

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:	15 March 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
CID Legal Officer	Andrey Antonov
Defence Counsel:	Mahmut Halimi, Rexhep Hasani, Fatmir Celina, Ethem Rogova and Mexhid Sylja
Accused:	Selim Krasniqi, Bedri Zyberaj, Xhavit Elshani, Isuf (Sherifi) Gashi and Islam Gashi
Witness:	Witness "E"
Court Recorders:	Nina Maric and Cecilia Takoff
Interpreters:	Ervin Mazniku and Orjeta Gjini
IJSD Legal Officer:	Virginie Monchy
Humanitarian Law Centre Monitor :	Luan Dushi
OSCE Monitor :	Lumnije Shkodra

Accused and Charges:

COUNT 1

On days between 2 June 1998 and 13 July 1998, Selim Krasniqi, Bedri Zyberaj, Xhemajl 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 Zyberaj, 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 Zyberaj, 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 Zyberaj, 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 Zyberaj, 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 Zyberaj, 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 Zyberaj, 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 Zyberaj, 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 10:50 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 and Islam Gashi; Paul Flynn, Public Prosecutor; Defence Counsel Mahmut Halimi, Rexhep Hasani, Fatmir Celina, Ethem Rogova and Mexhid Sylja; Luan Dushi, Humanitarian Law Center Monitor; Lumnije Shkodra, OSCE Monitor.

Court Recorder: Nina Maric

Presiding Judge: good morning. We are resuming proceedings in the case of the Public Prosecutor against Selim Krasniqi and others. We have a witness for today that will testify as an anonymous witness and an order was made in relation to that witness by the Investigating Judge on 2 August 2004. The order is still in force and will be applicable to the present proceedings. My understanding is that the defence attorneys were informed at 9 o'clock this morning who will testify today. Can you confirm this please?

The defence attorneys confirm.

Presiding Judge: Mr. Flynn, is your witness in attendance?

Public Prosecutor: yes

Presiding Judge: Yes, Mr. Sylja?

Mexhid Sylja, Defence Counsel: Your Honor, I wanted to confirm that at 9 o'clock or some time before 9 we were on our way to the courthouse and we were informed that today the Witness "E" is to be examined. However, I would kindly ask that my

remark is entered into the record. I only wanted to stress it once again that we feel and are being in a very uncomfortable position and it is the fact that our rights are being truncated. Last night and during last week I made my preparations on something totally different. I have read the statement of the said witness before but I would need to refresh my memory regarding this statement when the witness is going to be examined. And believe it or not it was me and my colleague Mahmut Halimi, driving to the District Court together, while he was driving I was reading material out loud.

Presiding Judge: do I understand Mr. Sylja that you want some time to read the statement of the witness?

Mexhid Sylja, Defence Counsel: yes, I can have a look at the statement. However, it was entered into the record as my remark and remark made on behalf of my colleagues. It is not just and reasonable for us not to be informed in due course of time. Thank you.

Presiding Judge: do you still need time or we can proceed?

Mexhid Sylja, Defence Counsel: we can proceed Your Honor, if it pleases the court.

Presiding Judge: I am addressing myself to the Witness "E". During the course of the proceedings you will be addressed as the Witness "E" and your personal data which were taken at the investigating hearing have been sealed and are part of the record. Since you are a witness in this case I need to inform you that as a witness, it is your duty to speak the truth and that you may not withhold anything. You are warned that false testimony constitutes a criminal offence. You may not answer individual questions by which you would be likely to expose yourself or a close relative to a serious disgrace, considerable material damage or criminal prosecution. Given your status as a protected witness try not to give any fact which might lead to your personal identification or any relevant detail that might compromise your status as an anonymous witness. Have you understood this?

Witness "E": yes

Presiding Judge: now the Public Prosecutor will interrogate you.

Public Prosecutor: thank you Your Honor. Good morning Witness "E". I am the Public Prosecutor and I am going to ask you some questions. Mr. Witness "E", firstly do you know why you are here?

Witness "E": yes

Public Prosecutor: do you recall being detained by anyone during the conflict?

Witness "E": yes

Public Prosecutor: you told us that you were detained during the conflict. My next question is where you gave the statement about this event?

Witness "E": yes

Public Prosecutor: can you remember to which police you gave the statement?

Witness "E": yes, to the international police.

Public Prosecutor: did you give that statement freely?

Witness "E": yes

Public Prosecutor: can you remember when you might have given that statement?

Witness "E": yes, I remember giving the statement two years ago.

Public Prosecutor: in the statement you gave to the police you told about being detained and put in a prison. Can you remember where and when you were put in a prison?

Witness "E": yes, I have been put in a prison in 1999. I cannot tell you any dates as I am not literate.

Public Prosecutor: according to the statement you gave to the police you mentioned the date of June 9, 1998, could this be correct?

Witness "E": well, it could be that way. However, as I am not literate I cannot tell you the exact date.

Public Prosecutor: do you know of anybody else who might have been detained at the same time as you?

Witness "E": yes, there were many. I don't know their names but approximately 15 to 20 other people were there.

Public Prosecutor: do you recollect any of names at all?

Witness "E": Hidaj Popaj

Public Prosecutor: anybody else?

Witness "E": someone named Murati, Hysen Deni, some people from Brestovc but I don't know their names, some people from Drenovc, Senovc, from other villages that I don't know.

Public Prosecutor: Hysen Deni that you mentioned is that his correct name, his full name?

Witness "E": I am not quite sure about his second name but his name was Hysen.

Public Prosecutor: can you tell us where it was you were when you were detained?

Witness "E": in the village of Drenovc. I went there because the Serbs had killed some people. I entered the village of Drenovc to see what was happening there and as I was getting back they asked me for my ID card, and then a car appeared and they put me in there. When I was put in the car they hit me with a Kalashnikov in my back, Rrezik and Celik.

Public Prosecutor: can I just stop you there. When you say they asked you for your ID card can you tell us who stopped you and can you give us any name in the case you might know?

