LDK, he asks him to consider his case but they never offered any explanation.

Public Prosecutor: can you be more specific as to what Shaban was asking from the president of LDK in Prizren. You mentioned about his case. Can you explain to us this letter?

Witness: he wrote this letter and he asks in it that his case be reconsidered and so on.

*Break at 11.45 and resumes at 12.00 pm.
The court recorder is now Ursula Oteng.*

Presiding Judge: are you consenting that we make a copy of this letter?

Witness: Yes. This is his handwriting.

Presiding Judge: we will make a copy and it will be part of the record and it will be Exhibit 2.

Public Prosecutor: let us continue. After his letter do you know if there was any action taken by the LDK?

Witness: No. Nothing. As I said earlier I have not heard any word. Nobody came to apologize for anything and nothing has happened since he left the house.

Public Prosecutor: Let us back track a little and ask a question in relation to before your husband disappeared. What was his occupation before he went missing on 2 June 1998?

Witness: Before Shaban went missing he was not working but before that he was selling cigarettes and was engaged in this sort of business.

Public Prosecutor: was he ever employed before he went missing?

Witness: Yes, he was a secretary at the school of music and professor at the high school and gym. He was teaching at the high school after resigning. He was fired. Also I remember once from the Serb director Olga Glavic.

Public Prosecutor: do you know why he was fired?

Witness: He was fired just like other Albanians at that time were being fired. He was no exception.

Public Prosecutor: did he ever work for the Serbian or military police?

Witness: No. Never. I don't think he dreamt to do that.

Public Prosecutor: now let us go back to the time that your father in law went to Drenovc headquarters. How many times did he go there to look for Shaban?

Witness: They said earlier he went 2 times. The first time he said he was there but could not see him. The second time they said he had left for Drenica and from that time we have not heard anything, except for rumors and hearsay but nobody has come to tell us the truth.

Public Prosecutor: before he disappeared, were there any incidents when he went away for a long period of time and never contacted you or his relatives?

Witness: No. Never. He was very responsible as a person and parent. He was dedicating a lot of his time for the ideals he fought for Kosovo and would not find time for his family. And at times his children did not go to school because of that.

Public Prosecutor: I have no further questions Your Honor.

Presiding Judge: Mr. Halimi, any questions?

Mahmut Halimi, Defence Counsel: Mrs. Shala, I am attorney Mahmut Halimi and I defend Selim Krasniqi. I have a couple of questions for you in connection with this case. Do you remember how many times you gave statements before the police and investigating judge in this case?

Witness: It is the first time and I remember one statement given in this case. I presented myself to the police and have always volunteered to give information and this is the first time I made requests to the police also.

Mahmut Halimi, Defence Counsel: Has somebody ever given you any copy of a statement signed by you that you gave?

Witness: No. I was never given. I have given statements but were left somewhere in a drawer, nothing happened after that.

Mahmut Halimi, Defence Counsel: in your statement in front of the investigating judge on 7 July 2004, you explained the contacts that your father in law had had and you mentioned in a very tangible way that your father in law had two contacts and explained in very few words of those meetings and no word that was exchanged. Do you remember this?

Mr. Halimi refers to the following evidence of investigative minutes on page 11 of 7 July 2004 where the defence counsel Eliaz Kadolli, questions the witness, "Have you personally or the parents of Shaban met Xhemajli Gashi during or after the war?" The witness answers, "I never met him and I don't know about his parents but his father might have met him since he has gone twice to Drenovc"

Presiding Judge: so what is your question?

Mahmut Halimi, Defence Counsel: why the witness did not mention what she did today - the contact that supposedly the father in law had had and today here in the session, she explained extensively about the details of that conversation Rexhep Shala, the father of Shaban had had with those other persons.

Public Prosecutor: Your Honor, the witness did not testify today that her father in law met Xhemajli Gashi. She mentioned that Haki Morina told the father in law and herself. And that he also mentioned the names of the people who were at the Drenovc headquarters. So I think there was no inconsistency as far as the cited question and answer on page 11 of 7 July 2004 minutes. Thank you.

Mahmut Halimi, Defence Counsel: perhaps there is a mistake in translation here or perhaps some misunderstanding occurred. Why before the Investigating Judge, the witness did not say anything that Rexhep was in Drenovc as she says here today. We as Defence Counsels do not have any rights to challenge what the Public Prosecutor said or his remarks, but we do want to see comments from the Public Prosecutor because this way, he might suggest answers to the witness.

