

1 Monday, 10 February 2025

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.00 a.m.

5 PRESIDING JUDGE SMITH: Madam Court Officer, please call the
6 case.

7 THE COURT OFFICER: Good morning, Your Honours. This is file
8 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
9 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

10 PRESIDING JUDGE SMITH: The record should reflect that the
11 accused are all present in the courtroom today.

12 Before we start with today's witness, there is one preliminary
13 matter to address.

14 Madam Court Officer, please bring us into private session.

15 [Private session]

16 [Private session text removed]

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23 [Open session]

24 THE COURT OFFICER: Your Honours, we're in public session.

25 PRESIDING JUDGE SMITH: Is the videolink ready,

1 Madam Court Officer?

2 We will now start hearing the evidence of Prosecution

3 Witness W00542, who will be appearing by videolink.

4 Mr. Court Usher, please bring the witness in.

5 THE COURT OFFICER: Your Honours, while that's happening, if I
6 can just confirm that the relevant protective measures are applied
7 and the witness will testify with voice and pixillation.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 THE COURT OFFICER: I was just confirming that the protective
10 measures are in place for the witness, Your Honour. Can you hear me?

11 [The witness takes the stand via videolink]

12 [Trial Panel and Court Officer confers]

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Good morning, Witness. The CMU staff member at your location
15 will now provide you with the text of the solemn declaration which
16 you are asked to take pursuant to our Rule 141(2) of the rules.

17 Please look at the document and then read it aloud.

18 THE WITNESS: [via videolink] [Interpretation] Conscious of the
19 significance of my testimony and my legal responsibility, I solemnly
20 declare that I will tell the truth, the whole truth, and nothing but
21 the truth, and that I shall not withhold anything which has come to
22 my knowledge.

23 WITNESS: W00542

24 [The witness answered through interpreter]

25 [The witness appeared via videolink]

Witness: W00542 (Open Session)
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1 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated
2 now.

3 Witness, today we will start your testimony, which is expected
4 to last approximately three hours. As you may know, the Prosecution
5 will ask you questions first, and then counsel for the victims. Once
6 they are finished, the Defence has the right to ask questions of you,
7 and members of the Panel might also have some questions of you.

8 The Prosecution estimate for your examination is 45 minutes.
9 The Defence estimates that it will need approximately two hours. As
10 regards each estimate, we hope that counsel will be judicious in the
11 use of their time. The Panel may allow redirect examination if
12 conditions for it are met.

13 Witness, please try to answer the questions clearly, with short
14 sentences. If you don't understand a question, feel free to ask
15 counsel to repeat the question or tell them you don't understand and
16 they will clarify. Also, please try to indicate the basis of your
17 knowledge of facts and circumstances that you will be asked about.

18 In the event you are asked by the SPO to attest to some
19 corrections made regarding your statements, you are reminded to
20 confirm on the record that the written statement, as corrected by the
21 list of corrections, accurately reflects your declaration.

22 Please also speak into the microphone and wait five seconds
23 before answering a question, and then speak at a slow pace so that
24 the interpreters can catch up.

25 During the next days while you are giving evidence in this

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Examination by Mr. Michalczuk

1 Court, you are not allowed to discuss with anyone the content of your
2 testimony outside of the courtroom. If any person asks you questions
3 outside this Court about your testimony, please let us know.

4 Please stop talking if I ask you to do so and also stop talking
5 if you see me raise my hand. These indications mean that I need to
6 give you an instruction.

7 If you feel the need to take breaks, please make an indication
8 and an accommodation will be made.

9 We begin first with the questions from the Prosecution. Please
10 give them your attention.

11 Mr. Prosecutor, you have the floor.

12 MR. MICHALCZUK: Thank you, Your Honour.

13 Examination by Mr. Michalczuk:

14 Q. Witness, can you see me? Can you hear me all right?

15 A. I can hear you.

16 Q. All right. Good morning. We've met before, but let me
17 introduce myself again. My name is Cezary Michalczuk, and I'll be
18 asking you questions on behalf of the SPO.

19 Before we start with the questions, I would like to first
20 establish your identity.

21 MR. MICHALCZUK: And for this, Your Honours, we've got to move
22 into private session.

23 PRESIDING JUDGE SMITH: Private session, please,
24 Madam Court Officer.

25 [Private session]

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1 [Private session text removed]

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18 [Open session]

19 THE COURT OFFICER: Your Honours, we're in public session.

20 MR. MICHALCZUK:

21 Q. Witness, as explained during the preparatory meeting that we had
22 sometime ago, rather than asking you questions about every relevant
23 issue you might have information about, it may be possible to admit
24 your prior statement containing such information into evidence.

25 There are a number of procedural steps to follow, and now we will

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1 turn to these steps.

2 MR. MICHALCZUK: Madam Court Officer, could we pull up on the
3 screen the English and Serbian version next to each other of the
4 following statement: 005415-TR-ET Part 1 Revised RED, page 1. Both
5 versions, the same page.

6 Q. Witness, do you have this statement in front of you?

7 A. Yes, I can see it.

8 Q. Did you give this statement?

9 A. Yes.

10 Q. As part of your preparation for your testimony today, did you
11 have the opportunity to review the contents of this statement?

12 A. I did.

13 Q. During your preparation session, did you have the opportunity to
14 make corrections and clarifications to this statement?

15 A. Yes, things that I remembered.

16 Q. Were these changes --

17 A. I'm not sure of everything because it's been a long time.

18 Q. Yes. My question was did you have the opportunity to make such
19 corrections during that preparatory session. That was my question.

20 A. Yes, correct.

21 Q. Were these changes reflected in a note that was then read back
22 to you?

23 A. Yes.

24 Q. Do you confirm that what was read back in that note reflects
25 your changes and corrections fully and accurately?

1 A. I corrected the things that I remembered. What I remembered.

2 Q. Exactly. My question is the note that was read back to you at
3 the end of the preparation session with your corrections and changes,
4 the question is does that note reflect these changes and corrections
5 fully and accurately?

6 A. Yes.

7 Q. Subject to the changes provided in that note, does your
8 statement accurately reflect what you said and what you would say if
9 asked again in court today?

10 A. Well, that's correct as far as I know.

11 MR. MICHALCZUK: Your Honours, having fulfilled the Rule 154
12 criteria, and in accordance with your decision F02893 of 3 February
13 2025, paragraphs 15 and 21(a) and (b), the SPO hereby tenders in
14 English, Albanian, and Serbian the following statements: English,
15 005415-TR-ET Part 1 Revised RED and Parts 2 to 4 Revised; Serbian,
16 005415-TR Part 1 RED and Parts 2 to 4; and Albanian, 005415-TR-AT RED
17 Parts 2 and also Parts 2 and 4; along with the Preparation Note 1,
18 ERN 124908 to 124909.

19 PRESIDING JUDGE SMITH: Any objection to the tender?

20 MS. ROWAN: Your Honour, yes. In our submission, the Rule 154
21 criteria have not been met in this case for the totality of those
22 statements.

23 Your Honour, the conditions of 154 are clear. 154(c) requires
24 that a witness attest to the statement accurately reflecting their
25 declaration. This witness is not in a position to do that for parts

1 of his SPO interview. Your Honour will see from preparation session
2 paragraph 3, the first prep note, as a result of intervention by the
3 *[REDACTED] Pursuant to Post Session Redaction Order F2921.* in this
case, and then following discussion with this
4 witness, it was agreed to skip portions of the prior statements that
5 detailed his *[REDACTED] Pursuant to Post Session Redaction Order F2921.* mistreatment.

6 And prep session 1, paragraph 3, lists numerous sections of the
7 SPO interviews that were not reviewed in prep session that this
8 witness, for understandable *[REDACTED] Pursuant to In Court Redaction Order F2916RED and Post Session Redaction Order F2921.* reasons, it
appears,
9 refused to read.

10 If this witness has refused to read those sections, he cannot
11 and has not attested to their accuracy, and he could not make any
12 necessary corrections to them.

13 Those specific aspects of the SPO interview are outlined, as
14 mentioned, in paragraph 3. And in those circumstances, this witness
15 simply cannot and the SPO cannot meet 154(c). Therefore, the
16 remaining aspects of the SPO interview can be tendered 154 as the
17 criteria for the remaining parts of the interview have been met but
18 not for these sections. And if the SPO wishes, in my submission, to
19 rely on those aspects of his interview, they must call that evidence
20 live as given the clear position in Prep Note 1 it simply cannot be
21 tendered in this fashion.

22 PRESIDING JUDGE SMITH: Anybody else?

23 [Microphone not activated].

24 MR. MICHALCZUK: Yes, Your Honours, I would like to respond to
25 that.

1 This was done during the preparation session, indeed, as my
2 learned friend says. It was done solely for the purpose of
3 preventing the retraumatisation of this victim who had numerous
4 pieces of information. Dealing with [REDACTED] Pursuant to In Court
 Redaction Order F2916RED.

5 of this witness and on purpose, we allowed this witness not to read
6 certain portions upon his specific request, and I believe.

7 And I believe the technique that we used, simply not reading
8 these portions back to him, balanced very, very well [REDACTED]
 Pursuant to In Court Redaction Order F2916RED.