Witness "E": Behadin Berisha stopped me.

Public Prosecutor: can you tell us how Behadin Berisha was dressed on that day?

Witness "E": he had a camouflage uniform. They took my ID card, as I said then a car came by and I was taken by Celik and Rrezik. They tied me and took me to the village of Drenovc. When I was put inside the car they kicked me and hit me with a Kalashnikov in my back. When I went there I met with Bedri Zyberaj and he interrogated me. He asked me, "Why are you working with the Serbs?" After awhile Baca I Madh came in and he told Bedri, "Why are you interrogating this jerk, why don't you kill him?" After some minutes some unknown people came in, they hit me in my head and in my back. I don't know who those people were because they were masked. I lost consciousness. When I regained consciousness after some minutes or half an hour I don't know that, I found myself bleeding. I stayed there for three days and three nights without eating or drinking anything and they told me not to make mistake of washing away the blood. They did not allow us to relieve ourselves. We were told to do it right where we were. I had troubles with the Serbs and the KLA, there was nobody left to take care of my children. I did not dare to go out of my house. I was afraid both of the Serbs and the KLA. I was also told, "If you dare to go out and see a doctor and if we find you, you will be in trouble". You have my photographs indicating that I was hit in the head and back. After some months I went to the village of Krushe to buy some clothes for my children and some foodstuff. I was in Krushe the day when corpses of people being killed by the Serbs were brought in that area. I went there to eat something when Xhavit Elshani came and took me from where I was. I was locked in the village of Krushe. I have not seen him since then. After one hour they came again and took me to the village of Retije. I was held there and it was very cold, minus 15 degrees C. I stayed there for two days and two nights and Xhavit Elshani took me from Krushe and that was it.

Public Prosecutor: let's go back to the checkpoint for the moment and you told us about the man called Behadin?

Witness "E": as I said Behadin Berisha.

Public Prosecutor: who was Behadin Berisha. You described him dressed in a camouflage but what was he doing there?

Witness "E": I know him as Behadin Berisha. He stopped me. He had no longer business with me at that time.

Public Prosecutor: you described him dressed in a camouflage uniform, camouflage uniform is something that soldiers wear, was he a soldier?

Witness "E": yes, he was a soldier.

Public Prosecutor: in what army he was a soldier?

Witness "E": he was a KLA soldier.

Public Prosecutor: did Behadin Berisha tell you why did he stop you?

Witness "E": no

Public Prosecutor: can you tell us what your occupation was and where you worked?

Witness "E": my occupation is shepherd and I guard sheep.

Public Prosecutor: were you working as a shepherd at that time?

Witness "E": I am 47 years old and as soon as I was ready to work I worked as a shepherd.

Public Prosecutor: had you ever done any work for the Serbs prior to this?

Witness "E": never

Public Prosecutor: while stopped by Behadin, you told us that a car has arrived and you told us that you were put in the car by two men who you described as Rrezik and Celik, did you know these two men personally at that time?

Witness "E": no

Public Prosecutor: where did you get the names Rrezik and Celik from?

Witness "E": Celik is here whereas Rrezik was killed in the village of Bellacerkve.

Mahmut Halimi, Defence Counsel: Your Honor, I think that the witness can easily see the defence attorneys and the accused as well.

On observation of Mr. Halimi that he believes that the witness can see the defence attorneys and the accused from the witness's booth the Presiding Judge sent the legal officer Virginie Monchy to check and the result was that from where the witness is it is not possible to see the defence attorneys or the accused.

Public Prosecutor: I don't think you have explained to us clearly, you told us that you did not know these men personally but you gave us their names how was it that you gave their names?

Witness "E": I did not know their names before when I was detained and that is where I learned their names. They have other names but they were referred to as Rrezik and Celik and they have different names.

Public Prosecutor: these two men who arrived to where you were with the car, can you describe each one for us how he looked at that time, starting with Celik?

Witness "E": they had a KLA uniforms on, they put me in the car and took me to the village of Drenovc.

Public Prosecutor: give us the description of Celik, apart from uniform, what kind of man was he, tall, short, fat?

Witness "E": his height was that of an average person. He was neither fat nor tall nor slim.

Public Prosecutor: what age was he at you think?

Witness "E": 24 or 25 years old

Public Prosecutor: are you able to give as any description of the other man you called Rrezik?

Witness "E": Rrezik was taller. He wasn't that fat. He was 40 years and something.

Public Prosecutor: you told us that these men put you in the car after they hit you with a Kalashnikov can you tell us which one of them hit you with a Kalashnikov?

Witness "E": Celik

Public Prosecutor: did anything happen to you, did they do anything else to you while putting you in the car or while you were in the car?

Witness "E": it was right at the place where I was stopped.

Public Prosecutor: did either of these men do anything to you when they put you in the car or after that?

Witness "E": they hit me with a Kalashnikov, they kicked me and they put me inside the car and from the place I was stopped at they took me to the village of Drenovc.

Public Prosecutor: while you were in the car did they restrain you by putting handcuffs on you or on any other way?

Witness "E": no, they did not put me handcuffs, they only hit me and put in the car.

Public Prosecutor: I am looking to the statement you gave to the Investigating Judge on 2 August 2004, in which on page 5 you said that one man tied you up and hit you with the weapon. Were you tied up?

Witness "E": they tied me up when I went to that place and right after that I was taken to the basement.

Public Prosecutor: you were taken to the village of Drenovc can you tell us where is the first place you were taken to when you reached the village of Drenovc?

Witness "E": from the place where I was stopped to the place I was taken the distance was not more than two kilometers. They put me into some sort of barrack and from there I was taken to the basement of that place.

Public Prosecutor: could you describe that barrack for us, what was it made from?

Witness "E": it was a timber made barrack. It was also referred to as the office of the place or the country, "Zyri e Vendit".

Public Prosecutor: do you know where exactly this building was in the village of Drenovc?

Witness "E": it was at the village of Drenovc near the school.