Presiding Judge: Mrs. Shala, the questions is - today you said that your father in law had met some people when he went to Drenove to look for your late husband and then before the investigating judge, according to Mr. Halimi, you did not mention this. Can you explain why?

Witness: I can say that not only today, but even before I said the same things when I gave the statement in front of the investigating judge. The interpreter made a lot of mistakes. I do not know if the investigating judge made any remarks concerning the quality of translation on that occasion. I had the chance to say that but also the Defence Counsel was interrupting me and making the minutes of the record not what I was saying but what he wanted.

Mahmut Halimi, Defence Counsel: In the minutes of your statement, in the end you signed and you had had nothing against the contents of the statement; no such remark about the quality of translation provided.

Witness: I read it but I had had a surgery at that time and I was tired I believe. I did not have the interpreter when I signed the statement, but just read it myself. But during the interviewing process, I noticed a lot of mistakes, which were done by the interpreter. I signed it though but I have always, not only today, but every time I have said the same things, the words the father said, which were transmitted to him by Haki Morina. We have met only with Bedri Zymberaj and Mehiri Hasani. These are two persons whom we have met and we had hoped that they would bring us some news, positive or negative, but nothing happened. We never met other people. We have gone everywhere but all we got was - we don't know whether he is alive or dead. I don't know whom to blame. I just want to find the truth. Even if a chicken in your yard goes missing you would be concerned and even the accused persons have left people home waiting and worrying for them.

Mahmut Halimi, Defence Counsel: do you know whether Rexhep and Haki Morina were questioned in connection with this case or whether they gave a statement to the investigating judge or police?

Witness: I know that my father in law gave but not Haki Morina. He has to explain about that.

Mahmut Halimi, Defence Counsel: what about that friend from Ferizaj whom he met on 2 of June, have you understood about that?

Witness: I don't know who the friend is. I have a headache.

Presiding Judge: Then we will have a break and come back exactly at 1.30 p.m.

Recess at 12.30 p.m.

Session resumes at 1.35 p.m.

The Court Recorder is Ursula Oteng

Mahmut Halimi, Defence Counsel: a little earlier you told us that after your husband resigned from the position within LDK after sometime rumors were spread by somebody that he was a spy or traitor, can you explain whether colleagues or members of LDK were doing this? Can you identify who was saying this about your husband?

Witness: It was disinformation and rumors from different people. Nobody ever came to say something directly to me or to my family.

Mahmut Halimi, Defence Counsel: apart from this letter we just received, has your husband or you personally ever gone to Mr. Ekrem or other party colleagues and told them that your husband asked for explanation, information or seen them and say they were his colleagues or LDK members?

Witness: As I said, after all this great hearsay in the streets and the school of my children, then I personally, without informing my father in law, went to Mr. Ekrem with my four-year-old little son. I wanted some explanation because my husband had done a lot for our people and a lot of people were coming and going to my house. My husband had sacrificed a lot for a peaceful course and went personally to Mr. Ekrem to ask him what to do. I asked him if what was being said about my husband was true or if at least the presidency of LDK branch could offer some fact or produce some evidence that they had something concrete against Shaban or something he had done wrong or engaged in some murder, or sent somebody to prison. On that occasion Mr. Ekrem told me that Shaban was not guilty of anything and they knew how his case was. He told me that perhaps it was better to rest it for now because it was not the time to speak, but one-day history will speak. These were the words of Ekrem.

Mahmut Halimi, Defence Counsel: I am sure you had read the letter I am holding in my hand and I am referring to the last paragraph of the letter where your husband is addressing members of the presidency of the LDK branch saying that they were acting as judges and prosecutor to label him as UDB [Serbian spy]. So your husband, was he accusing the members of LDK presidency directly there for all the slanders being spread against him?

Witness: after they did not produce any evidence and fact, then I believe he was to address them in this manner. Had the presidency taken the necessary action to offer him some help and proof that he was not guilty, he would never have said all these words. They did not offer such assistance therefore he was constrained to address them as judges, which has happened numerous times during the war.

Mahmut Halimi, Defence Counsel: has your husband ever mentioned any of the members of LDK at that time as a person who was responsible for the slander being spread?

Witness: No. He never mentioned anybody concretely.

