

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:	10 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 Sylja and Fazli Balaj
Accused:	Selim Krasniqi, Bedri Zyberaj, Xhavit Elshani, Isuf (Sherifi) Gashi, Islam Gashi and Agron Krasniqi
Witness:	Muhamet Berisha, Witness "U", Witness "E"
Court Recorders:	Robina Struthers and Marilyn Micallef
Interpreters:	Ilda Daci and Ibrahim Hastopalli
IJSD Legal Officer:	Virginie Monchy
Humanitarian Law Centre Monitor :	Luan Dushi
OSCE Monitor :	Florim Latifaj

The accused are charged with war crimes.

The trial commences at 10:55 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; Florim Latifaj, OSCE Monitor.

Presiding Judge: good morning. We are resuming proceedings in the case of the Public Prosecutor against Selim Krasniqi and others. Since we have an additional accused and the proceedings against him have been consolidated with the ongoing proceedings I will ask the International Prosecutor to read out the indictment regarding Mr. Agron Krasniqi, the additional accused in this case. However, before I do that there are certain things I must say and I must take your personal data.

Personal Data:

Name and surname of witness:	Agron Krasniqi
Name of his father:	Shaban Krasniqi
Name and maiden of mother:	Selva Sahitaj
Personal ID No.	Not available
Occupation	Driver
Date of birth:	25 October 1977
Place of birth:	Rahovec municipality
Place of current residence:	Switzerland
Economic status:	Average
Civil status:	Married with one daughter
Education:	Literate with high school education
Nationally:	Kosovar Albanian

Agron Krasniqi, you are an accused in this case and I must give you certain instructions before we proceed. Pursuant to article 356 of the criminal code, you must carefully follow this trial. You have the right to state your case and to put questions to all the witnesses and co-accused, and make comments on and give explanations on their testimony. You also have the right to keep silent and not to give testimony in connection with your case and you are also not obliged to answer any questions. However, if you do agree to waive your right to silence and give testimony you are not obliged to incriminate yourself or your next of kin or to confess guilt. The law provides that you may defend yourself in person or with the assistance of a defence counsel and since you already have exercised that right, and you have Mr. Fazli Balaj as defence counsel do you agree that Fazli Balaj will be your defence counsel?

Agron Krasniqi: yes

Presiding Judge: I will now ask the International Prosecutor to read the indictment. Please listen carefully when the charges are being read so that you may plead accordingly.



Presiding Judge: did you understand?

Agron Krasniqi: yes

Presiding Judge: yes, Mr. Mr. Flynn?

Public Prosecutor: on 30<sup>th</sup> March 2006, the confirmation judge by way of order dismissed a certain number of the charges in the original indictment and these regarded the illegal arrests described in count 1 with the exception of the arrest of Hysen Krasniqi and Murat Rrustemi and secondly the order dismissed the other criminal offences described in count 4 of the indictment. Accordingly in reading the indictment today I will reflect those changes.

The Public Prosecutor now reads out the indictment to Agron Krasniqi which is translated into Albanian.

Fazli Balaj, Defence Counsel: your Honour, both the defendant and I have received copies of the indictment, we have read it and we have discussed it. In order to be more efficient I would propose that the Public Prosecutor read only item 34 in the Albanian version that deals with the charges.

Presiding Judge: I take your point, but the rules state that we start the trial with a reading of the indictment.

Fazli Balaj, Defence Counsel: I withdraw my proposal then, I leave it to the court.

Public Prosecutor: I want to mention for the sake of clarity at paragraph 15, the words "and murdered" (that appear in the center of the paragraph) are withdrawn; at paragraph 17 the words "in some instances murdering" are withdrawn; in paragraph 32 the words "in killing" are withdrawn.

The Public Prosecutor then reads the counts as revised.

Presiding Judge: Agron Krasniqi, have you understood the indictment that has just been read to you?

Agron Krasniqi: yes

Presiding Judge: pursuant to article 358, I must ask you how you plead, guilty or not guilty to the charges

Agron Krasniqi: entirely innocent, therefore not guilty.