Public Prosecutor: as you were being put into the building did anything happen to you?

Witness "E": yes, I met Bedri Zyberaj and he interrogated me and then Baca I Madh whose real name is Isuf Gashi came by, and he told to Bedri Zyberaj, "Why are you are interrogating him, you better liquidate this jerk, get rid of him".

Public Prosecutor: let's take step by step. When you were in the wooden building was there anybody there with you or you were alone?

Witness "E": I was all alone in a room.

Mexhid Sylja, Defence Counsel: can we have short recess Your Honor? My client needs to go to the restroom?

Break at 12:10 and resume at 12:15 p.m.

Presiding Judge: we can continue now.

Public Prosecutor: Mr. Witness, when you were in the wooden building can you tell us if anyone else arrived in the building apart from Bedri Zyberaj whom you already mentioned?

Witness "E": Bedri was there, I met him and he interrogated me.

Public Prosecutor: apart from Bedri Zyberaj did anybody else that you know come to the building?

Witness "E": as I said Isuf Gashi came by.

Public Prosecutor: I am looking at the statement that you gave to the Investigating Judge in August 2004 at page 14 of the English version in which you have said, "One hour after I was apprehended, they brought Elhami Morina in this wooden barracks", did you see Mr. Morina in the wooden barracks on that day?

Witness "E": yes

Public Prosecutor: did you know him at that time?

Witness "E": no

Public Prosecutor: are you sure that you did not know him before you met him on that day?

Witness "E": I am sure that I did not know him.

Public Prosecutor: how did you know this man by the name of Elhami Morina?

Witness "E": he was held as a detainee in that place for seven days.

Public Prosecutor: and during these seven days did you get to know his name?

Witness "E": this is where I learned his name but I stayed there for three days.

Public Prosecutor: can you describe Mr. Morina's condition when he was brought to the same wooden building you were in?

Witness "E": I was there when I heard that they brought Elhami Morina. They interrogated him because he had taken a car that was registered on a Serbian person and they asked me "Do you know Elhami Morina that he collaborates with the Serbs?" and I told them that I did not know him.

Public Prosecutor: was Mr. Morina in the same room as you were in?

Witness "E": no

Public Prosecutor: I would refer you to the investigative minutes, on page 14 of English version in which you said, "We stayed together for two hours inside the wooden barracks". Were you with Mr. Morina during your time in the wooden barracks?

Witness "E": yes, we were held in that barrack but we were not together.

Public Prosecutor: at any stage when you were in the wooden barrack did you see Mr. Morina?

Mexhid Sylja, Defence Counsel: Your Honor, with all due respect for Mr. Public Prosecutor I object the manner in which the Public Prosecutor pose his questions. The witness gave the answer to that and he said "We were not together, we did not see

him” and any further attempt of the Public Prosecutor would represent the form of pressure in our opinion.

Presiding Judge: are you saying that if the witness answers differently you would xxxx and not seek the clarification. The Public Prosecutor got an answer and he has something else in his previous testimony, isn't his duty to draw the attention of the witness to that and let the witness give the explanation so that the court can evaluate the evidence and give the credibility at the end of the day.

Mexhid Sylja, Defence Counsel: it is exactly that I am asking for that purpose. I fully agree with you, in case there are discrepancies let the witness explain and tell us the truth. This is what the Public Prosecutor did and refers the witness to the answer he gave on page 14 where the witness has indicated in the course of the investigative proceedings that they remained in the same room. The witness adhered to what he stated today that he did not meet the said person at all. I think any further pressure on the witness would represent some form of induction as to how the witness should answer the questions of the Public Prosecutor.

Presiding Judge: I take the note of your objection that the Public Prosecutor is trying to pressurize the witness and I draw your attention to the article 364 which specifically allow anybody to draw the attention of the witness to his or her previous testimony when that witness deviates from that previous testimony.

Mexhid Sylja, Defence Counsel: Your Honor, if the translation is correct as I heard it. I object to what you just stated as a whole because I did not accuse the Public Prosecutor but I objected the manner in which he posed the questions and that is guaranteed to me by the law. I am not accusing the Public Prosecutor that he is pressurizing the witness.

Witness "E": can I hear the question again?

Public Prosecutor: I am withdrawing the question. I got the answer on my previous question. When I asked, “Did you see Morina in the barrack?” the response was, “Yes, but I did not know him. He was held as a detainee in that place for seven days”.

Session breaks for lunch at 12:35 and resumes at 2:00 p.m.

Court Recorder: Cecilia Takoff

All Defence Counsel are present except for Rexhep Hasani.

Presiding Judge: just before the lunch break Mr. Halimi was allowed to go the translators' booth from where the Witness was giving his testimony and on coming back to the Court he stated that there was a visible part at the bottom of the window of the booth from where he could see his own chair the sitting arrangement of Defence Counsel and his own client Selim Krasniqi.

The Public Prosecutor is given the floor.

Defence Counsel Rexhep Hasani returns at 2:04 p.m.

Public Prosecutor: before the lunch break we were talking about Elhami Morina. And you told us that he had been brought to this wooden barrack where he was detained for seven days. Did you ever tell anybody that you had seen him and when you saw him he had been beaten up and was in very bad condition?

Witness "E": I wasn't allowed but I told the people from the prison that Elhami Morina was beaten up.

Public Prosecutor: do you remember telling the Public Prosecutor when he asked you during the investigative hearing as to what Elhami Morina's condition was like when you saw him and you responding to the Public Prosecutor that he had been beaten up and was in a very bad condition? Do you remember that?

Witness "E": I have not seen him but I heard about that when I was released.

Public Prosecutor: from whom did you hear that?

Witness "E": from people talking about this.

Public Prosecutor: did you meet Mr. Morina after you were released and after he was released?

Witness "E": no

Public Prosecutor: I am reading again from the investigation minutes dated August 2, 2004, page 14, "Q: 'How did you know that he was detained for 10 days when you saw him? A: Because he came after 10 days and found me with my sheep and he told me he was detained for 10 days.'" Did you tell that to the Public Prosecutor or the Judge?