Mahmut Halimi, Defence Counsel: my last question for you - after your husband went missing, during your endeavors to find out something about his fate and

contacting people, has anybody ever told you that he was seen in Likovc, as a KLA members?

Witness: We heard rumors that he was seen in Likovc or Acaeva or Klecka, but I never trusted these people. What exists for me is 2 June 1998 when it was the last time I saw him with Haki Morina and Fadil; and also the words of Haki Morina who later came to us and told us that he was the last person to be with Shaban. So there are words of people, hearsay, but I cannot give them any trust. They have even told my children that their father was killed.

Mahmut Halimi, Defence Counsel: thank you Mrs. Shala.

Presiding Judge: Mr. Millaku?

Haxhi Millaku, Defence Counsel: I am Haxhi Millaku and I am defence lawyer for Bedri Zymberaj. First, do you have a verdict that your husband was punished in 1993-1994, as you presented here. If yes, can you bring it to the court?

Witness: I have the verdict here with me and I can produce it. It is not the first time I am submitting it.

The verdict is handed to the Presiding Judge.

Presiding Judge: we have the indictment and the decision; we shall have both. So a copy of the verdict is produced as Exhibit 3. Please go on.

Haxhi Millaku, Defence Counsel: Can you tell the court whether you personally or your family, have interested yourselves or not, since we have all witnessed cases of people kidnapped by Serbs if you have asked about your husband to find out whether he is in prison in Serbia for example?

Witness: Yes. We have tried and asked in prisons. We have been ill treated, and we have even given money; we have been abused; we have heard different stories in prisons in Serbia, at the Red Cross in Kosovo, at intuitions and have asked at least for explanation about them or their fate.

Haxhi Millaku, Defence Counsel: can you tell the court one more, is it true that you have given money as you said to find your husband?

Witness: Yes we have given money. One day we were going back, from Fatmir Limaj. My father in law stopped at one location. She went inside there to buy bread and my father in law stayed in the car. Then one person who knew us approached us, some neighbor of my in laws and invited us to get inside. He told us, "I am the person who can offer some help to you but you at least should give me some clues of where he was last time. Within two days I will come to your house and will show you or tell you whether he is whether somewhere in prison or not." Then after two days he came to the house of my father in law in the evening and told us that Shaban is alive and he is in prison near Nis/Nish in Serbia. My in laws started to cry from happiness and

they were thanking him. He turned towards me and said, "Bride, why are you not talking?" I said, "I am not talking because I can't see him." He said, "You will but for now, you have to give me 4000 Deutschmarks and after that 11,000 Deutschmark when he comes home, but nobody is supposed to know about this." We did not have any money also because I had just started work in one month and did not trust the man, but my in laws were very concerned about their son and therefore we started to ask for money to give him. He was supposed to call us with Shaban afterwards. We collected the money and gave that money to him. After that he would always come and say, "This week you cannot meet him or call him, maybe next week." So this is how it went for one and a half years with him. Anyway, I think we have been very badly abused. Whenever he came he would take his phone in his hand and play with it like he was talking in Serbian to some people on the line and keep us with hope, saying not this week, next week or the next day. Finally all this ended - all these lies and we understood that Shaban was not in a Serbian prison.

Haxhi Millaku, Defence Counsel: Did I understand you correctly that even then people were suspicious that your husband was in a Serbian prison? Did you have any other indication where to look for him?

Witness: No. I did not have any indication.

Haxhi Millaku, Defence Counsel: Through that person you thought he was in Nis. Did you have doubts about some other place or prison in Serbia, apart from Nis prison perhaps?

Witness: No. I did not know about any other prison. We only knew about the prison in Nis, which we were told.

Haxhi Millaku, Defence Counsel: do you know the name of this person who tricked you in this manner?

Witness: His name is Nazin Bylyrdaku and he is from Prizren.

Haxhi Millaku, Defence Counsel: Since he is in Prizren, do you know his exact address and how we can get in touch with this guy?

Witness: I don't know the exact address but his apartment is at a quarter called Lakuriqi. For the moment he is serving a sentence at Dubrava prison.

Haxhi Millaku, Defence Counsel: is he still in Dubrava?

Witness: I don't have any information and it is just a few days ago that I learned about Dubrava. I hate him a lot. He played with our feelings and made us wait for one and half years for nothing.

Haxhi Millaku, Defence Counsel: as far as I could understand you said that Haki Morina and your husband were engaged in trading in cigarettes. I am interested to

know whether Haki Morina borrowed money from your husband? Do you know anything about their relationship?