Presiding Judge: since you have pleaded not guilty and you have understood the charges read to you, pursuant to article 364, we shall proceed to the evidentiary proceedings in your case. As we go along, we shall also continue with the evidentiary proceedings in the case of the other accused.



Public Prosecutor: Your Honor, I know that the court, at my request, summoned witnesses today, which witnesses were mixed between previous witnesses heard and some of the witnesses have not turned up and we shall have to deal with a compulsion order at another time. We have, however, three witnesses. One witness is open and two witnesses are anonymous. All these witnesses gave evidence previously. The first witness I would call was former witness "K" and his name is Muhamet Berisha. Mr. Muhamet Berisha has been recalled in order that Agron Krasniqi and Fazli Balaj, Defence Counsel can examine him. Mr. Berisha did not implicate Agron Krasniqi directly to prove any individual criminal responsibility but through his previous testimony he did implicate some of the other accused and more importantly we will submit that he is a witness as to the joint criminal enterprise which existed in which Agron Krasniqi...(interrupted by Presiding Judge)

Presiding Judge: you don't have to justify why you are calling him now. His evidence is still being evaluated.

Mahmut Halimi, Defence Counsel: today I received information that one person called Xhemail Gashi was extradited from Germany and it is being alleged that he is implicated in this case. However, the information I have received is that this is the wrong person. He has the same first and last name.

Presiding Judge: why are you mentioning this to me; he is not within my jurisdiction.

Mahmut Halimi, Defence Counsel: I fear that the same thing will happen just as it happened with Agron Krasniqi.

Presiding Judge: do you cross bridges before you reach them? This matter is for the prosecutor to decide. I dealt with the matter of Agron Krasniqi when it came before me. When the time comes we will deal with this matter Mr. Halimi.

Presiding Judge: now to the witness. Mr. Muhamet Berisha, thank you for attending court again. I will just quickly re-confirm your personal data.

Personal details:

Name and surname of witness:	Muhamet Berisha
Nickname:	None
Name of his father:	Avdi Berisha
Name and maiden of mother:	Nurie
Personal ID No.	N/A
Occupation	Farmer
Date of birth:	September 17, 1952
Place of birth:	Brestove
Place of current residence:	Brestove
Relation to the accused:	No
Relation to the injured parties:	yes

Presiding Judge: 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 correct 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. You are instructed that you need not answer any of the questions referred to in Article 162 in the present code and the instructions shall be entered into the records. The Presiding Judge advises the witness that as an injured party the witness has the right to sue in civil court and advises him of his other rights.

Presiding Judge: Do you understand?

Witness: yes

Public Prosecutor: good morning. Thank you for coming today. You gave a statement before the trial panel on 8<sup>th</sup> February last, is that correct

Witness: yes

Public Prosecutor: do you stand by that statement that you gave to the trial panel?

Witness: yes, entirely

Public Prosecutor: on reading your statement I see that you told the panel about going to the village of Drenovc with your brother Milalim on the way back to Switzerland and that you had a meeting with Islam Berisha, Bedri Zyberaj and Selim Krasniqi and that you had a discussion with Mr. Krasniqi? And that you had a discussion with Isuf about the whereabouts of your father (pages 8 and 9 of the minutes of 8 February 2006). Is that correct?

Witness: yes

Public Prosecutor: you described Isuf Berisha as being a guard?

Witness: yes

Public Prosecutor: can you tell us did you see or recognize anyone else at that location?

Witness: no only the persons that I communicated with, the persons I saw there.

Public Prosecutor: at that time did you know anyone else by the surname of Krasniqi?

Witness: no

Public Prosecutor: did you ever hear the name Agron Krasniqi?

Witness: I don't know him.

Public Prosecutor: I have no further questions.

Fazli Balaj, Defence Counsel: I have one or two questions. The witness is from the village of Brestovc. The day your father was abducted was there any fighting in the village of Brestovc?