Witness "E": maybe yesterday but since I am illiterate I did not write that and I don't remember all the things I said.

Public Prosecutor: while you were at the wooden barracks you mentioned that you met Mr. Zyberaj?

Witness "E": it is accurate.

Public Prosecutor: what did he say to you at that time, if anything?

Witness "E": he started interrogating me when Isuf Gashi came in and Isuf Gashi said to him, "Why are you interrogating him, why don't you just liquidate him?" And they left the room and after some minutes two persons with masks on came in.

Presiding Judge: this is all on record already. Tell the Witness not to repeat what he said already, as the question was very specific.

Witness "E": I can't remember what he told me.

Public Prosecutor: did he explain at any stage why you were arrested?

Witness "E": I don't remember since I am illiterate. I can't remember everything.

Public Prosecutor: when you talk about Bedri can you give us his full name and a description of him?

Witness "E": he is of average height, he is bald, I would say he is not fat, but I don't know what he looks like at present since I haven't seen him for six years.

Public Prosecutor: how was it that you knew him at that time?

Witness "E": he was bald at the time I knew him. It is not that I would go out too much as I was a shepherd dealing with my sheep all the time.

Public Prosecutor: where did you know this Mr. Zyberaj from?

Witness "E": at the place where Bedri Zyberaj's name was mentioned.

Public Prosecutor: when you saw him in this wooden barracks can you tell us how he was dressed?

Witness "E": in plain clothes.

Public Prosecutor: can you tell us if Mr. Zyberaj was a member of KLA at the time?

Witness "E": yes, he was a KLA member at that time.

Public Prosecutor: how do you know this?

Witness "E": I know that I wasn't the only one who was detained, there were others as well.

Public Prosecutor: how do you know that Mr. Zyberaj was a member of KLA?

Witness: I heard that he was a KLA member. And also he was the one who interrogated me.

Public Prosecutor: when he interrogated you was he armed?

Witness "E": I didn't see any weapon on him.

Public Prosecutor: was it in this wooden building that he interrogated you or was it elsewhere?

Witness "E": at the wooden barracks.

Public Prosecutor: when the other gentleman came in can you describe what he was wearing?

Witness "E": he was in a KLA uniform.

Public Prosecutor: was he armed?

Witness "E": yes

Public Prosecutor: you told us this man's name was Isuf Gashi, correct?

Witness "E": yes

Public Prosecutor: how did you know Mr. Gashi at this time?

Witness "E": Mr. Gashi worked with me before the war.

Public Prosecutor: could you explain to us in what context?

Witness "E": he used to work as a bricklayer, he constructed houses.

Public Prosecutor: what work did he do for you, if anything?

Witness "E": he constructed my house.

Public Prosecutor: over what period of time?

Witness "E": it was approximately 20 years ago when I got to know Isuf Gashi.

Public Prosecutor: when being interrogated by Bedri Zyberaj did he make any accusations to you?

Witness "E": yes. He told me you are staying with the Serbs and a spy in the KLA.

Public Prosecutor: you told us that Mr. Gashi and Bedri while interrogating you said, why don't you kill him. Did anyone make any threats to you after this?

Witness "E": there were other people but I didn't know them.

Public Prosecutor: how long did you stay in this wooden barracks?

Witness "E": two hours and something.

Public Prosecutor: after the two hours what happened?

Witness "E": I was taken to the basement.

Public Prosecutor: where was this basement?

Witness "E": at the old school.

Public Prosecutor: you told us that after Mr. Zyberaj and Mr. Gashi visited you that some unknown people came in and hit you on the head. Did this happen in the wooden barracks or in the basement?

Witness "E": yes, I was hit in the head and the back.

Public Prosecutor: where did this happen in the wooden barracks or the basement?

Witness "E": the basement.

Rexhep Hasani, Defence Counsel: the Witness did not say they came but said they went out and the threats were not made by many people but only one person. This is what the Witness said.

Presiding Judge: what is your objection or observation or conclusion?

Rexhep Hasani, Defence Counsel: the Witness said Bedri Zyberaj and Isuf Gashi went out and after that some masked persons entered the room I was in.

Presiding Judge: what is the problem with the Public Prosecutor's question?

Rexhep Hasani, Defence Counsel: I think the Public Prosecutor said that Isuf Gashi came in with other two persons.

Presiding Judge: he never said this. He was reminding the Witness of what he said earlier on. Please continue.

Public Prosecutor: you were telling me you were moved to the basement and it was in the basement the two men came and hit you on the head. Is that correct?

Witness "E": it is accurate because you have the pictures.

Public Prosecutor: how long were you in the basement before these two men came to you and assaulted you?

Witness "E": till the very last moment when I was released I was bleeding all over.

Public Prosecutor: perhaps you misunderstand my question. One moment you told us you were in the wooden barracks, you then told us you were in the basement and while in the basement two men came and assaulted you. We want to know how long had you been in the basement before these two men came to you and assaulted you.

Witness "E": I don't remember if it was one hour or half an hour.

Public Prosecutor: did you recognize any of these men? You said two unknown men. I take it that you didn't recognize any of them?

Mexhid Sylja, Defence Counsel: Your Honor, I remember the Witness stating that two unknown and masked persons came in.

Presiding Judge: correct.

Public Prosecutor: can I take it you didn't recognize any of these two men?

Witness "E": I didn't recognize them.

Public Prosecutor: how were they dressed?

Witness "E": they were masked and had black clothes on.

Public Prosecutor: was there anything they were wearing to indicate whether or not they were associated with KLA?

Witness "E": they had all sorts of clothes, black clothes and camouflage clothes.

Public Prosecutor: this assault by these two men which day did this happen of the three days you mentioned you were in custody?

Witness "E": on the first day.

Public Prosecutor: as a result of this assault did you sustain any injuries?

Witness "E": you have seen my injuries in the pictures, and I have problems with my spinal cord.