9 [REDACTED] Pursuant to In Court Redaction Order F2916RED. the
 interest of

10 the process. But we believe that all parts of 154 statements,
11 including very discrete portions of the mistreatment of the relative
12 of this witness, should be admitted pursuant to Rule 154.

13 Thank you.

14 MS. ROWAN: Your Honour, very briefly in response. We do not
15 dispute the validity of the motivation of this approach. It was
16 clearly an approach taken for what appeared to be valid [REDACTED]
 Pursuant to In Court Redaction Order F2916RED.
17 reasons, but it is not an approach without consequence.

18 The consequence of the approach the SPO has chosen to take is
19 that this witness cannot attest to the accuracy of something he has
20 not read. He simply cannot do that. It's very straightforward. And
21 it is not insignificant as if one looks thematically at the aspects
22 of the evidence the SPO are seeking to tender in this fashion, it is
23 all of the portions of his statement which refer to the mistreatment
24 of somebody else, which in their substance would be sought to be
25 relied upon by the SPO as corroborative evidence in due course.

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Examination by Mr. Michalczuk

1 Yes, Your Honour?

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 MS. ROWAN: Well, if Your Honour has a question or seeks to --

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MS. ROWAN: Your Honour, we simply wish to underline the
6 importance of the distinction because --

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MS. ROWAN: No, it's -- it hasn't been drawn, which is that the
9 material that is the subject of the omission is evidence which will
10 be sought to be relied on as corroborative evidence. It's evidence
11 of a distinct and separate nature. It's not evidence of
12 insignificance that can simply be waived in, and therefore it has a
13 heightened significance and cannot be admitted 154 in that fashion.

14 PRESIDING JUDGE SMITH: Thank you.

15 MR. MICHALCZUK: Can I very briefly reply, if I may? Just very,
16 very brief reply. But could we go into private session because this
17 discussion should not continue in open, I believe. Very, very
18 briefly.

19 PRESIDING JUDGE SMITH: It's a little bit late for that.
20 Into private session, please.

21 [Private session]

22 [Private session text removed]

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Examination by Mr. Michalczuk

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15 [Open session]

16 THE COURT OFFICER: Your Honours, we are now in public session.

17 PRESIDING JUDGE SMITH: Go ahead.

18 MR. MICHALCZUK: Your Honours, I would like to read the brief
19 summary of the evidence of this witness.

20 PRESIDING JUDGE SMITH: Go ahead.

21 MR. MICHALCZUK: In June 1999, W00542 and his relative were
22 abducted by armed men wearing uniforms with KLA insignia and taken to
23 a detention location where they were both interrogated and
24 mistreated. While in detention, W00542 was interrogated by the KLA
25 commander. In that location, W00542 witnessed other detainees being

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1 detained and mistreated. W00542 was released after a few days.

2 That concludes the summary of this witness's evidence.

3 PRESIDING JUDGE SMITH: Thank you. You may proceed with your
4 questions.

5 MR. MICHALCZUK: Yes.

6 Q. Witness, I've got a few questions for you, and be mindful of the
7 fact that we are in the open session, so in your answers to my
8 questions try not to give any information that would reveal your
9 identity.

10 Witness, during your time in the KLA detention, were you ever
11 informed of any criminal charges against you?

12 A. No.

13 Q. We know from your evidence that one of your close relatives was
14 also detained there, and my question in relation to your relative is
15 the same. During his time in the KLA detention, was he ever informed
16 of criminal charges against him?

17 A. I don't know. He died in the meantime, so I don't know.

18 Q. But did he ever tell you whether the KLA informed him about any
19 criminal charges against him?

20 A. He never told me. We didn't want to talk about this so that I
21 wouldn't be additionally stressed. This is why we avoided talking
22 about this matter.

23 Q. I understand. Coming back to you, your case, was there any
24 explanation given as to why you were detained?

25 A. No.

1 Q. Did [REDACTED] Pursuant to In Court Redaction Order F2916RED.
tell you anything about the reasons why he was

2 detained? Did the KLA tell him the reasons why he was detained?

3 A. He didn't tell me anything, so I don't know.

4 Q. Coming back to you again, were you given the opportunity to
5 challenge your detention to any judge or other official?

6 A. No. Those of them who were there, I mean the commanders, and
7 that was all.

8 Q. Did you yourself suffer any physical consequences as a result of
9 your detention and mistreatment in that location where you were
10 detained by the KLA?

11 A. Certainly, yes.

12 Q. Could you briefly mention what those physical consequences were
13 or still are.

14 A. There are some. They mistreated me. They beat me. I don't
15 know what else I could say.

16 Q. I'm talking about the physical consequences upon you, especially
17 the long-lasting consequences. Are there any such consequences as a
18 result of your time in that KLA location where you were detained?

19 A. Yes, I have numerous health issues.

20 Q. Could you tell the Court what these issues are?

21 A. I wonder which ones I don't have. I don't know what I would
22 tell you, frankly. I really don't know what to say. I am under
23 stress even now while I'm here. It would be best if you would
24 release me and not ask me anything about this and that I would not be
25 summoned by any court anymore and stop mistreating me.

1 MR. MICHALCZUK: Your Honours, could I refer the witness briefly
2 to his note -- to the note that we compiled during the meeting with
3 him?

4 PRESIDING JUDGE SMITH: Yes.

5 MR. MICHALCZUK:

6 Q. Just very, very briefly and I'm going to drop this topic. I
7 would like to quote what you told us during the preparation session:
8 "The maltreatment in [the location] caused many health
9 consequences for [the witness]. He had a hernia that required
10 surgery, tremors in his hands that continue to this day, and he
11 developed high blood pressure and diabetes."

12 Is that true?

13 A. Yes.

14 Q. Just one question, Your Honour.

15 [Specialist Prosecutor confers]

16 MR. MICHALCZUK: I don't have any questions for this witness,
17 Your Honour.

18 PRESIDING JUDGE SMITH: Thank you.

19 MR. MICHALCZUK:

20 Q. Thank you very much, Witness.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MS. TAVAKOLI: Yes. Yes, I do. Sorry, I didn't know if
23 Mr. Laws had any questions, but obviously not.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 Do you have any questions?

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Cross-examination by Ms. Tavakoli

1 MR. LAWS: This individual is not represented by me, and I have
2 no questions.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 Go ahead.

5 MS. TAVAKOLI: Your Honour, I think it's better if we go into
6 private session to protect the identity of the witness.

7 PRESIDING JUDGE SMITH: Into private session for protection of
8 the witness.

9 [Private session]

10 [Private session text removed]

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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Cross-examination by Ms. Tavakoli

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17 [Open session]

18 THE COURT OFFICER: Your Honours, we're in public session.

19 PRESIDING JUDGE SMITH: Thank you.

20 Witness, your testimony is completed. We thank you for being
21 with us today and giving us your testimony. You may leave the
22 courtroom now with the -- or the hearing room with the Court Usher
23 with our thanks for being here.

24 THE WITNESS: [via videolink] [Interpretation] Thank you.

25 [The witness withdrew via videolink]

1 PRESIDING JUDGE SMITH: Is your other witness ready to go at
2 this time?

3 MR. MICHALCZUK: We are ready.

4 PRESIDING JUDGE SMITH: We'll take about a 15-minute break then,
5 and then come back to the courtroom and start up with that witness.
6 We're adjourned until 10.20.

7 MS. TAVAKOLI: Sorry. Sorry, on behalf of Mr. Misetic, I
8 wonder, is it possible to have a slightly longer break so we can get
9 him up?

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 MS. TAVAKOLI: Well, he's in New York, so maybe he's awake.

12 PRESIDING JUDGE SMITH: All right. We'll do a half-hour break
13 at this time.

14 MS. TAVAKOLI: Thank you.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 He had a submission he wanted to make concerning a translation
17 error and had been in contact with the SPO. He should do that out of
18 the hearing of the next witness.

19 MS. TAVAKOLI: Okay.

20 PRESIDING JUDGE SMITH: Okay? All right.

21 MS. TAVAKOLI: Thank you.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 --- Recess taken at 10.04 a.m.

24 --- On resuming at 10.32 a.m.

25 PRESIDING JUDGE SMITH: Mr. Misetic is now with us on videolink.

1 Can you hear all right, Mr. Misetic?

2 MR. MISETIC: [via videolink] Yes, I can. Good morning,
3 Your Honours.

4 PRESIDING JUDGE SMITH: We understand you want to make this --
5 you sent around an e-mail, and you and the SPO have agreed as to a
6 translation substitute; is that correct?

7 MR. MISETIC: [via videolink] I have not seen the message yet,
8 but I was just going to inquire with the SPO as to whether they
9 agreed with the translation correction that we submitted.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 MR. HALLING: Yes, I can explain. The Defence did identify a
12 missing sentence and some small corrections at one paragraph of the
13 Zeri interviews that we intend to tender through this witness. We
14 agree with what the Thaci Defence said. Because it's not an SPO
15 translation, if the item is admitted, our proposal would be either to
16 have me read the corrected paragraph on the record or we could make a
17 one-page English transcript with the corrected part that could be
18 added to the exhibit if it's admitted.

19 PRESIDING JUDGE SMITH: Any comment, Mr. Misetic?

20 MR. MISETIC: [via videolink] Yes, I think it would probably be
21 easier if we added the one page to the exhibit so that it's all in
22 one [Overlapping speakers] ...

