

KLA Trial Hears of Camp Ordeal

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Testimony of anonymous witness at Kosovar Albanians' trial appears to contradict defendant's alibi.

A witness speaking at the trial of the first former Kosovo Liberation Army members to face the Hague tribunal has testified that one of the accused was present at a KLA prison camp in 1998 at key times when he claims to have been stationed elsewhere.

Fatmir Limaj, Isak Musliu and Haradin Bala stand trial accused of running a detention facility in the village of Lopusnik between May and July of that year, where Serbs and suspected Albanian collaborators were kept in terrible conditions, beaten and killed.

Lawyers for Bala - who is alleged to have been a guard at the camp and to have personally murdered a number of inmates - have indicated that their client will pursue what is known as a "partial alibi" defence.

They claim that Bala was in Lopusnik for at most two weeks from the time the camp in question is alleged to have begun operating. After that, they say, he realised his heart condition was incompatible with a role as a frontline soldier, and a KLA leader known as "Kumanova" found him non-combat assignments elsewhere in Kosovo. He was first transferred to a training camp in Klecke before moving on to spend most of the rest of the conflict looking after a supplies warehouse at Luzhnice, according to his lawyers.

But this week's witness - one of 12 who are to testify anonymously in the prosecution case - told judges that he saw Bala, apparently then known by the nickname "Shala", every night during the month he was held in Lopusnik. Seated from the public gallery and with his voice distorted, the witness said that during his stay at the camp he also heard the name "Qerqiz", which prosecutors say was the nomme de guerre of the defendant Musliu.

Lawyers for Musliu say their client was based in Klecke during the time period referred to in the indictment and, while he did visit Lopusnik some 20 times over the three months in question, he had no knowledge of any prison camp operating in the area at the time.

This week's witness said he was eventually released from the camp in Lopusnik after being marched into nearby mountains by "Shala". He told judges that he didn't know what happened to a number of other prisoners who were also taken to the mountains but were not freed at the same time. Prosecutors allege that these captives were massacred there by Bala and others, the most serious single charge in the indictment.

The court went into private session - a measure designed to allow identifying details to be kept out of the public domain - to hear how the witness first fell into KLA hands and arrived at the camp in Lopusnik.

When the public session resumed, the witness told judges that when he got to the camp he was taken to a barn with concrete floors covered with blood and dung, and was chained to a second prisoner and to the wall.

They and a number of other detainees in the room, he said, were not allowed to talk or to leave to go to the toilet. The man he knew as "Shala" had the keys to the barn and would bring potatoes, bread and pasta sporadically - prisoners sometimes went for up to four days between meals.

Later in the hearing, the witness indicated the accused Bala in the courtroom, and identified him as the "Shala" who was present throughout his time at the Lapusnik compound.

Shown photographs by the prosecution, he also identified the room in which he was kept as a cowshed at the family compound in Lapusnik, where the prison camp was allegedly located.

The witness told judges that he was beaten during his stay there, and recalled two particular incidents.

He said that on one occasion, "Shala" beat his ribs, legs and head with a heavy stick until he lost consciousness. Another time, he said, "Shala" blindfolded him and took him from the barn to a different part of the compound. The witness told the court he could see around his blindfold and, besides a second man who was present, there were also two women who set about punching him. The witness said one of the women referred to the second man as "Qerqiz" and "brother", and he drew the conclusion that she was his sister.

A month into his stay, the witness told judges, there was an explosion nearby. The same day, "Shala" and another guard led him and other prisoners out of the camp and marched them single file up into nearby mountains. One of the detainees had an injured foot, he said, and was helped along by his fellow prisoners.

The witness went on to testify that the column of prisoners was led into a valley and he and a number of others were given "bits of paper" by "Shala" and then released.

"The others were left there and I don't know anything that happened to them," the witness told the court.

His testimony appears to support the account given by the prosecution, who say the Lapusnik camp was hurriedly abandoned by the KLA sometime around July 26 in the face of a Serbian offensive in the Lapusnik area.

They say 20-25 prisoners were led up into the nearby Berisa mountains, before about half of them were allowed to leave, and were given notes saying they had been freed on the authority of "Celiku", Limaj's alleged nickname during the war.

The prosecution alleges that the 12 remaining prisoners were marched into a clearing in the forest by Bala and two other soldiers, who told them to sit in a straight line and then shot them, killing all but two who escaped into the surrounding forest.

Musliu is not implicated in this alleged massacre, but prosecutors argue that Limaj should also be held responsible because they say he was Bala's commander at the time and failed to prevent the crime or punish the perpetrators afterwards.

During cross-examination by defence lawyers, this week's witness admitted that he had seen the accused Bala on television since 1998.

But he denied suggestion by Bala's defence lawyer Gregor Guy-Smith that that was how he had picked out his client in court and identified him as "Shala". He insisted that he had seen Bala in Lapusnik and was certain he was the right person.

Guy Smith also questioned the witness about a description of “Shala” that he had given to prosecutors prior to appearing in court, implying that it didn’t accurately match his client.

And he went on to raise a general objection to the reliability of identifications made in court, where the circumstances might allow the witness to point out the accused in the dock whether he is the right person or not.

Defence lawyers also asked about a long-term dispute over land between the witness’s family and another local family, in which the witness said “Shala” had been obliquely involved.

The implication appeared to be that the witness might have been kidnapped in connection with this dispute, rather than as part of a wider pattern of KLA abductions, or that he might to this day be seeking revenge against the accused Bala because of the dispute.

Details of the matter were heard in private, but in public session the witness denied that the quarrel is ongoing and also said it had not been mentioned at any point during his stay at Lapusnik.

The trial has now adjourned for the winter break and is due to reconvene on January 13.

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