Public Prosecutor: would you describe the injuries to us?

Witness "E": how would I describe them, you have pictures of them.

Public Prosecutor: we have pictures but I want you to tell us where you were struck, if they left any marks and if you have any problems as a result of this assault on you?

Witness "E": even at present I am going to see a doctor because of the assault.

Public Prosecutor: as a result of the assault did you have any marks on you?

Witness "E": actually I didn't dare go and see a doctor at that time.

Public Prosecutor: did you have any marks on your body as a result of the assault on your body by these two men?

Witness "E": I had wounds on the head and my back was cut. I don't know what they cut my back with but I felt that blood was coming out of the wounds on my back.

Public Prosecutor: after this assault took place can you tell us if Bedri Zyberaj or Isuf Gashi visited you again at any time during the three days you were in custody?

Witness "E": Gashi told me, "You jerk you are a spy."

Public Prosecutor: did Mr. Gashi or Bedri Zyberaj after that first day visit you again in the basement or anywhere else?

Witness "E": no

Public Prosecutor: I asked you earlier if Bedri Zyberaj was armed when he was interrogating you and I think your response was, you didn't see anything. Is that correct?

Witness "E": it is accurate. He wasn't armed. At least I didn't see any weapon on him.

Public Prosecutor: are you sure Bedri Zyberaj was not carrying a pistol or revolver?

Witness "E": he maybe had one but I didn't see that.

Public Prosecutor: did you ever tell anybody that when Bedri Zyberaj had come to interrogate you that he took a revolver from his waistband and pointed it at your chest?

Witness "E": not Bedri but Gashi.

Public Prosecutor: I refer you to the investigation minutes dated August 2, 2004, page 16. "Q: Now, you mentioned that Bedri Zyberaj took out his revolver and pointed at your chest. Do you recall seeing where he pulled his revolver? A: Yes. Q: Could you tell us from where? A: from his waist." Did you say that to the Public Prosecutor during the investigation?

Witness "E": I maybe told the Public Prosecutor so but I might have lost my concentration because I have little children and was afraid.

Public Prosecutor: you told us that Gashi was urging Zyberaj to kill you. How would he have killed you if he was unarmed as you say?

Witness "E": what are you talking about? Gashi had a weapon on him.

Public Prosecutor: you appear to have told the Public Prosecutor that Mr. Zyberaj had a weapon and threatened you with a weapon. Is that correct?

Rexhep Hasani, Defence Counsel: Your Honor, the Witness repeated four or five times that Bedri Zyberaj had no weapon on him. I fear that the Public Prosecutor is insisting in a very improper manner in putting such questions to the Witness and I see that that is not right.

Public Prosecutor: my response, Your Honor, given the content of the investigation minutes I am entitled to explore the conflict in the statement given by the Witness for the discrepancy to the full. And if that means asking the question more than once it should be permissible.

Rexhep Hasani, Defence Counsel: may I. Nobody is denying that right. Maybe the Witness stated "maybe I have stated but I lost my concentration and I was afraid." That is what he said to the Investigating Judge and I deem that the Witness cleared up the matter of Bedri Zyberaj having a weapon or not on him.

Presiding Judge: the witness's attention can be drawn to his previous testimony (article 364 of the PCPCK).

Public Prosecutor: I want to add. You told us Mr. Gashi was armed. Did he at anytime threaten you with a weapon?

Witness "E": no, it was only that day.

Public Prosecutor: what was only that day? Did anybody threaten you with a weapon once you had arrived to the basement or the wooden barracks?

Witness "E": no. Only when they put me in the car they hit me and kicked me.

Public Prosecutor: you described what happened on the first day that you were detained. You told us you were there for three days. What happened over the following two days, if anything?

Witness "E": those two other days I stayed like that without eating and drinking, beaten up and bleeding. That was it.

Public Prosecutor: can you describe this place where you were held in the basement?

Witness "E": it was at the old school, I was at the second basement.

Public Prosecutor: could you describe this basement to us; was there a door, chairs, windows?

Witness "E": the windows were very high, it had a wooden door.

Isuf Gashi leaves the courtroom to go to the washroom.

Rexhep Hasani, Defence Counsel: Your Honor, taking advantage of this pause, I filed a request on the 22nd regarding Bedri Zyberaj being allowed to be paid visits and telephone contacts. Is there anything to learn on that request?

Presiding Judge: he is getting visits from all his close family members, wife, children, and sisters.

Rexhep Hasani, Defence Counsel: with due respect, Bedri Zyberaj has many sisters and only one out of the sisters was allowed to visit him.

Presiding Judge: I signed the order with the names of all the persons whose names appear as sisters of Bedri Zyberaj. I think there are four or five of them. Mr. Zyberaj, are you getting the visits of your sisters?

Bedri Zyberaj: Your Honor, only one sister is entitled to pay visits, my mother, my little children and my wife. This is the first permission you signed, and people are allowed only to visit on that permission.

Presiding Judge: Mr. Zyberaj, I signed an order authorizing all your sisters to visit you. If there is a problem I will look into it later today or tomorrow and let you know. Mr. Hasani, I will inform you as well.

Isuf Gashi returns from the washroom.

Public Prosecutor: before the interruption, the Witness was describing the room. Once again, could you describe the room in which you were held in the basement?

Witness "E": there was a room in which coal was kept for the needs of the school.

Public Prosecutor: can you tell us if this room had windows?

Witness "E": yes, there were windows.

Public Prosecutor: what was contained in the windows, glass or wood or what?

Witness "E": those windows were very high, almost near the ceiling, and I cannot describe them.

Public Prosecutor: do you know if they were blocked with anything?

Witness "E": to tell the truth I didn't see that. I was concerned about myself whether I was going to get liquidated.

Public Prosecutor: what led you to believe that you were going to be liquidated?

Witness "E": I can't say that because many people got killed.

Public Prosecutor: what do you mean by liquidated exactly?

Witness "E": people were killed.

Public Prosecutor: why do you think you were going to be killed?