23 PRESIDING JUDGE SMITH: That seems the right way to do it also
24 to make a record.

25 MR. HALLING: We'll disclose that today, then.

1 PRESIDING JUDGE SMITH: All right. Anything else?

2 MR. MISETIC: [via videolink] That's it from me.

3 PRESIDING JUDGE SMITH: So we'll now start hearing the evidence
4 of Prosecution Witness W04290.

5 I note for the record that Duty Counsel is present. He will be
6 coming in with the witness.

7 Madam Court Officer or Court Usher, please bring in the witness
8 and Duty Counsel.

9 [The witness entered court]

10 PRESIDING JUDGE SMITH: Witness, please remain standing for the
11 time being.

12 Witness, we are now ready to start your testimony. The Court
13 Usher will provide you with the text of the solemn declaration which
14 you are asked to take pursuant to our Rule 141(2). Please take a
15 look at the document and then read it aloud.

16 THE WITNESS: [Interpretation] Conscious of the significance of
17 my testimony and my legal responsibility, I solemnly declare that I
18 will tell the truth, the whole truth, and nothing but the truth, and
19 I shall not withhold anything which has come to my knowledge.

20 WITNESS: SYLEJMAN SELIMI

21 [The witness answered through interpreter]

22 PRESIDING JUDGE SMITH: Thank you. Be seated.

23 Witness, today we will start your testimony which is expected to
24 last approximately four days. As you may know, the Prosecution will
25 ask you questions first. Thereafter, the Defence has the right to

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1 ask questions, and members of the Panel might also have some
2 questions for you.

3 The Prosecution estimate for your examination is five hours.
4 Defence estimates that it will need approximately 15 to 16 hours. As
5 regards each estimate, we hope that counsel will be judicious in the
6 use of their time. The Panel may allow redirect examination if
7 conditions for it are met.

8 Witness, please try to answer the questions clearly, with short
9 sentences. If you don't understand a question, feel free to ask
10 counsel to repeat the question or tell them you don't understand and
11 they will clarify. Also, please try to indicate the basis of your
12 knowledge of facts and circumstances that you will be asked about.

13 In the event you are asked by the SPO to attest to some
14 corrections made regarding your statements, you are reminded to
15 confirm on the record that the written statement, as corrected by the
16 list of corrections, accurately reflects your declaration.

17 Please also speak into the microphone and wait five seconds
18 before answering a question, and then speak at a slow pace to allow
19 the interpreters to catch up.

20 While you are giving evidence in this Court, you are not allowed
21 to discuss with anyone the content of your testimony outside of the
22 courtroom. If any person asks you questions outside the Court about
23 your testimony, please let us know.

24 Also, please stop talking if I ask you to do so and stop talking
25 if you see me raise my hand. These indications mean that I need to

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1 give you an instruction.

2 If you feel the need to take breaks, please make an indication
3 and we will accommodate you.

4 Now, we are aware that counsel has been assigned to the witness
5 so the witness is able to seek legal advice if he has any legitimate
6 concerns of self-incrimination, and we see that Mr. Qerkini is
7 present in court.

8 Mr. Qerkini, would you please identify yourself for the record.

9 MR. QERKINI: [Interpretation] Thank you, Your Honour. My name
10 is Artan Qerkini, and I am a defence lawyer from Kosovo.

11 PRESIDING JUDGE SMITH: Thank you, Mr. Qerkini. And thank you
12 for being with us and having your assistance.

13 Witness, I remind you that as per the solemn declaration that
14 you have just read, you are obliged to tell the truth.

15 Under our rules, you are hereby advised that you are not
16 required to answer a question that is incriminating unless and until
17 the Panel compels you to answer in accordance with Rule 151(2) and it
18 determines that an assurance under Rule 151(3) should be provided to
19 you. You are hereby advised that in the event such a question of
20 self-incrimination arises, you or your assigned counsel may raise the
21 issue to the Panel, and we will proceed to determine whether or not
22 and under what circumstances you might be compelled to answer. In
23 such a case, the decision as to whether you must answer a question is
24 exclusively that of the Panel. If ordered to do so by the Panel, you
25 must answer all questions asked of you.

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1 Mr. Qerkini, have you explained all of this to your client as
2 well?

3 MR. QERKINI: [Interpretation] Yes, Your Honour. I have
4 explained all the privileges that emanate from Rule 151 of the Rules
5 of Procedure.

6 PRESIDING JUDGE SMITH: And is it your request at this time to
7 grant your client an assurance?

8 MR. QERKINI: [Interpretation] Yes, that is what we would kindly
9 request, so that immunity should be given to any of the possibly
10 self-incriminatory statements made by my client, pursuant to
11 paragraph 151(1), (2) and (3) of the Rules of Procedure.

12 PRESIDING JUDGE SMITH: You may be seated, Mr. Qerkini.

13 Witness, the assurance that is being offered, your attorney
14 called it something different, but we call it an assurance rather
15 than an immunity. You are safe from being prosecuted by this Court
16 in any way about the testimony you give in court. Do you understand
17 that?

18 THE WITNESS: [Interpretation] Yes, Your Honour.

19 PRESIDING JUDGE SMITH: If you give this testimony, you are
20 giving it, as you sit right now, in public. You have the option of
21 having a closed session where the curtain above you comes down, no
22 one can see you, no one can hear you outside of this courtroom, and
23 no one in other countries can hear you through the media. Do you
24 understand that? Do you want that additional protection?

25 Do you wish to talk to your attorney about it?

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1 THE WITNESS: [Interpretation] Yes, Your Honour. Everything is
2 clear.

3 PRESIDING JUDGE SMITH: And does the Prosecution have any
4 objection to the assurance being granted?

5 MR. HALLING: No, Your Honours. And we've said so in writing
6 previously.

7 PRESIDING JUDGE SMITH: The protections that you are granted
8 through the assurance is that this Court will not prosecute you or
9 will not release any of the information you give us to any other
10 party. However, when you testify in public, that information - your
11 answers and questions asked - will go out to the public. Do you
12 understand that?

13 THE WITNESS: [Interpretation] Yes.

14 PRESIDING JUDGE SMITH: So I have to ask you again, do you want
15 to have the closed session where no one can hear your testimony
16 except those in the courtroom, or do you want to testify fully in
17 public?

18 THE WITNESS: [Interpretation] In public.

19 PRESIDING JUDGE SMITH: Witness, you've already been warned that
20 having granted you -- or if we grant you the assurance, that refusal
21 to give testimony may be sanctioned with the imposition of a fine.
22 This is a further warning that refusal to answer the questions you
23 will be asked by the SPO may be sanctioned.

24 Do you understand that?

25 THE WITNESS: [Interpretation] Yes, I do.

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1 PRESIDING JUDGE SMITH: The assurance, as allowed by paragraph
2 151 of our rules, is granted. We will proceed with your hearing in
3 public as you requested, and we are ready to proceed now unless you
4 have any further questions for your attorney.

5 Are you ready to proceed?

6 THE WITNESS: [Interpretation] Yes, ready.

7 PRESIDING JUDGE SMITH: All right. We begin first with the
8 questions from the Prosecution. They are seated to your left.
9 Please give them your attention.

10 Mr. Halling, you have the floor.

11 MR. HALLING: Thank you, Your Honour.

12 Examination by Mr. Halling:

13 Q. Good morning, Witness. We've met before, but I am Matt Halling
14 and I am with the SPO, and I'll be asking you questions today. We'll
15 start with what is your name?

16 A. My name is Sylejman Selimi.

17 Q. Your date and place of birth?

18 A. 25 September 1970 in Carraleve village.

19 Q. Are you a family relation to any of the accused in this case?

20 A. Yes, Rexhep Selimi is my uncle's son.

21 MR. HALLING: Could the Court Officer please now pull up
22 SITF00031715 to 00031718-AT RED, page 1, and that can take the whole
23 screen.

24 Q. Witness, were you given an opportunity during your preparation
25 session to review your prior statements?

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1 A. Yes, that's right.

2 Q. And is what you can see on the screen now a prior statement that
3 you gave to UNMIK on 14 February 2003?

4 A. Yes, that's right.

5 MR. HALLING: If we could now go to V000-4792 to V000-4792-TR-AT
6 RED, page 1.

7 Q. Witness, is what is on the screen now your 2003 prior statement
8 given to the ICTY prosecution?

9 A. Yes, I believe so. Yes.

10 MR. HALLING: If we could now go to IT-03-66 T2048 to T2103-AT
11 and again at page 1.

12 Q. Witness, is what is on the screen now your 2005 ICTY testimony?

13 A. Yes, correct.

14 MR. HALLING: And, finally, if the Court Officer could please
15 put on the screen SITF00009431 to 00009439. And for the specific
16 page, could we please go to SITF00009435.

17 Q. Witness, is this a prior statement that you gave to the SPRK in
18 2011?

19 A. Yes, correct.

20 Q. In your preparation session, you indicated some changes and
21 clarifications to the statements I've just shown you; is that right?

22 A. Yes, correct.

23 Q. And were these changes reflected in a note that was read back to
24 you?

25 A. Yes, that's right.

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1 Q. And do you confirm that what was read back in that note reflects
2 your changes fully and accurately?