Witness: no

Fazli Balaj, Defence Counsel: Brestovc is close to Rahovec and then there's the road to Pristina, and before you get to Drenovc there are other villages on the way. Were there any fightings in Brestovc, Rahovec or the other villages on the 13<sup>th</sup> of July or two to three days before that day when your father was abducted?

Witness: the first question was: was there fighting in Brestovc? Regarding Brestovc, no. The convoy with my father did not go through Rahovec instead it went through Krushe, Celine and Bellacerke and came out to Drenovc until the national highway. That is why I said there was no fighting in Brestovc there was fighting in Rahovec but they did not go by Rahovec.

Fazli Balaj, Defence Counsel: did I understand you that there were no fights in those villages you mentioned during the 12 and 13 of July?

Witness: there were no fights on that day but before and after there were periodical fightings of 2 to 3 days.

Fazli Balaj, Defence Counsel: I understand your emotions, I feel sorry for what happened to you, but I am only trying to do my job. One more question. Do you know, or did you know at the time of any information or knowledge or from notes you have kept, of someone ordering attacks against civilian population.

Witness: which civilian population?

Fazli Balaj, Defence Counsel: both Serb and Albanian. Did someone order an attack and by that I mean any members of the former KLA?

Witness: I am not speaking with emotions here. I am here to speak the truth. Not something that is just emotional.

Presiding Judge: the question was clearly put, did you know at that time from information or from notes you kept that someone was ordering attacks? By that I mean any former KLA members? Are you aware of this precise information that counsel wants from you?

Witness: the answer is no, I don't know.

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

Presiding Judge: Mr. Agron Krasniqi, do you have any questions?

No questions from Agron Krasniqi.



Public Prosecutor: one question arises. I don't know if you can answer this, but in the month of June or July can you tell us who was in charge of controlling the village where your father was living and the surrounding village including Drenas?

Witness: the command for the entire village of Brestovc was situated in Drenas.

Public Prosecutor: when you say command, which force?

Witness: the KLA command.

Presiding Judge: the precise question of the Public Prosecutor was "who" was controlling. Do you have a name?

Witness: yes, Bedri Zyberaj. We had heard he was a high official. Xhemali Gashi, alias "the German" - I had seen him in the village but I did not speak with him and then when I went to the village I met with Selim Krasniqi but I did not know him prior to the day when I met with him.

Fazli Balaj, Defence Counsel: Your Honor, I have one more question. Was there any Serb police in Rahovec on the 13<sup>th</sup> who were controlling the territory of the municipality of Rahovec, the Serb police or the KLA? I am not alleging there is no KLA, I just want to know who was in control?

Witness: not only was there police in Rahovec but it was teeming with Serb forces. And even the Serb civilians were armed at the time. However in village of Brestovc for one year no Serb police or soldiers managed to get there. I am certain that when I say for one year none of the Serb police or army were there until the day of the offensives when they burned down the entire village. The main highway was surrounded by the Serb army and police forces in Rahovec. From Brestovc I went myself to Drenovc and I never ran into any Serb forces or paramilitaries.

Fazli Balaj, Defence Counsel: was there any KLA unit in Brestovc preventing the Serb forces to get into Brestovc?

Witness: Defence Counsel can ask the question to the Serb army as to the reason they didn't show up in Brestovc.

The Presiding Judge admonishes the witness. Please answer the question.

Witness: it is a question without an answer, as I did not know what the Serb armies were thinking at the time.

Presiding Judge: Mr. Agron Krasniqi any questions?

Agron Krasniqi: no questions.

Rexhep Hasani, Defence Counsel: in the statement you issued on 8 February you state that by the end of July 1998 you arrived in Kosovo from abroad, I ask you how do you know that there were no fights on 13 July in area of Brestovc and the other villages since you were not there. How do you know that?



Witness: we know there was no battle because no one fought.

Rexhep Hasani, Defence Counsel: you were not there? How do you know that?

Witness: because this is what all the village people were saying.

No more questions from Agron Krasniqi.

*No further questions from the Prosecutor or the defence attorneys and defendants.*

Presiding Judge: when did you leave for Switzerland?