Witness "E": I thought that as I said too many people were killed. I had no one to look after my children who were of a young age. That is it.

Public Prosecutor: during the period you were held in the basement did anyone, to your knowledge, contact your family to tell them where you were?

Witness "E": no

Public Prosecutor: did any member of your family visit you while you were in the basement?

Witness "E": no one visited me.

Public Prosecutor: I am looking at your statement of August 2, 2004, page 8. The Investigating Judge was asking about your time in the basement. "Q: How long have you been there for the second time? A: "I stayed there for 3-1/2 days and talked to my brother for half an hour. Q: Was that during those 3-1/2 days that you were in the basement that you saw your brother in the wooden building? A: Yes." Did you ever tell the Investigating Judge that you had seen your brother during the 3 or 3-1/2 days you were in custody?

Witness "E": yes. I met my brother the day I was released. I did not know my brother was there. When I was released I met my brother to whom my wife told go and look after my husband. He was also detained when he came to see me.

Public Prosecutor: during your time in the basement did you get any medical attention for the injuries you suffered as a result of the beating you described?

Witness "E": there was no one to look after me there, no doctors, nothing to eat or drink.

Public Prosecutor: what did you do for toilet facilities?

Witness "E": the place where I was held used to serve as a storage room for coal and coal was all over the place. This is where we would relieve ourselves.

Public Prosecutor: did you ever ask any of your jailors to be taken outside and relieve yourself outside?

Witness "E": I did but I wasn't allowed to.

Public Prosecutor: during the period you stayed in the basement room what did you sleep on?

Witness "E": the ground.

Public Prosecutor: did you get any blankets to put under you or cover yourself, or did you ask for any blankets?

Witness "E": I asked but no one brought anything. That was it.

Public Prosecutor: how did you manage to keep warm at night?

Witness "E": there was no way I could keep myself warm; I was beaten and I had nothing to eat or drink. That was it.

Public Prosecutor: did you ever ask any of your jailors over the three-day period for food or water?

Witness "E": they didn't bring me any food or drinks and I didn't ask for anything because my mind and thoughts were with my children.

Public Prosecutor: were there any other rooms in the basement?

Witness "E": there were.

Public Prosecutor: did you hear or see any other prisoners in the basement?

Witness "E": yes. There were all the people I mentioned who were there in jail.

Public Prosecutor: did you see them in the basement?

Witness "E": when I got in the basement I saw someone but I did not know that person.

Public Prosecutor: did you see any of the people you mentioned here earlier today, Hysen Deni or Hidaj Popaj for example?

Witness "E": I did not recognize or know these people because it was my first time in the village of Drenovc.

Public Prosecutor: when you say you don't know them, how could you tell us earlier today that they had also been detained? You said two to three names, where did you get these names?

Witness "E": those names I previously mentioned are people I know, but at the moment I was detained I didn't know these people.

Public Prosecutor: did you see any of those people you did know and mentioned to us earlier today in the basement in Drenovc?

Witness "E": I heard of them but those days when I stayed there I didn't see them.

Public Prosecutor: while being held in Drenovc did any of your jailers mention these names to you or say anything to you, Hidaj Popaj or Hysen Deni?

Witness "E": of course I heard about them. They left and didn't come back.

Public Prosecutor: while you were in the basement in Drenovc did any of the people holding you in detention mention the name Hidaj Popaj or Hysen Deni or any other detainee's name to you?

Witness: no

Public Prosecutor: you told us you were held for three days. On the third day what was it that brought about your release? Did someone come and tell you or what?

Witness "E": on the fourth day an unknown person came by and told me you go home, and stay ready at home. Whenever we call you, you be ready.

Public Prosecutor: did they say what you should be ready for?

Witness "E": no. I was told to go home and stay there. When I went home I met my brothers and they also told me not to move from my house.

Public Prosecutor: who told you not to wash the blood from your body and not go to a doctor?

Witness "E": there were too many people I didn't know, I was afraid of the Serbs and the KLA.

Public Prosecutor: did you talk to either Bedri Zyberaj or Isuf Gashi before you were released or went home?

Witness "E": no

Public Prosecutor: I refer again to the investigation minutes of August 2, 2004, page 10. "Q: Did you talk to anyone at the headquarters of jail after you were released. A: When I was released, Bedri Zyberaj came and told me that I can go home now. He also told me not to tell anyone about what they did to me or that they had beaten me up." Did you tell that to the Investigating Judge and did that happen?

Witness "E": yes, I did. After two to three years the internationals appeared and they started putting questions to me.

Public Prosecutor: before you were released from custody or upon your release from custody did Bedri Zyberaj come and tell you that you could go home but not tell anybody anything what they had done to you or had beaten you up? Did he say that?

Witness "E": yes

Public Prosecutor: you told us that some months after being released you were detained again, I think in the village of Krushe by Mr. Elshani, and that you were taken to a detention center. Was any reason given to you to detain you again at that time?

Witness "E": yes, I went to Krushe e Madhe to buy clothes for my kids, and I went to have something to eat and Xhavit Elshani entered the place where I was. He came in but did not say anything to me. He went to the owner of that place and as he turned around he noticed me, touched me on my shoulders and told me get up as the army is looking for you. As I got out I told him would it be possible to have something to eat and then I will go to the army and ask them what this is all about. From the place I was they put me in a car and took me from one Krushe to the other.

Public Prosecutor: my question is, did he explain to you why he was detaining you?

Witness "E": no

Public Prosecutor: how long exactly were you detained on the second occasion?

Witness "E": two days.

Public Prosecutor: during those two days did you receive any water and did you have adequate toilet facilities where you were held?

Witness "E": I didn't eat anything but went to the toilet.

Public Prosecutor: were you given anything to eat during those two days?

Witness "E": no

Public Prosecutor: what did you sleep on and did you have any blankets?

Witness "E": I slept on a sponge mattress and I had a blanket.

Public Prosecutor: I think you told us the detention center was in a village called Retije. Is that correct?