3 A. A long time has elapsed since then, but I think that some
4 clarifications that I deemed necessary have been made.

5 Q. Witness, I'm just referring to the preparation note that you
6 reviewed last week. Subject to the changes provided in that note, do
7 these statements accurately reflect what you said and what you would
8 say if asked again in court today?

9 A. Yes, I believe that we have jointly reflected everything that I
10 had to say and that I had to clarify.

11 MR. HALLING: Your Honours, having fulfilled the Rule 154
12 criteria, and in accordance with decision F02913, the SPO tenders
13 these statements of this witness in Albanian and English along with
14 Preparation Note 1, which is ERN 125420-125423. The English ERNs
15 that are tendered can be found in footnote 17 of the Rule 154
16 decision, and there are no further associated exhibits to admit
17 through this witness.

18 PRESIDING JUDGE SMITH: Any objection to the tender?

19 MR. DIXON: No objection, Your Honour.

20 MS. V. ALAGENDRA: No objection.

21 MR. ROBERTS: Nothing, Your Honour.

22 MR. MISETIC: [via videolink] No objection other than the
23 objections we filed in writing.

24 PRESIDING JUDGE SMITH: Thank you.

25 So we'll go through them one at a time. First of all, how many

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1 parts to the first one?

2 MR. HALLING: The first one is the UNMIK statement. It's just
3 one.

4 PRESIDING JUDGE SMITH: Single part. SITF00031715 to 00031718
5 is admitted, English and Albanian.

6 THE COURT OFFICER: Your Honours, that will be assigned
7 Exhibit P02025. And if we can confirm classification.

8 MR. HALLING: Confidential, Your Honour.

9 PRESIDING JUDGE SMITH: [Microphone not activated] All of them?

10 MR. HALLING: The ICTY Limaj testimony is public, but the others
11 are confidential.

12 PRESIDING JUDGE SMITH: All right. V000-4792 to V000-4792-TR-AT
13 is admitted.

14 THE COURT OFFICER: Your Honours, that and the English
15 transcript with the same ERN will be assigned Exhibit P02026 and will
16 be confidential.

17 PRESIDING JUDGE SMITH: And then IT-03-66 to T2163-AT is
18 admitted.

19 THE COURT OFFICER: Your Honours, I note that this is a
20 three-part transcript of the ICTY testimony, and perhaps this can be
21 with .1, .2, .3 numbers?

22 PRESIDING JUDGE SMITH: Yes.

23 MR. HALLING: Yes, thank you. We would support that.

24 THE COURT OFFICER: The first part, IT-03-66 T2048 to T2103, and
25 the Albanian corresponding, will be Exhibit P2027.1; the second part,

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1 IT-03-66 T2145 to T2203, will be assigned Exhibit P02027.2; and the
2 third part, IT-03-66 T2204 to T2234, and the Albanian version for it,
3 will be Exhibit 2027.3. And if I understood, those can be public.

4 MR. HALLING: That's correct.

5 PRESIDING JUDGE SMITH: And then SITF00009431 to 00009439 is
6 admitted.

7 THE COURT OFFICER: That will be assigned Exhibit P02028. It
8 will be classified confidential.

9 PRESIDING JUDGE SMITH: And finally, the prep note, ERN 125420
10 to 125423 is admitted.

11 THE COURT OFFICER: That will be Exhibit P02029. Also
12 classified confidential.

13 PRESIDING JUDGE SMITH: You may proceed.

14 MR. MISETIC: [via videolink] Mr. President?

15 PRESIDING JUDGE SMITH: Yes.

16 MR. MISETIC: [via videolink] May I inquire as to why four of the
17 five statements need to be confidential?

18 MR. HALLING: At least one of them involves a protected third
19 person subject to the protected information sheet. We can, as on
20 previous occasions, review the classification of those and produce
21 public redacted versions perhaps of them.

22 PRESIDING JUDGE SMITH: [Microphone not activated] ... that --

23 MR. MISETIC: [via videolink] [Overlapping speakers] ...

24 PRESIDING JUDGE SMITH: -- while this witness is still
25 testifying.

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1 MR. HALLING: What we've done previously, if it's all right,
2 Your Honour, is that we have a transcript review procedure for this
3 hearing. We can review the statements in line to make sure that any
4 redactions are consistently applied.

5 PRESIDING JUDGE SMITH: All right. Go ahead.

6 MR. HALLING: One last question before continuing, Your Honour.
7 Is there a break at 11.00?

8 PRESIDING JUDGE SMITH: I think we'll break at 11.30.

9 MR. HALLING: Understood.

10 PRESIDING JUDGE SMITH: We'll take a 15-minute break at that
11 time and then go on until 1.00.

12 MR. HALLING: Okay. Now could the Court Officer please put up
13 on the screen IT-05-87 6D00067, which is in English, and its Albanian
14 counterpart, which is actually from a book, SPOE00360459 to 00360498.

15 Q. Witness, do you recall giving a series of interviews to *Zeri* in
16 the year 2000?

17 A. Yes, I do.

18 Q. And focusing on the document in Albanian, which is on the left
19 side of the screen, is this the reproduction of that set of *Zeri*
20 interviews that you read for your preparation session?

21 A. Yes, that's right.

22 Q. Is everything that you said in these interviews correct except
23 for what is corrected in the preparation note?

24 A. Yes, I believe it to be correct.

25 Q. Now, you corrected two points in the preparation note.

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1 MR. HALLING: If we could go to each in turn. Could we in the
2 English go to page 6D00-0764 and in the Albanian SPOE00360465. And
3 it's towards the bottom of the page in English.

4 Q. So, Witness, here there's a sentence that says:

5 "I was a legal person from 1992 until January 1997."

6 What should this be corrected to?

7 A. What I meant to say was that I was free and able to move freely
8 during that time. However, I formed part of the group led by
9 Adem Jashari.

10 Q. And does every time you refer to yourself as a legal person in
11 your interview, this should always be understood the same way you've
12 just clarified; is that right?

13 A. That is how I understand it, yes.

14 MR. HALLING: If we could now go to the second correction, which
15 is on page 6D00-0773 in the English, and in the Albanian it's
16 SPOE00360478.

17 Q. And then on the bottom of the page in the English, Witness, it
18 says the following:

19 "There was rigorous discipline, military order, and the raising
20 of the flag in the morning. The soldiers and officers reported for
21 duty every morning."

22 You said this was an exaggeration. Focusing on 1998, did the
23 battle conditions allow for these things to happen every morning?

24 A. No, that was not possible due to the circumstances of the time.
25 There were occasions when we hoisted the flag and lined up in front

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1 of the barracks or the building we were staying at. So this is the
2 first few days in the village of Carraleve at the beginning of March
3 and then as zone commander in the village of Likoc. But this does
4 not mean that we were able to raise the flag every single day or to
5 observe a strict military discipline. The situation changed on a
6 daily basis depending on the fighting happening around the zone there
7 in Drenica.

8 Q. Thank you.

9 MR. HALLING: Your Honour, with these corrections on the record,
10 we would now tender all pages of IT-05-87 6D00067 and its Albanian
11 counterpart, SPOE00360459 to 00360498. We note that some pages of
12 this have already been admitted at P1745. We'd ask that all pages
13 just be moved to that exhibit number. This is also the item subject
14 to the translation discussion before this witness appeared, so we
15 will alert the Court to when the additional translated page is ready
16 to add to the exhibit.

17 PRESIDING JUDGE SMITH: Any objection? No?

18 MR. MISETIC: [via videolink] We have no objection to the
19 admission of the exhibit.

20 PRESIDING JUDGE SMITH: IT-05-87 6D00067, English and Albanian,
21 and 6D00-0764, plus the Albanian, which is SPOE00360465, is admitted
22 and will be added to P1745.

23 THE COURT OFFICER: Your Honours, just for clarity, only those
24 two pages or the entire set of pages?

25 MR. HALLING: The entire article, the entire set.

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 THE COURT OFFICER: Okay. The entire set will be assigned --
3 added to Exhibit P01745, which is a public exhibit.

4 MR. HALLING: Thank you.

5 PRESIDING JUDGE SMITH: Go ahead.

6 MR. HALLING:

7 Q. Now, also in the preparation session did you review and make
8 corrections to interviews of yours from 1998?

9 A. Yes, that's correct.

10 MR. HALLING: If we could please show now on the screen
11 SPOE00230089 to 00230089 in both English and Albanian.

12 Q. Witness, is this one of the 1998 interviews that you reviewed in
13 the preparation session?

14 A. Yes, that's correct.

15 MR. HALLING: If we could now show in Albanian and English
16 SPOE00230093 to 00230093.

17 Q. Now, Witness, is this another one of the 1998 interviews that
18 you reviewed in the preparation session?

19 A. Yes, I believe we see the same on the screen.

20 MR. HALLING: And one last one, SPOE00230134 to 00230134 in
21 English and Albanian.

22 Q. Did you also review this one in the preparation session?

23 A. Yes, I did.

24 Q. For the three 1998 interviews you've just seen, at the time were
25 your answers prepared by someone else on your behalf?

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1 A. At this time, the person in charge for information issues was
2 Shaban Shala, and I've explained this before. He also held the
3 position in the zone as in charge of the media and also communicating
4 with the civilians with respect to civilian and military matters.