Witness: back in 1976.

Presiding Judge: between 1976 and when you came back in 1998, had you been in Kosovo?

Witness: yes.

Presiding Judge: prior to end of July 1998, when was your last visit from Switzerland to Kosovo?

Witness: two years before 1998.

Presiding Judge: all this information you have given about fighting in the villages, control, command, commander, Bedri Zyberaj being a high official, how did you get all this information?

Witness: from the people in the village. People were not hiding this information. For the same reason I went to contact Bedri Zyberaj I asked that day to speak to Xhemali Gashi but that day he was not there so I was in contact only with Bedri Zyberaj and after Bedri Zyberaj with Isuf Berisha and then Selim Krasniqi.

Presiding Judge: thank you I have no further questions.

Fazli Balaj, Defence Counsel: I apologize, I have another question. The witness stated in the main trial hearing of February 2006 that he arrived in Kosovo by the end of July or beginning of August 1998. How did you travel from Switzerland and where from. What means of transport did you use to travel from Switzerland?

Witness: I still think this is not necessary to say this. However, I will tell you because I am proud to say such things. I came from Albania. I traveled from Kukes and I was transporting weapons for the KLA. And I brought such weapons to Hoc e Vogel and when I arrived home from Hoc e Vogel I wore the uniform but when my mother told me my father had been abducted by the KLA that's when I said "oh my god is it possible that this happened to us from a liberating army on behalf of which we are fighting and in which we believe" and that's where we all started crying.



Presiding Judge: when you learned from your mother of your father's abduction, did you still give the weapons you were transporting to the KLA fighters?

Witness: yes

Presiding Judge: okay, we are done with the witness. And you have two more witnesses Mr. Flynn?

Public Prosecutor: yes.

Presiding Judge: we will break for lunch and return at 1:30.

The session resumed at 14.05hrs. Marilyn Micallef is court recorder; Ilda Daci and Ibrahim Hastopalli are the translators.

Public Prosecutor: The witness will give his evidence directly.

Presiding Judge: You have a witness Mr. Flynn?

Public Prosecutor: Yes, a witness who is referred to as "U".

Presiding Judge: You testified on 14 December 2005 as an anonymous witness. Your personal data is already part of the record and has been sealed. On the last occasion as part of the order that was made the voice of the witness was not allowed to go through any mechanical device but was transmitted to us by a translator. This was done in the absence of any mechanical device that could have been used to mask his voice. I have been informed by the Public Prosecutor that witness "U", will and is agreeable to speak directly through whatever mechanical device he has. Witness, can you hear me?

Witness: Yes

Presiding Judge: On the last occasion your personal data was taken and sealed and part of the record. Before we proceed further we have placed some dark brown paper on the window so that nobody can see the witness. I am mentioning this because last time there was some problem with that.

Presiding Judge: Since you are a witness I must ask you to speak the truth and not withhold anything. You are aware that false testimony is a criminal offence. If the correct 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 that?

Witness "U": Yes

Presiding Judge: From where you are can you see anybody from the court room?

Witness: No



Public Prosecutor: The court record reflects that you gave testimony on 14 December 2005. Do you remember giving that testimony?

Witness: Yes.

Public Prosecutor: Was what you told to the panel on that day accurate and correct?

Witness: It is true: I have given a statement.

Public Prosecutor: Do you stand by everything that you said in that statement?

Witness: Yes I do.

*The lawyers are saying that they cannot hear the witness.*

Mahmut Halimi, Defence Counsel: We can hear the interpreter but we cannot hear the witness very well – it seems as if he is far away from the mike.