Witness: my husband never borrowed money from Haki Morina nor did Haki Morina borrow from Shaban. One week before Shaban left, I remember Haki Morina came and asked for cigarettes. He said that the mountain people were asking for cigarettes.

Haxhi Millaku, Defence Counsel: did Haki Morina on that day receive any cigarettes from your husband?

Witness: I am not sure about that day, but after one or two days Shaban was able to get cigarettes. Though the borders were closed Shaban said he would get from his friends and would never leave those guys without cigarettes and he took the cigarettes to Xerxe to Haki. Now whether Haki sent cigarettes to them, I suppose the KLA soldiers, I don't know, but Haki made a demand and Shaban sent the cigarettes.

Haxhi Millaku, Defence Counsel: do you know Bedri Zymberaj?

Witness: I don't know him but heard his name and when looking for my husband I had a chance to meet him in a restaurant and the second time was at the technical high school together with Mehir Hasani.

Haxhi Millaku, Defence Counsel: your conversation with Bedri Zymberaj whom you first met at restaurant Breta, was it a friendly conversation?

Witness: I don't know what to say. We asked him to tell us something about Shaban and showed him a photo of Shaban and together with Mehir; they saw the photo and told me that they did not know him (*meaning Shaban in the photo*). Now how true was this I can't say?

Haxhi Millaku, Defence Counsel: you say "they" told me in plural. I am asking about Bedri Zymberaj. What answer did he give you?

Presiding Judge: she said Mehir Hasani and Bedri Zymberaj told me that they did not know him after seeing the photo.

Haxhi Millaku, Defence Counsel: Yes Your Honor, but I was just looking for an answer in singular not plural. I am interested in my client and whether Bedri Zymberaj said anything about her husband.

Presiding Judge: He said he did not know. We are playing now.

To the Witness: What did Bedri Zymberaj tell you after seeing the photo of your husband?

Witness: He said the same thing, "I don't know. I never met him."

Presiding Judge: what did Mehir Hasani tell you?

Witness: He said the same thing.

Haxhi Millaku, Defence Counsel: Mrs. Shala, do you have any doubts that Bedri Zymberaj arrested, deprived you of your husband, detained him or ill treated him in prison? Have you ever heard that he undertook such actions against your husband or not?

Witness: I have no doubts. I cannot say something I have not seen, but nobody has said to me that Bedri Zymberaj did these things such as, arrested him or ill-treated him. All I am saying are the words of Haki Morina because he mentioned these names and there have been rumors. As to who was the one who did these things, I don't know.

Haxhi Millaku, Defence Counsel: thank you.

Fatmir Celina, Defence Counsel had no questions for the witness.

Presiding Judge: Mr. Rogova?

Ethem Rogova, Defence Counsel: I am the attorney of Isuf Gashi. I have one question for you. In your testimony given on 7 July 2004 you said that you had understood from Haki Morina, who the persons in Drenovc were. You mentioned some names and further in your testimony you said that from other people, you understood that Isuf Gashi was there. This means that Haki Morina did not tell you but you understood it this way. What did you mean when you said this in your testimony?

Presiding Judge: On page 3 of the minutes of 7 July 2004, Mr. Rugova refers to the passage where the witness said, "I asked Haki Morina to tell me the names of the persons who were there. He gave me the name of Bedri Zymberaj, Mehiri Hasani, Selim Krasniqi and Xhemajli Gashi. From other people I understood that there was Isuf Gashi Sherifi as well together with his son Islam Gashi. This is all that I can recall."

Ethem Rogova, Defence Counsel: who are these persons? What did you understand from them concerning these other persons you say, Isuf Gashi? What did you understand?

Witness: As you can see from seven and half years that I met people, I always asked one question: "Do you know anybody who has been to Drenovc and with whom he has been?" So I got this name from people and I hoped that perhaps these could be the persons who could give us some answers about my husband. I did not care whether he was alive or dead, but I never had a chance to meet this person myself.

Ethem Rogova, Defence Counsel: can we conclude now that perhaps the name of Isuf Gashi has been perceived as a person who could give an answer to you about your husband?

Witness: A person who could offer some assistance. I do not accuse anybody without facts and nobody without information, but I was looking for man who could come up and tell us something.

Ethem Rogova, Defence Counsel: thank you.