5 Q. Did you review Shaban Shala's answers before they were
6 published?

7 A. As a matter of fact, I fully trusted him. He was better
8 prepared. When it comes to the media and interviews, I didn't really
9 deal with those. I spent most of the time in the positions with my
10 soldiers. So we had consultations for these matters.

11 Q. Reviewing them now in the preparation session, is everything in
12 these interviews accurate except what is corrected in the preparation
13 note?

14 A. I gave an explanation when we discussed this in the preparation
15 session saying that the interview had been prepared with questions
16 and answers, and this had been done by the department or Shaban
17 Shala, meaning the answers. I gave a quick look at this and I
18 approved it. We also discussed this matter.

19 Q. I understand that. I'm talking about reviewing it last week --
20 in the last two weeks for your preparation session. Is everything in
21 the interviews, looking at them now, accurate but for what you
22 changed in the preparation note?

23 A. Yes, it is.

24 MR. HALLING: If we could, again, put those changes on the
25 record. If we could now go back to SPOE00230093 and have that page

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1 in the Albanian and page 3 of the PDF of the English transcript.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 MR. HALLING: I will, Your Honour. I just want to put the
4 corrections on the record first.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. HALLING: So it should be SPOE00230093 in Albanian, and then
7 page 3 of the English transcript. Yes. Thank you,
8 Madam Court Officer.

9 Q. So, Witness, here it says:

10 "Commander Sultan: Yes. In our army all organisational
11 structures have been established. So today the KLA has formed the
12 military police, the military high court, military prisons, etc."

13 It also says in the next paragraph that:

14 "All those ... held in our prisons are prisoners of war."

15 This is dated 31 July 1998. Is what you're saying here about
16 military courts and so on exaggerated?

17 A. Yes, I have explained this before. It's an exaggeration. Also,
18 this was an interview that had been prepared in advance and then
19 published with my consent.

20 Q. Understood.

21 MR. HALLING: If we could now do the second of the corrections,
22 which is in SPOE00230134, and it's on that page in the Albanian, and
23 ET page 2 of the revised English transcript.

24 Q. So there's a question here that says:

25 "What can you say about the KLA hierarchy?"

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1 And your response is:

2 "The KLA is led by its General Staff and has a hierarchy at all
3 levels which is respected by all levels of the military structure."

4 Now, Witness, this is dated 13 August 1998. Was this published
5 during the general Serb offensive?

6 A. I do not know exactly, but this should be the period of time.

7 Q. Is what you are saying about the KLA hierarchy in mid-August
8 1998 also exaggerated?

9 A. Of course it is an exaggeration. The General Staff did exist in
10 the form which I will be able to explain later or now, meaning its
11 real possibilities during -- and capabilities during that period of
12 time.

13 MR. HALLING: Your Honour, with the corrections now on the
14 record, we would now ask to have admitted in turn these three
15 articles. The third of the three articles is actually -- has a
16 duplicate admitted at P851, but this is a better quality Albanian
17 scan.

18 So we would like to tender now, first, SPOE00230089 as a new
19 public exhibit.

20 PRESIDING JUDGE SMITH: Let's take them one at a time. Any
21 objection to that? None --

22 MR. MISETIC: [via videolink] Mr. President, we have no objection
23 to admissibility. However, we do wish to note that these interviews
24 cannot be used by the SPO for the truth of their contents except in
25 compliance with Rule 154 and Rule 143. So if there's anything

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1 specific in these interviews that the SPO wishes to rely on, they
2 need to elicit it from the witness viva voce and in compliance with
3 Rule 143.

4 MR. HALLING: We certainly don't agree with that. We can
5 expand, but it's an objection to admissibility and there's none
6 raised.

7 PRESIDING JUDGE SMITH: There is no objection raised.
8 SPOE00230089 is admitted.

9 THE COURT OFFICER: Your Honours, that will be assigned
10 Exhibit P02030.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 The next is SPOE00230093 to 00230093 -- well, it's the same. In
13 English and Albanian. Is that correct?

14 MR. HALLING: Yes, Your Honour.

15 PRESIDING JUDGE SMITH: Objection? No objection is raised.
16 It's admitted.

17 THE COURT OFFICER: Your Honours, that will be assigned
18 Exhibit P02031 and will be reclassified to public.

19 MR. HALLING: That's correct. And then the third one is the one
20 that's related to P851, and I can give the ERN if Your Honour
21 requires.

22 PRESIDING JUDGE SMITH: I have the ERN. It's SPOE00230134 to
23 00230134, English and Albanian, and it will be attached to P -- what
24 was the number again?

25 MR. HALLING: 851, Your Honour.

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1 PRESIDING JUDGE SMITH: 851.

2 THE COURT OFFICER: Your Honours, this version will be assigned
3 Exhibit P00851.1.

4 PRESIDING JUDGE SMITH: Thank you.

5 Go ahead.

6 MR. HALLING: Now we would ask the Court Officer to put the
7 following document on the screen. It's P113, and it can just be the
8 first page, which is p. 008557.

9 Q. Witness, this is another document you reviewed in your
10 preparation session. It says, amongst other things:

11 "... the Government of Kosovo in its meeting of 27 April 1999,
12 appointed by decree Mr. Sylejman Selimi to be the Commander of the
13 National Guard of Kosovo. This decision enters into force
14 immediately and was signed by Prime Minister Mr. Hashim Thaci."

15 Is what is said here about your appointment to the national
16 guard correct?

17 A. It is correct as an information. However, the appointment ...

18 Q. Witness, the answer we have in the transcript got cut off. It
19 said:

20 "However, the appointment ..."

21 Could you just finish the answer again?

22 A. I was appointed commander of the guard, but I do not know who
23 made this decision, was it issued by the chief of staff Agim Ceku or
24 the minister of defence. At the time, the provisional government was
25 in the process of being formed.

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1 Q. Understood. In the preparation session, did you also review the
2 biography of Sylejman Selimi, which starts at the bottom of this same
3 page?

4 A. I think.

5 Q. Is this biography of you accurate?

6 A. Yes, it is.

7 MR. HALLING: And now if we can put P186 on the screen in
8 English and Albanian on the first page.

9 Q. Now, Witness, these purport to be minutes of a 2001 meeting in
10 Prekaz with yourself and others. You reviewed these in your
11 preparation session. Is this document an accurate record of this
12 2001 meeting?

13 A. I've explained this to you. I do not recall anyone taking
14 minutes of that meeting at the time. But I do know we had a meeting,
15 and the names of the people who attended this meeting are reflected
16 here.

17 Q. I was asking a little more than that. Are these minutes an
18 accurate record of the meeting itself?

19 A. To my recollection, we had a meeting, but I do not know about
20 the conversations or interventions of the others. I do not recall
21 them. I saw these as minutes and gave my opinion on that. I do not
22 know whether these were proper minutes taken during this meeting.

23 Q. Is what the attendees were saying in these meeting minutes
24 accurate?

25 MR. MISETIC: [via videolink] Objection as to foundation.

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1 MR. HALLING: The witness was an attendee at this meeting.

2 PRESIDING JUDGE SMITH: Overruled.

3 Go ahead. You may answer the question.

4 THE WITNESS: [Interpretation] I can speak for myself. I do not
5 recall what the other attendees said and how this unfolded.

6 MR. HALLING: Your Honour, if we can now go to Preparation
7 Note 2 to explore a potential inconsistency. It's paragraph 46 of
8 ERN 125424-125439.

9 PRESIDING JUDGE SMITH: Yes, go ahead.

10 MR. HALLING:

11 Q. Witness, this is what you said in your preparation session about
12 this item, that you "did attend this meeting and these minutes are an
13 accurate record of it. What the attendees were saying at this
14 meeting was accurate."

15 Is that correct?

16 A. Again, we discussed this and I tried to explain it to you. I
17 was referring to what I have said. And at the first look, the
18 minutes seem to reflect what the others said as well, but I did
19 not -- I'm not able to certify the veracity of the content. I
20 attended a meeting and this meeting did take place. I saw the
21 minutes, but I also said that I do not recall there being a person
22 taking minutes. I think it's correct that we discussed this.

23 This, as I said before, and I'm reiterating it, reflects a
24 meeting which took place in Prekaz. I am not able, though, to
25 remember or to know what the other attendees said.

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1 Q. When reviewing this during the prep session, did any of the
2 other attendees' parts, did any of them say anything that you know is
3 not correct?

4 A. I focused only on what I said and that I attended this meeting.
5 But not on what other people said here.

6 Q. I understand you were focusing on what you said, but can you
7 explain why in the preparation session you said what the attendees
8 were saying at this meeting was accurate?

9 PRESIDING JUDGE SMITH: Yes, Mr. Qerkini.

10 MR. QERKINI: [Interpretation] Your Honour, if it's possible for
11 the Prosecutor to display the preparation note on the screen when
12 asking the questions in relation to that note. If that's technically
13 possible.

14 MR. HALLING: It is technically possible. We only have an
15 English version of it, so it has to be heard through interpretation
16 whether it's on the screen or not.

17 PRESIDING JUDGE SMITH: How many pages is it?

18 MR. HALLING: It's 16. It's been practice throughout the trial
19 that the Albanian version is understood by the witness through the
20 readback of the preparation session.