*It also turns out during the ensuing discussion that the person in the translation booth is NOT witness U but another anonymous witness of the Prosecutor.*

Presiding Judge: For the past 30 minutes I have been taken for a ride because I was addressing myself to the wrong person. I thought I was addressing Mr. "U", when I was addressing somebody else. So now I hope we have the right Mr. "U", in the witness booth? Witness Mr. "U", who I believe is now in the booth gave evidence on 14 December 2005. Since you are a witness I must ask you to speak the truth and not withhold anything. You are aware that false testimony is a criminal offence. If the correct 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 that? Your data has already been taken and sealed and is part of the record. You would recall that following an order that I made and in the absence for mechanical device for voice masking, you stated that you would not like your voice to be transmitted through the mike but through the translator. Is that still the case?

Witness Mr. "U": Yes

Presiding Judge: The brown paper was placed at my request so the witness will not see the people in the court, and vice versa.

Public Prosecutor: Witness Mr. "U", do you remember giving a statement to this panel a number of months ago when you were brought here in Gjilan?

Witness Mr. "U": Yes

Public Prosecutor: Can you tell us if what you told the panel on that day was accurate and correct?

Witness Mr. "U": No I have no changes. It stays the same.



Public Prosecutor: I will summarize and then I will ask you to say if it is correct. You said that you met Selim Krasniqi on June 16 1998, when two men Agron Krasniqi and Zaim Bajraktari, came to your village and brought you to the military headquarters at Drenovc? (Pages 8 – 10 of the English minutes of 14 December 2005)

You also told the panel (Page 9 of the minutes) that the Agron that you mentioned was an Agron Krasniqi. You also said (page 8 of the minutes) that Selim Krasniqi ordered two men who again you refer to as Agron Krasniqi and Zaim Bajraktari to take you away and beat you up? Is it correct?

Witness Mr. "U": It is correct.

Public Prosecutor: You told us that Agron used a baton and that Zaim used another implement that you said was a metal tube?

Witness Mr. "U": It is true.

Public Prosecutor: You gave the panel a brief description (Pg 12 of the minutes) of Agron. His height was between 170 – 180cms, he was thin and aged between 22 and 23 years?

Witness: It is correct.

Public Prosecutor: Can you tell the panel now if you knew the man at the time?

Witness: We recognized him as military police with a beard.

Public Prosecutor: Is it possible to tell us how you knew him at the time without revealing your identity.

Witness: We knew his father and family. He wore black clothes or uniform and he was recognized with a nickname – Ninja.

Public Prosecutor: Can you tell us where and how many times you may have seen him prior to this day?

Witness: I have seen him prior to this case 4 or 5 times at least.

Public Prosecutor: Can you give us the name of his father?

Witness: Shabani

Public Prosecutor: Can you tell us what Shaban and Agron worked at?

Witness: I do not know his profession but I have seen him in Drenovc four or five times.

Public Prosecutor: From whom would you have learned that his name was Agron ?



Witness: A soldier told me that. He lost his life during the war. He was the one who told me what he is and who he was.

Public Prosecutor: Prior to that date did you have a name to put to the person you had seen on previous occasions?

Witness: Before this case I did not know who he was but when this happened to me the soldier who lost his life told me who this person was, told me about his grandfather, his family.

Public Prosecutor: Apart from the description given already – he was thin and aged between 22 and 23 – did he have any other significant marks that would help you to recognize him?

Witness: I did not notice any marks on his body but I remember he had a black beard and black hair.

Public Prosecutor: Did you see Agron Krasniqi at any place and where at any stage after your release?

Witness: I saw him twice in Zadriq while he was moving.

Public Prosecutor: Can you tell us when that was? Did he look the same at the time as when he beat you?

Witness: I saw him after 2 weeks and he looked the same.

Public Prosecutor: Can you recall how he was dressed on that last occasion?

Witness: He was wearing civilian clothes. He did not have his black uniform but his beard and his appearance was the same.

Public Prosecutor: Thank you – no further questions.

Fazli Balaj, Defence Counsel: In the main trial the witness he stated he was beaten for 40 minutes and then he mentioned 15 minutes – which is the correct version?

Witness: I was interrogated for 40 minutes and I was beaten for 15 minutes.

Presiding Judge: My minutes say: interrogation took approximately 40 minutes – not beating 40 minutes. I just wanted to point that out.