Witness "E": yes

Public Prosecutor: are you personally aware of any other detention centers run by the KLA at this time?

Witness "E": I don't know of any things of the like, save for the places I was kept in.

Public Prosecutor: do you know if there was a detention center, for example, in Malisheva?

Witness "E": no

Public Prosecutor: according to the investigation minutes of August 2, 2004, page 22, you mentioned to the Investigating Judge that detainees were moved to Malisheva as a spillover from other detention centers. Do you know anything about that?

Witness "E": I have heard but the thing is I have not been there so I cannot tell anything about that.

Public Prosecutor: going back to the time when you were interrogated by Bedri Zyberaj and Isuf Gashi. Can you tell us how many times while in custody you were interrogated by either Bedri Zyberaj or Isuf Gashi?

Witness "E": only one time when I got beaten up.

Public Prosecutor: the interrogation when Bedri Zyberaj and Isuf Gashi took part, how long was that?

Ethem Rogova, Defence Counsel: with all due respect, the Witness was accurate and indicated the length of the previous occasions. I think the Public Prosecutor is instructing the Witness that allegedly Isuf Gashi had interrogated him and the Witness out of instinct is answering to the questions of the Public Prosecutor. I find these questions are leading because Isuf Gashi never interrogated the Witness.

Public Prosecutor: I will rephrase.

Presiding Judge: it seems this is the situation, Mr. Rogova. What we have from the witness is that Isuf Gashi told Bedri Zyberaj to kill him. The Prosecutor is exploring further.

Public Prosecutor: I will rephrase the question. On the single occasion that you say Bedri Zyberaj was conducting the interrogation during which Isuf Gashi entered the room and requested him to kill you, how long did this event take? What period were you in the room with these two men?

Witness "E": it is not my mother that came in there to beat me up and detain me, it was them.

Public Prosecutor: how long did this event last when Bedri Zyberaj and Isuf Gashi were together in the room and Bedri Zyberaj was interrogating you?

Witness "E": I don't remember all of that. I previously told you I am an illiterate person.

Public Prosecutor: did Isuf Gashi say why he wanted you killed? Did he make any allegations against you at the time?

Witness "E": he would not accuse me. I wouldn't socialize with other people, I was only a shepherd?

Court Recorder: Nina Maric

Public Prosecutor: I was asking you and I did not get a very clear answer, did Isuf Gashi make any allegations against you at the time he joined you?

Presiding Judge: he answered this. He said that Isuf Gashi said, "You are spying against the KLA and you are working for the Serbs".

Public Prosecutor: thank you. You mentioned that two men that came to the checkpoint first time you were detained and you described them as Celik and Rrezik, can you tell us who told you this man's name?

Witness "E": I heard them being mentioned by the population.

Public Prosecutor: you told us this morning that the two men who came and detained you were Rrezik and Celik when I asked you how you knew their names you told us that you heard them in the detention my question is who told you that they are Rrezik and Celik?

Witness "E": when Rrezik got killed this is where I learned his name.

Public Prosecutor: and who told you the name of the other man Celik?

Witness "E": but I heard that and Gashi was there when Rrezik was killed and above all Gashi is doing this to me, this act of treason to me that I saved his life.

Public Prosecutor: you told us that one of them is named Celik, do you know if he is known by any other name?

Witness "E": yes, it was Rrezik and he had his name as well.

Public Prosecutor: perhaps you don't understand me. You told us about the man Celik, it is a nickname; do you know his proper family name?

Witness "E": Celik's name is Selim Krasniqi.

Public Prosecutor: can you tell us when and how you got to know that his proper name is Selim Krasniqi?

Witness "E": I learned that through the people saying, "Celik did this, Celik did that".

Public Prosecutor: when did you learn that Selim Krasniqi was Celik, when did you learn his full family name?

Witness "E": very late

Public Prosecutor: was this after you were released or before the war ended or after the war ended or when?

Witness "E": it is after the war that I learned his full name.

Public Prosecutor: Your Honor, I think it would be appropriate time to mention and ask you about the photographs I want to show the witness. I will start with the Exhibit C previously marked as the Exhibit 6 (collection of 33 photographs).

Presiding Judge: the Exhibit C is being shown to the witness and the index is being removed.

Mahmut Halimi, Defence Counsel: we cannot see the person but I think the person can see us.

Presiding Judge: I just wanted to see if you could see inside now?

No defence attorney can see the person in the booth.

Mexhid Sylja, Defence Counsel: I have a request for a break of ten minutes?

Session breaks at 3:50 and resumes at 4:05 p.m.

Presiding Judge: can we start? Exhibit C, set of photographs, will be handed over to the witness by my legal officer. Ms Monchy will come back to the courtroom after handing Exhibit C to the witness.

The set of the photographs is placed in front of the witness.

Presiding Judge: Mr. Witness, I am addressing myself to you now, you have in front of you a set of photographs, you have to look at the set of photographs and then tell the court whether there is any photograph that you can recognize or you can identify, did you understand me?

Witness "E": yes.

Presiding Judge: the witness picked three photographs from the Exhibit C that the legal officer went in to collect and which was shown to the defence attorneys, the accused and the Public Prosecutor. We will ask the witness now to tell us who are these people, I will put him the questions. Now the legal officer should go inside the booth. Each of these three photographs will be shown to the witness and he will be asked whether he can say names of the person on the photographs. First photograph to be shown to the witness is the photograph number 4.

Legal Officer: Your Honor, the photograph number 4 is in front of the witness.

Presiding Judge: who is that person?

Witness "E": that person's name is Xhavit Elshani.

Presiding Judge: the Legal Officer can return now with that photograph. Second photograph to be shown to the witness is the photograph number 16.

Legal Officer: Your Honor, the photograph number 16 is in front of the witness.

Presiding Judge: who is that person?

Witness "E": the name of that person is Bedri Zyberaj.

Presiding Judge: the next photograph to be shown to the witness is photograph number 32.

Legal Officer: Your Honor, the photograph number 32 is in front of the witness.