21 PRESIDING JUDGE SMITH: Yes.

22 Mr. Qerkini, we don't have the ability to do that right now. We
23 have 16 pages of English only.

24 MR. HALLING: If it's of assistance to Duty Counsel, I
25 understand the procedure is that Duty Counsel has access to the

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1 presentation queue which does have that note on it in English.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 Do you understand that you have access to it in the
4 Legal Workflow here?

5 MR. QERKINI: [Microphone not activated].

6 THE INTERPRETER: Microphone, please.

7 THE INTERPRETER: Microphone, please.

8 PRESIDING JUDGE SMITH: Go ahead with your questions.

9 MR. HALLING:

10 Q. Witness, would you like me to repeat my last question?

11 A. Yes, please.

12 Q. I understand that with these minutes you were focusing on what
13 you said, but can you explain why in the preparation session you said
14 that what the attendees were saying at this meeting was accurate?

15 A. Again, I'm explaining this again, and I thought I did that with
16 you. It seems to be a misunderstanding here. I said that I attended
17 the meeting and I know what I said. However, I cannot recall or
18 remember what the other attendees said. I read the minutes
19 reflecting what others are supposed to have said. However, I've only
20 focused on what I said.

21 Q. And having read the minutes and what others had said, did you
22 see anything that you know is not correct?

23 A. As I said before, I only focused on my statement. I am not able
24 to tell you about the accuracy or not of what is said here with
25 respect to other people. I have explained this and I stand by what

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1 I've said. However, I do not recall the interventions of other
2 attendees.

3 MR. HALLING: Your Honour, we've ask the witness multiple times
4 to focus on this part of the question. We would ask if the Presiding
5 Judge could ask the question to the witness.

6 MR. DIXON: Your Honour, if I may, I would object to that. The
7 witness is allowed to answer the question freely as he recalls it.
8 If Mr. Halling wants to go through what is recorded in these minutes
9 from what other people said, however long ago that was, he can do
10 that. He can go through each and every statement and ask questions
11 about it in an open way.

12 You can't take a shortcut here in order to try and get a
13 document in and then say that that proves the contents of it. He
14 should ask the questions and go through it in a proper, systematic
15 way.

16 PRESIDING JUDGE SMITH: The witness is not answering the
17 question fully.

18 Witness, the question is when reading this document, was there
19 anything that was said in the document that you disagreed with, you
20 personally disagreed with?

21 THE WITNESS: [Interpretation] Your Honour, I saw the document in
22 its entirety, and I told to the Prosecution in the course of the
23 conversation that I focused on what I said, and I added, yes, that
24 was a fact.

25 PRESIDING JUDGE SMITH: You're still not answering the question.

1 The question is did you see anything that you disagreed with no
2 matter who said it?

3 THE WITNESS: [Interpretation] No, I cannot say this. Meaning
4 that I agreed or disagreed with this.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. HALLING: Thank you, Your Honour.

7 And just to clarify on counsel's intervention, this is an
8 already admitted exhibit and can now be taken off the screen.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. HALLING: It is.

11 PRESIDING JUDGE SMITH: Witness, we'll give you a 15-minute
12 break at this time. Then, we'll come back into the courtroom and go
13 until 1.00, and then we'll break for lunch.

14 [The witness stands down]

15 PRESIDING JUDGE SMITH: We're adjourned until 11.45.

16 --- Break taken at 11.29 a.m.

17 --- On resuming at 11.45 a.m.

18 PRESIDING JUDGE SMITH: Please bring the witness in,
19 Madam Usher.

20 MR. MISETIC: [via videolink] Mr. President, there was one matter
21 I wished to put on the record outside the presence of the witness, if
22 I could.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. MISETIC: [via videolink] Hello?

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 MR. MISETIC: [via videolink] Yes, I do.

2 PRESIDING JUDGE SMITH: Go ahead.

3 MR. MISETIC: [via videolink] Yes. Mr. President, I just wanted
4 to follow up on the objection I made earlier. Again, the Prosecution
5 has now tendered multiple public interviews that the witness has
6 given. Our position is that those interviews cannot be given the
7 same weight as witness testimony in court. The Panel has previously
8 ruled that the principle of orality underpins the entirety statutory
9 regime of the Specialist Chambers. We, again, assert that the
10 Prosecution, if it wishes to rely on something in those interviews
11 and have it be given the same weight as the testimony of the witness,
12 needs to elicit that testimony *viva voce* from the witness.

13 In addition, the Defence is entitled to proper notice of what
14 the Prosecution's case is and what it intends to rely on from this
15 witness. So if there's something in these prior interviews or prior
16 statements that the witness has made that the Prosecution intends to
17 rely on in the future, we believe it's unfair to the Defence not to
18 put it to the witness and not to give Defence a fair opportunity then
19 to cross-examine on that topic in cross-examination.

20 Thank you.

21 PRESIDING JUDGE SMITH: Thank you.

22 MR. HALLING: Just to respond briefly, Your Honour.

23 The ultimate weight to be ascribed to these interviews is to be
24 decided by the Court at a much later point in the proceedings. What
25 we have now is the witness saying, under oath, that these are

1 generally correct. They were subject to corrections which the
2 witness put one by one into the record in court today under oath. So
3 we would submit that this should be given weight.

4 As for how these documents are being used, we have filed bar
5 table motions on these in the past. They are cited in our pre-trial
6 brief. What we are intending to use with these items is relatively
7 clear now, and I think is certainly clear in light of the statements
8 that we have tendered for admission under Rule 154 to which these
9 provide many complementary details.

10 So unless Your Honour requires anything further, there's nothing
11 left to do in the hearing other than proceed.

12 PRESIDING JUDGE SMITH: The Panel is not requiring anything
13 further.

14 MR. MISETIC: [via videolink] Mr. President, if I could just make
15 a point for the record, it is that -- precisely the point that these
16 are not in compliance with Rule 154. So the use of asking the
17 witness to just affirm something that's in a prior interview is not
18 consistent with the Rule 154 procedure. Thank you.

19 MR. HALLING: We had one small unrelated matter to bring in as
20 long as the witness is still outside.

21 PRESIDING JUDGE SMITH: Yes.

22 MR. HALLING: The additional page to P1745, which is one of
23 these interviews, we did disclose it over the break. It's in
24 disclosure package 1581. And so we would tender IT-05-87 6D00067,
25 page 32 -ET, which is the new page, and we'd ask that it be related

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1 to P1745.

2 PRESIDING JUDGE SMITH: Any objection? No objection is heard.

3 IT-05-87 6D00067, page 32 ET is admitted and is related to P1745.

4 You can go ahead.

5 THE COURT OFFICER: That will be added, Your Honours.

6 PRESIDING JUDGE SMITH: Thank you.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: All right. Mr. Selimi, we continue with
9 the questions from the Prosecution.

10 MR. HALLING: Thank you, Your Honour.

11 Q. Witness, you spoke in your evidence about your nickname during
12 the war being Sultan; is that right?

13 A. Yes, correct.

14 Q. Were you ever referred to as well by a call sign?

15 A. Yes, it was 101.

16 MR. HALLING: In that regard, could the Court Officer please now
17 pull up P1427, which is a one-page document.

18 Q. Witness, this was not something shown to you in the preparation
19 session, but you'll see it on the screen in a moment. For context,
20 the information in the record suggests that this list was found at
21 Rexhep Selimi's residence. And I'll just wait a moment for it to
22 appear on the screen.

23 So you can see Celiku, 10, 101, Jakup, going down in the first
24 column, and then what seem to be a list of tel and fax numbers in the
25 next two columns. Are the three sets of numbers next to 101

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1 telephone numbers that you had?

2 A. I do not know if this was a correct number. I cannot even
3 recall what number I had at the time.

4 Q. Do you have any reason to dispute that these were three phone
5 numbers of yours on this list at Rexhep Selimi's residence?

6 A. Yes, I do. The first is that I never had the number with a
7 digit of 63. I had a satellite telephone whose number I do not know.
8 But I do not recall ever having had a phone number with the digits
9 63.

10 Q. What about the other two phone numbers? For the first and
11 second, do you have any reason to dispute those are phone numbers of
12 yours?

13 A. As I said earlier, I do not recall what number I had in use, as
14 a satellite telephone, that is.

15 Q. I understand. But is it correct that the third number you don't
16 think is correct, but for the first two there is no reason to dispute
17 those numbers the same way? Is that your evidence?

18 MR. DIXON: Your Honour, he's asked the question twice now and
19 answered it.

20 PRESIDING JUDGE SMITH: Overruled.

21 MR. HALLING:

22 Q. Would you like me to repeat the question?

23 A. No, there is no need. I am explaining that I had a satellite
24 telephone, not two, only one, but I don't know that number. I cannot
25 recall what number it had.

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1 Q. Okay.

2 MR. HALLING: This can be taken off the screen.

3 Q. Turning now to the lead up to the war, and starting in 1997, did
4 you participate in a coordinated attack on police stations in 1997?

5 A. Yes, that is right.

6 Q. Who gave you your tasks for that attack?

7 A. The legendary commander Adem Jashari.

8 Q. What were you asked to do?

9 A. As I have explained to you and others, I used to be part of
10 Adem Jashari's group as early as 1991, and I was ready to render my
11 full support to him for anything that was needed.