Fazli Balaj, Defence Counsel: Your Honor. He was taken on 16 June 1998 then he stated that he saw this person after two weeks in Zadriq. My question is has he seen this person after July again?

Witness: No I did not see him again – I had no contact with him.

Fazli Balaj, Defence Counsel: Was the witness beaten once or was he beaten more than that by Agron?



Witness: Only once.

Fazli Balaj, Defence Counsel: I have no further questions. However I object to the statement of this witness.

Presiding Judge: Thank you Mr. Fazli Balaj.

Presiding Judge: Mr. Agron Krasniqi - any questions?

Fazli Balaj, Defence Counsel: No questions on behalf of my client.

Presiding Judge: Yes Mr. Mahmut Halimi?

Mahmut Halimi, Defence Counsel: My first question is: How long ago did you have a conflict or a bad relation with that dead soldier whose name you did not mention before you were brought to the office of Selim Krasniqi?

Witness: It was a week ago or no more than 4 or 5 days.

Mahmut Halimi, Defence Counsel: Can we know the reason for the deterioration of such relation?

Witness: I cannot tell you more because otherwise I would have to disclose my identity.

Mahmut Halimi, Defence Counsel: At the time you were allegedly arrested or, as you say, you were sent to the office of Selim Krasniqi, was there any KLA unit at that place or location?

Witness: Yes there were.

Mahmut Halimi, Defence Counsel: Was there ever an invitation from the KLA to mobilize civilians to join the war if they were able?

Witness: I heard that there was but I personally did not see it.

Mahmut Halimi, Defence Counsel: Did anybody invite you personally to join the war?

Witness: Nobody.

Mahmut Halimi, Defence Counsel: Besides this time, when Selim Krasniqi interrogated you for 40 minutes, have you seen him before that or did you speak to him before that?

Witness: I had not seen him before.

Mahmut Halimi, Defence Counsel: What about after? After you were interrogated?



Witness: After the case when I was traveling from my village to Drenovc I have seen him.

Mahmut Halimi, Defence Counsel: Where did you see him?

Witness: Yes I have seen him at his office seated on the balcony on a chair but I never from that moment had any problems with him.

Mahmut Halimi, Defence Counsel: Do you remember approximately how many times you saw him after that? Did you greet him ever?

Witness: No. I saw him two or three times but I did not greet him.

Mahmut Halimi, Defence Counsel: When the war ended, after that, did you see Selim Krasniqi again either directly or through the media?

Witness: No I have not seen him.

Mahmut Halimi, Defence Counsel: I will now inform you of several portions of your statement that you gave on the 6<sup>th</sup> August 2004 in front of the investigating judge:

On 6<sup>th</sup> August 2004 there is a question of the Public Prosecutor: "How did you come to know Selim Krasniqi?" (pg 9 of the investigating minutes 06/08/04)

Presiding Judge: The witness answered the following: "Some soldiers told me that this person was the head of the office and some soldiers in a KLA uniform greeted him: 'Hello Selim Krasniqi how are you?' But I know that his nickname is 'Celiku'."

Witness: Yes it is true.

Mahmut Halimi, Defence Counsel: However in the main trial on December 14, 2005 you stated in front of the panel that "a friend told me who Selim Krasniqi was".

The Defence attorney refers the witness to page 8 of the minutes of 14 December 2005 where the following appears: "What about Selim Krasniqi, how did you come to know his name?" Witness Mr. "U", had replied at the time: "A friend of mine indicated me as to who Selim Krasniqi and Gani Paqarizi were."

Witness: I also confirm this.

Mahmut Halimi, Defence Counsel: Which is the truth? You learned his name because a friend of yours told you or because of the soldiers greeting him?

Witness: I did not know him at the time – I heard that he was head of the office but some friends of mine told me that he was Selim Krasniqi.

Mahmut Halimi, Defence Counsel: I want to express my objection. I object to the statement of this witness as an invention.

Presiding Judge: Thank you Mr. Halimi.