Presiding Judge: who is that person?

Witness "E": the name of that person is Isuf Gashi.

Presiding Judge: from the index, which was removed from the set before it was handed over to the witness we confirm that the photograph number 4 is Xhavit Elshani, number 16 is Bedri Zyberaj and number 32 is Isuf Gashi. Anything else Mr. Public Prosecutor?

Public Prosecutor: I would like to present the witness with the Exhibit D. I suggest we do the same exercise with this exhibit.

Presiding Judge: the Exhibit D will be handed over to the witness and I will tell him what to do. Mr. Witness, you have another set of photographs in front of you, this time they are photographs of the buildings, you go through them and you select any of the photographs that reminds you on something and you give it to the interpreter.

The witness handed over to the interpreter the photographs that he selected and the interpreter brought them into the courtroom.

Presiding Judge: the witness selects the set of 14 photographs, which are shown to the defence attorneys, the accused and the Public Prosecutor. They declined to look at them.

Public Prosecutor: I suggest this time that the witness should describe what is on each photograph.

Presiding Judge: can the legal officer go inside and the witness will tell us what is on each photograph?

The Defence Counsel agrees to the proposal of the Presiding Judge.

Witness "E": Photograph number 1, this is in Malisheva.

Photograph number 2, is in Malisheva.

Photograph number 6 is the school in Drenovc.

Photograph number 7 is the school as well.

Photograph number 10 is the village.

Photograph number 11 is the school.

Photograph number 13 is where I was detained.

Photograph number 15 is the school.

Photograph number 16 is the old school.

Photograph number 17 is the yard of the school where school kids go out and play.

Photograph number 18 is the old school, the basement.

Photograph number 22 is the school.

Photograph number 23 is a photograph of the burned school.

Photograph 24 as well the school that was burned.

The legal officer returns to the courtroom with all photographs.

Presiding Judge: yes, Mr. Public Prosecutor?

Public Prosecutor: there is a set of photographs attached to the witness's police statement. I would like to ask witness one or two questions.

Public Prosecutor: Mr. Witness, you told us during the day that you received the beating from two men from which you sustained injuries to your head and back and I believe you had some marks, did you have photographs taken of these injuries?

Mexhid Sylja, Defence Counsel: Your Honor, maybe it would be to the best interest to the proceedings to learn the dates of photographs, as the photographs we are provided with do not indicate the time when that was done.

Presiding Judge: give a chance to the Public Prosecutor to clear that.

Mexhid Sylja, Defence Counsel: we cannot pose the questions on injuries shown on the photographs that are not taken in evidence as of yet.

Public Prosecutor: I am trying to introduce it.

Presiding Judge: the Public Prosecutor is putting questions first. It is not admitted into the evidence yet. Please go ahead Mr. Public Prosecutor.

Public Prosecutor: Mr. Witness, did you have photographs taken of those injuries that you have sustained while you were at the custody?

Witness "E": yes, I had photographs taken of injuries that I sustained.

Public Prosecutor: can you tell us who took those photographs and when they are taken if you remember?

Witness "E": those photographs are shot by internationals.

Public Prosecutor: can you remember when they were taken?

Witness "E": yes, it is when I was examined.

Public Prosecutor: did you have any friends or family took those photographs of injuries.

Witness "E": it was the international police that took the photographs and even now days I have marks and scars from those injuries.

Public Prosecutor: can you tell us if these photographs are taken the same time statement was taken or they were taken on a later date?

Witness "E": the very same day.

Public Prosecutor: we are going to arrange to show you some photographs to see if you can recognize them.

The said photographs are handed over to the witness.

The Witness pointed out the photograph with page number 4010.

Witness "E": this is the photograph of my back and my head.

Public Prosecutor: once again can I ask you who took those photographs?

Witness "E": the internationals.

Public Prosecutor: are you sure that there are no other photographs taken by your friends or your family?

Mahmut Halimi, Defence Counsel: objection Your Honor, it is the fourth time when the Public Prosecutor is posing the very same question and the witness is giving the very same answer. It was the police.

Public Prosecutor: I am looking at your statement given to the Investigating Judge and on page 32 of the investigating minutes after discussion on injuries that you sustained and on that page it would appear that photographs were shown to you of injuries and the Investigating Judge asked you, "Are these photographs that you took or your friends took or that the police took?" and the answer was, "These are the ones that my friends took", so we have a difference in evidence from what you told to the Investigating Judge and what you told us today, can you explain that for us because you said to the Investigating Judge that the photographs are taken by your friends and you told us today that the photographs are taken by the police?

Witness "E": photographs of me were taken when I went to Pristina to give the statement to internationals.

Public Prosecutor: what are we to make of your statement to the Investigating Judge that your friends took photographs of these injuries?

Witness "E": but I did not give the statement before this, when I went to Pristina to see internationals this is when they showed these photographs to me.

Public Prosecutor: but you are not answering my question. You told the Investigating Judge that your friends took the photographs and you told to us today that the police took the photographs, which is correct?

Witness "E": maybe my friends took the photographs to Pristina but when I went to Pristina to give the statement I saw the photographs there.

Public Prosecutor: you say you saw the photographs there that mean that there were your friends that took the photographs?

Witness "E": when I said friends I meant to say my in-laws.

Mahmut Halimi, Defence Counsel: I have a proposal to be entered into the record that the photographs shown to us are just plain copies made as a print color version of digital camera photographs, two photographs that were introduced to the court. We should get proper quality print out of the photographs.

Presiding Judge: we noted your proposal Mr. Halimi. I note that you never made such a proposal before the investigating judge.

Public Prosecutor: Your Honor, I believe that concludes my questioning.

Presiding Judge: Mr. Halimi, any questions?

The defence attorneys state that given the late hour they would prefer to cross-examine the witness on a subsequent occasion.

The court adjourns at 5:05 p.m.

Presiding Judge, Vinod Boolell

Court Recorder, Nina Maric

Court Recorder, Cecilia Takoff