12 Q. What were you asked to do in relation to the coordinated attack
13 on police stations you were a part of?

14 A. I was asked to join them in this attack.

15 Q. Where was your part of the attack?

16 A. I know that Adem Jashari, myself, and some others went jointly
17 on that occasion.

18 Q. You said you went jointly. Where did you go?

19 A. As I have explained to you, we mounted the attack on the Runik
20 police station.

21 Q. And what signal was conveyed by this KLA attack?

22 A. That the KLA exists. That it is there.

23 MR. HALLING: Could we now please put P279 on the screen in
24 English and Albanian. And we'll just wait one moment for the English
25 version to also be on the screen.

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1 Q. So, Witness, this is KLA Communiqué 36. It begins:

2 "On 11 and 12 September 1997, by decision of the Central Staff,
3 the KLA armed units carried out a synchronised operation throughout
4 the whole 1st Operative Zone."

5 And then it says:

6 "They attacked in a lightening operation the police stations
7 in," and then there's a list of places including Runik.

8 Is this communiqué talking about the attack in Runik you were
9 just describing?

10 A. I believe so.

11 MR. HALLING: That can be taken off the screen.

12 Q. Turning to the battle of Rezalle e Re that you have discussed in
13 your prep session and your 2000 Zeri interviews, was this battle
14 around November 1997?

15 A. Yes, that's right.

16 Q. And just as a threshold question, is Ludoviq another name for
17 Rezalle e Re?

18 A. Yes, it's the same place.

19 MR. HALLING: Could we now have up on the screen SPOE00131751 to
20 00131857, and it's page SPOE00131840. If it assists, the English
21 translation of this part starts at SPOE00131824. And it would be the
22 same page in each. So it's SPOE00131840. Thank you.

23 Q. So, Witness, this is an interview given by Rexhep Selimi, and he
24 says the following about the Ludoviq battle. Just before, he's
25 talking about the end of 1997 and he says:

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1 "At the time, in addition to the RPGs we had brought, Muje
2 himself had brought the first 12.7 mm machine-gun, which was
3 stationed in Llausha, as a strategic point, upon a decision made by
4 Adem, Syle and other comrades."

5 Question:

6 "Was this machine-gun also used in Ludoviq Battle?"

7 Answer:

8 "No. We did not have those weapons in Ludoviq Battle, yet.
9 There we had RPGs, an M-53 machine-gun, and the rest were sniper
10 rifles and submachine-guns. Anyway, more than our armaments, it was
11 thanks to our strategy and our surprise tactics that we managed to
12 strike blows to Serbia."

13 Is Rexhep Selimi's description of the KLA' weaponry at the
14 Rezalle e Re battle accurate?

15 A. We used the weapons that we had at our disposal. Mainly, it
16 consisted of light weapons.

17 Q. I understand that. I guess my question is, is what
18 Rexhep Selimi is describing in this excerpt the weapons you had at
19 your disposal?

20 A. I think so. I don't know. We had at our disposal at the time
21 the M-53 or 12.7 for the battle at Rezalle e Re. But apart from
22 that, the other weapons were the ones that we used.

23 Q. From their side, were the Serbs using armoured vehicles and
24 helicopters in this battle?

25 A. Yes, they had both armoured vehicles as well as helicopters.

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1 MR. HALLING: If we could now please put on the screen
2 SPOE00227510 to 00227511 in English and Albanian. And if we could go
3 to the second page. And, apologies, just to be clear, it is the
4 second page in the English transcript, but I believe in the Albanian
5 it's still page 1. Yes.

6 Q. So, Witness, this is an interview with Muse Jashari that you
7 reviewed in your prep session; is that right?

8 A. Yes, that's right.

9 Q. He says the following about the battle of Rezalle e Re:

10 "Adem Jashari directed the war. Sylejman Selimi who was injured
11 earlier was also with us. We begged Sylejman not to come because of
12 his health condition. However, he did not listen to us, and he came.

13 "So, we are talking about the day after the attack in Vojnik on
14 26 November, when the first front lines of the KLA's war were
15 organised.

16 "That day we were prepared for an attack. We were split into
17 several groups on both sides of the road. It was the first frontal
18 battle with the enemy. We waited for several hours. We heard the
19 voice of Muje Krasniqi when he informed us that we needed to get
20 ready because the Serbian convoy was coming. It was a very powerful
21 action. I can say that with the experience of our comrades - those
22 that primarily led the action groups - we knew how to hold on and how
23 to come out successful that day. The Serbian police suffered great
24 loss in personnel and equipment. And since they lost so much, they
25 turned back and opened fire on houses, villagers, schools, on

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1 everything in front of them. They also killed Halit Geci, the
2 teacher who was at the school, working with the pupils."

3 Witness, my question for you is does Muse Jashari accurately
4 describe the battle of Rezalle e Re and what happened immediately
5 after?

6 A. Yes, that is correct.

7 MR. HALLING: And then if we could just go to page 3 in the
8 English transcript.

9 Q. Just after this description, Muse Jashari continues to explain
10 that the KLA took the decision to appear openly on scene at the
11 funeral of the teacher Halit Geci, and the decision was made for
12 Rexhep Selimi, Muje Krasniqi, and Daut Haradinaj to go on stage. Is
13 this summary of events correct as well?

14 A. Yes. It so happened that Rexhep Selimi, Daut Haradinaj, and
15 Muje Krasniqi were the ones who made the first public appearance.
16 However, the decision was taken by Adem Jashari alongside the other
17 people present there.

18 Q. Where were you at the time of the funeral?

19 A. The whole group were in charge of security for the funeral. We
20 wanted to make sure that Serbian forces did not arrive. So we had
21 taken positions all around, and I was at a position upon the arrival
22 from Skenderaj.

23 Q. Who actually read out the KLA's first public statement at the
24 funeral?

25 A. Rexhep Selimi read it at the ceremony.

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1 MR. HALLING: Your Honour, the witness has meaningfully
2 contextualised these prior interviews on an armed attack of relevance
3 before the war. The original Muse Jashari article, which was seized
4 from Jakup Krasniqi's residence, is just two pages, but the English
5 translation, it's five. The Rexhep Selimi interview is longer. The
6 Panel decided to only admit the pages used recently with W04401. The
7 SPO maintains that the entire interview is relevant and probative
8 but, in light of that recent ruling, will only tender the page
9 used now.

10 So in English and Albanian, the SPO tenders page SPOE00131840 of
11 the Rexhep Selimi interview at this time, requesting that it be added
12 to P1883. And I can give the number for the other in a moment.

13 PRESIDING JUDGE SMITH: Any objection to that tender?

14 MR. ROBERTS: Not to that page, no.

15 PRESIDING JUDGE SMITH: SPOE00131840 is admitted and will be
16 added to Exhibit P1883? Is that what it was?

17 MR. HALLING: Correct.

18 PRESIDING JUDGE SMITH: All right.

19 MR. HALLING: Unless the Court Officer needs to speak now, I can
20 give the second one. It's -- the Muse Jashari article, which we
21 would tender in full, is SPOE00227510 to SPOE00227511 in Albanian and
22 English.

23 PRESIDING JUDGE SMITH: Any objection? None.

24 SPOE0022751 to 00227511 -- I'm sorry, I misstated that. It's
25 00227510 to 00227511 is admitted.

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1 THE COURT OFFICER: Your Honours, that will be assigned
2 Exhibit P02032. And if we can confirm the classification.

3 MR. HALLING: That can be public.

4 PRESIDING JUDGE SMITH: Reclassified as public, please.

5 MR. HALLING: And the page added to P1883 can also be public.

6 PRESIDING JUDGE SMITH: That, too, is reclassified as public.

7 MR. HALLING:

8 Q. Witness, I'd now like to ask some additional questions about an
9 event you describe from early 1998 in your 2000 *Zeri* interview.

10 MR. HALLING: If we can now put up on the screen P1745, and this
11 is page 6D00-0771 in English, and in Albanian it would be page
12 SPOE00360474.

13 Q. And, Witness, the English version is just appearing on the
14 screen now.

15 MR. HALLING: It should be page 12 in the PDF. Yes.

16 Q. So this is about your last meeting with Adem Jashari where you
17 said the following:

18 "My last meeting with Adem Jashari was on 4 March in Tica, where
19 we had gone to visit our wounded friends: Sabit Geci, Musa Jashari,
20 and Sabit Lladrovci, who were wounded in the battle of Likoshan.
21 Besides Adem, there were other friends, such as Rexhep Selimi,
22 Rrahman Rama, 'Remi,' and so forth. We not only visited our wounded
23 friends, but we also talked about other things, about the UCK
24 extension and better equipment with weapons."

25 This is the part I have a few additional questions on. First,

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1 when was the battle of Likoshan?

2 A. I can't recall the exact date. It is, however, known publicly.
3 And Sabit Geci, Muse Jashari, and Sabit Lladrovci were wounded in
4 this battle.

5 MR. HALLING: And, Your Honour, if we can just use paragraph 64
6 of Preparation Note 2 to refresh the witness's recollection.

7 PRESIDING JUDGE SMITH: Yes, go ahead.

8 MR. HALLING:

9 Q. So, Witness, you said in the prep session:

10 "In addition to Rezalle e Re was the battle of Likoshan on
11 28 February 1998."