Fazli Balaj, Defence Counsel: The witness has stated that after he had been interrogated and beaten up he had seen Selim Krasniqi and Agron Krasniqi subsequently. Could he, notwithstanding this fact, move freely about?

Witness: I did not move around freely unless I was accompanied by strong friends of mine or it was a unique case where I had to move. But otherwise no, I did not move freely. I did not dare.

*No further questions from the Defence Attorneys or the Prosecutor.*

Mr. Selim Krasniqi when asked if he had any questions, requested to consult with his lawyer. This was granted by the court.

Selim Krasniqi: I object to the statement of the witness. Earlier on this witness stated that "due to a problem he had with a soldier of a KLA, I was interrogated by Selim Krasniqi". I want to say that this is not true at all. However in order to verify this, I would like to ask my counsel to summon this soldier so that he can testify himself in front of the court whether such was true or not at the time. I have mentioned this earlier – several times KLA was involved in many other things. We were facing an unequal war with an enemy so what we were interested in at the time was to liberate our country. This witness, as many other witnesses in this main trial, is simply incited, maybe also paid, to make such statements in front of the court and in such a way to speak something which is not true – that allegedly he was involved in such incidents. I am simply asking to summon the other person as a witness so that he can rebuff what today witness has said so far.

Presiding Judge: Thank you Mr. Selim Krasniqi. You make arrangements with your lawyer to summon whatever witnesses that you have.

*No further questions from the Prosecutor or the Defendants.*

Presiding Judge: Are we done with that witness Mr. Flynn?

Public Prosecutor: yes

The court takes a recess at 3:45 for half an hour and reconvenes at 4:20 p.m.

*The court recorder is now Robina Struthers.*

Presiding Judge: we shall call the next witness.

Public Prosecutor: the next witness is present Your Honor and this is Witness "E" whom we have re-summoned.

Presiding Judge: Witness "E", I am addressing myself to you. You will be addressed as Witness "E" during these proceedings. Your personal data has been taken and is sealed as part of the record. Although you have testified before, you need to recall that 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 correct 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. Given your status as an anonymous witness you must not state anything that would compromise your identity.

Presiding Judge: Do you understand?

Witness: yes

Presiding Judge: for the record, this witness gave testimony on 15 of March in chief and was cross examined on 22 March this year. Mr. Flynn?

Public Prosecutor: witness "E", I address you now. Can you tell us do you recall coming before this panel two months ago to give evidence?

Witness: yes

Public Prosecutor: and on that occasion you gave a statement can you tell us that what was contained in that statement was accurate and correct?

Witness: yes, accurate.

Public Prosecutor: do you stand by that statement or do you have changes to make in it?

Witness: I stand by the same statement I gave.

Public Prosecutor: okay. In that statement in general terms you told us about being taken to a detention center in the village of Drenovc by two men whom you referred to as Celiku and Rreziku. And that in Drenovc you encountered a man by the name of Bedri Zyberaj and Yusuf Gashi at the detention center is this correct?

Witness: it is correct.

Public Prosecutor: apart from Bedri Zyberaj, Isuf Gashi and Reziq and Seliq did you know anyone else who was apparently in command or control of the center or working at the center?

Witness: I know but I don't know their names.

Public Prosecutor: at the time you were taken to the center did you know anyone by the name of Krasniqi?

Witness: no

Public Prosecutor: do you know anyone by the name of Agron Krasniqi?

Witness: I don't know

Public Prosecutor: then I have no further questions for you.



Presiding Judge: Mr. Fazli Balaj any questions.

Fazli Balaj, Defence Counsel: no thank you I have no questions.

Presiding Judge: Mr. Agron Krasniqi any questions?

Agron Krasniqi: no questions.

*No further questions from the Prosecutor or the Defence Attorneys or the Defendants.*

Presiding Judge: we are done with this witness. The case is adjourned for tomorrow and we will hear more witnesses. Thank you.

Court adjourns at 4:30 p.m.

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Presiding Judge, Vinod Boolell

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Court Recorder, Robina Struthers

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Court Recorder, Marilyn Micallef