Robina Struthers is now the court recorder.

Presiding Judge: Mexhid Sylja, do you have questions?

Mexhid Sylja, Defence Counsel introduces himself to the witness as attorney for Islam Gashi. Now based on the answer you gave to my colleague, can we conclude that you learned of the name Islam Gashi only after the war?

Witness: I did not learn after the war but I even had a chance to see him even though I was not aware that he was who he is.

Mexhid Sylja, Defence Counsel: where did you see him?

Witness: I remember that he was present at the Breta restaurant and also at the main headquarters I have not conversed with him but I have seen him for a distance I believe.

Mexhid Sylja, Defence Counsel: do you still maintain you have seen Islam Gashi after the war at the Breta restaurant?

Witness: yes, after the war.

Mexhid Sylja, Defence Counsel: you said based on the description you have seen, what was this description?

Witness: people described him to me as a taller person with hair combed on one side on top. My father in law had seen him at Breta restaurant and he said he believed he had seen that person in Drenas. Then we met that person at the general headquarters in Pristina even though we never talked together.

Mexhid Sylja, Defence Counsel: do you know anything personally that Mr. Islam Gashi did something bad to your husband?

Witness: as I said before not only for him but also for other accused persons here I cannot accuse because no one has come to me that this concrete person had done this thing to your husband.

Mexhid Sylja, Defence Counsel: if I understand the witness, she, during her testimony, mentions all the time that Haki Morina said this or that, and when she answered the question of Mahmut Halimi, Defence Counsel she said that Haki Morina told me and he is the person who should give an answer on this. Have you said this?

Witness: yes I said this. I cannot ask anyone else to tell me this except for Haki Morina. Only Haki Morina is the person who brought the news on Shaban, he brought this letter, so he knows what happened to my husband, good or bad.

Mexhid Sylja, Defence Counsel: do you have any contacts now with Haki Morina?

Witness: I have not had contacts with Haki Morina, he was at my house, 1 or 2 years ago and I was at work and he was at the house of my in laws. I never saw him after the war nor ever had contact.

Presiding Judge: have you ever heard of a nickname that Isuf Gashi may have had?

Witness: yes, as far as I know the nickname was Baci.

Presiding Judge: I want to ask one of the attorneys to open up page 3 of the Albanian minutes, in English I have "big daddy", what is the Albanian word? The Presiding Judge asks for clarification of the word Baci. It could mean, big brother.

No questions by the panel members.

Mahmut Halimi, Defence Counsel: one more question. This concerns the fact that we did not know the order of witnesses. You mentioned that your husband through Haki Morina has sent a letter to the headquarters before going to Drenas, did Haki Morina ever tell you about the contents of that letter? And do you remember how long before the 2nd of June he sent that letter?

Witness: I heard he wrote a letter but I don't know what he wrote. It was Saturday evening. On Sunday he sent a letter in the morning. I did not know about the contents of the letter. Haki Morina told me about the letter. He said that Shaban had written a letter and had addressed it to the headquarters I don't know to whom. He had put the letter inside an LM cigarette box. There were no cigarettes inside the box. He put it there to conceal the letter. Then he told Haki Morina to send the letter there. In case he would see some Serbian police presence he was to throw it away so it did not fall into their hands. The letter was sent but then they asked for Shaban personally to show there so on Sunday he rested at home and on Tuesday morning he went there.

Presiding Judge: "there" meaning where?

Witness: meaning to the place where he sent the letter.

Presiding Judge: Selim Krasniqi any questions?

Selim Krasniqi: thank you but I don't have questions.

Presiding Judge: Bedri Zymberaj, any questions.

Bedri Zymberaj: no

Presiding Judge: Xhavit Elshani, any questions

Xhavit Elshani: no

Presiding Judge: Islam Gashi, any questions?

Islam Gashi: no questions

Presiding Judge: Isuf Gashi, any questions?

Isuf Gashi: no questions.

The Presiding Judge thanks the witness for her testimony and advises her that she is free to leave. The Presiding Judge then confirms with the Public Prosecutor that we have one witness for tomorrow.

The defence counsel ask which witness is on for tomorrow.

Presiding Judge: for security reasons I cannot advise you which witness.

The trial adjourns at 3:10 p.m.

Presiding Judge, Vinod Boolell

Court Recorder, Robina Struthers

Court Recorder, Ursula Oteng