12 Is that the correct date?

13 THE INTERPRETER: May we kindly ask the counsel to repeat the
14 question, please?

15 MR. HALLING: Yes, certainly.

16 Q. For the interpreters, it said, from the preparation note:

17 "In addition to Rezalle e Re was the battle of Likoshan on
18 28 February 1998."

19 Witness, is that the correct date?

20 A. Yes, it is. And as I said, I wasn't able to recall it at that
21 particular moment. But, yes, it is correct.

22 Q. Did you participate in that battle?

23 A. I did not. I arrived in the evening alongside Adem Jashari and
24 some others.

25 Q. To the extent that you know, describe what happened in that

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1 battle.

2 A. A group of KLA members of the time faced off with the Serbian
3 forces, and these three members were injured. They had heavy
4 injuries - Sabit Geci, Muse Jashari, and Sabit Lladrovci. The third
5 one was slightly wounded.

6 Q. Did the Serbs have armoured vehicles and helicopters also in the
7 Likoshan battle?

8 A. Yes, they did have armoured weaponry. And if I recall
9 correctly, there were two helicopters which were used in this battle
10 too.

11 Q. And did the KLA have some rockets in addition to mostly light
12 weapons in the battle?

13 A. Yes, we did. We did have hand mortars, hand-held mortars, but I
14 don't know whether they were in our possession and used on this
15 occasion.

16 Q. At this meeting in Tice, you talked here about seeing
17 Rexhep Selimi, Rrahman Rama, and Remi. First, who is the Remi you're
18 referencing here?

19 A. It's not Tice but it's Tice. It's best if we correct it here.
20 And as I explained that day, I don't know whether Rexhep Selimi was
21 there at that time, but it was my last night, 4 March, the last night
22 of my meeting the legendary commander Adem Jashari. I also met Remi,
23 Rrustem Mustafa as well as Rama at this meeting that we had.
24 Rrahman Rama.

25 Q. You said you don't know if Rexhep Selimi was there, but you

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1 mention him in 2000 in the *Zeri* interview. Is it correct what you
2 said in the *Zeri* interview?

3 A. I am not certain. Maybe he was. But I do not recall it as a
4 result of what happened the day after, on 5 March, in Prekaz as well
5 as my village of Carraleve. I do not know if Rexhep Selimi was there
6 during this period, and that is what I stated there as well. But I
7 am certain that Rrahman Rama and Rustem Mustafa were there.

8 I'm not trying to avoid giving an answer or to evade
9 responsibility, but I am uncertain on whether he was there or not.
10 He may have been present, but I am not sure. I said the same thing
11 during the prep session that we had together. Such a long time has
12 passed since then, and there are quite a few things that I am unable
13 to remember.

14 On 4 March, we met these injured people, and with Rrahman Rama,
15 Muse -- Rrahman Rama, Rustem Mustafa and some others, we went and
16 stayed in my house. On 5 March, the Serbian forces attacked the
17 Jashari compound. And as I have explained earlier, large numbers of
18 Serb forces also headed towards my village too.

19 MR. HALLING: And, Your Honours, if we can use paragraph 65 of
20 Preparation Note 2.

21 PRESIDING JUDGE SMITH: Yes, go ahead.

22 MR. HALLING:

23 Q. Just in relation -- what you said in -- what's recorded in the
24 prep session is:

25 "Later that day, [you] saw Rexhep Selimi, Rrahman Rama, and

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1 Rrustem Mustafa to discuss the expansion of KLA ranks."

2 Was your recollection of these events better in 2000 when
3 talking to *Zeri* than now?

4 A. We had no possibility whatsoever to have any discussions on
5 5 March because of the large numbers of Serb forces that arrived
6 there. Maybe it was mentioned in the *Zeri* about the expansion
7 generally speaking. We have spoken with Remi and Rrahman about these
8 themes all the time. But on 5 March, we had no time of doing so
9 because Serbian forces started penetrating into the villages that I
10 mentioned earlier.

11 The attack concentrated on Prekaz, but large numbers of forces
12 came from the direction of Peje and elsewhere towards the village of
13 Carraleve.

14 Q. Yes. And, Witness, I'm not talking about 5 March at the moment.
15 This is about Tice on the 4th. Was your recollection of that event
16 in 2000 better than your recollection of it now?

17 A. It is possible that Rexhep Selimi was at Tice too, but he was
18 not at Aqareve on 5 March. It is possible that he was at Tice on the
19 4th, because there were large numbers of our comrades who happened to
20 be at Tice on that day. So it may be correct or incorrect, and I am
21 not certain about it.

22 But, yes, with reference to the interview that I gave earlier,
23 my memory would have been fresher, and maybe Rexhep Selimi was indeed
24 there.

25 Q. So turning now to the attack on 5 March at Prekaz. On that day,

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1 were you in Aqareve?

2 A. Yes, I was at Aqareve that day, and we prepared to go to render
3 assistance. The guard notified me in the morning in the village. We
4 had some organisation including guards at some of our positions. So
5 we prepared to go to help Adem Jashari.

6 As we were making these preparations, other forces came from the
7 direction of Peje and first penetrated into Kopiliq, which is outside
8 Aqareve, and at some -- the fighting unfolded from there on. I was
9 on the front line. And so we were successful and able to stop
10 Serbian forces from penetrating into Aqareve itself.

11 Q. From March to April 1998, were you based in Aqareve?

12 A. I was based most of the time in my house, in my village. I
13 spent a considerable amount of time there.

14 Q. And during this same period, where were the Serb forces
15 stationed in your area?

16 A. In this period of time, they were positioned in Jashanice,
17 Turigevc, and Rakinice, also at the entrance of the village of
18 Llaushe, and they were also positioned in the village of Prekaz and
19 in the surroundings. I am talking about the 5th, 6th, and 7th of
20 March. I was positioned in front of them together with some
21 soldiers, and there was fighting almost every day going on.

22 Q. Was there also a Skenderaj-Kline cross-roads where there were
23 Serb forces?

24 A. Yes. It's the cross-roads in the village of Turigevc. There is
25 a cross-roads and the entrance of -- at -- going to the village of

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1 Aqareve, and then Turiqevc village itself, and then the main road to
2 Kline. So the forces were positioned at these cross-roads. Another
3 part of the army was based in Rakinice. And they mostly came from
4 Peje, reinforcements and troop turnover.

5 Q. As the Serbs were continuing to attack in this period, were they
6 starting to use heavier and heavier weapons against the KLA?

7 A. As a matter of fact, they were military and police forces, and
8 they had a huge arsenal. At this time, they used armament, rocket
9 launchers, and after some days my house was attacked. It caused
10 serious damage. My brother was wounded. Fidan and Bekim Berisha and
11 another group of friends was in the area when my house came under
12 attack.

13 Q. Do you remember approximately when your house came under attack?

14 A. I do not recall the exact date. I think, however, this was
15 somewhere in between, but I don't recall exactly when, after how much
16 time was it attacked. Although, we were positioned in the proximity,
17 my house was in the inner part and it was first attacked using rocket
18 launchers.

19 Q. Just to clarify the date as best you can. You said "however,
20 this was somewhere in between." Can you just explain what you mean
21 by "somewhere in between"?

22 A. I am talking after 5 March. I don't know if it was two or three
23 weeks after or before that. But during the fighting my house was
24 also hit, and some other houses, but in particular, my house was
25 damaged, and my family members were there. And Bekim Berisha

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1 happened to be inside, Abi as well. He took all my family members to
2 the basement for protection.

3 Q. Thank you.

4 MR. HALLING: The document can be taken off the screen.

5 Q. I want to turn now to KLA recruits coming into the Drenica zone
6 in the spring of 1998. Did recruits from abroad come into your zone?

7 A. Yes. After the fall of the legendary commander Adem Jashari on
8 5 March, not only Drenica but people from the Western countries and
9 other areas mobilised as well. At this time, I was engaged in
10 fighting. I had a better organised life within my responsibilities.
11 But, yes, many people came to Drenica, and in particular in my
12 village Aqareve, in addition to Bekim Berisha, Abi, Kadri Hamiti or
13 Xhemajli, I am not sure about the surname, Fehmi Lladrovci and Xheve
14 Lladrovci and many other co-fighters who initially came to Aqareve.
15 And many others who came and were later assigned to other areas.

16 Q. Just to make sure it's clear on the record, because you've
17 mentioned this person twice, who is Abi?

18 A. Abi is Bekim Berisha, martyr of the nation and an exceptional
19 fighter.

20 Q. So that's basically his nickname or how people referred to him?
21 And so, Witness, I saw you nod, but just to have an oral response on
22 the record.

23 A. Yes. I said "yes," but you certainly couldn't hear me.

24 Q. Thank you. So for these people that come into your zone, who is
25 responsible for placing the high-level officers in that group that

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1 arrive in your zone?

2 A. They were mostly volunteers, and they went in the areas where
3 there was a KLA presence or fighting going on. They came to me, went
4 to other areas such as Prekaz or other groups. In this period, I was
5 in charge of receiving them and organising this formation to face the
6 Serbian forces.

7 MR. HALLING: Your Honour, if we could probe a potential
8 inconsistency with paragraph 52 of Preparation Note 2.

9 PRESIDING JUDGE SMITH: Yes, go ahead.

10 MR. HALLING:

11 Q. So, Witness, on this point, this is what you said in the
12 preparation session. I just want to confirm if it's the same as what
13 you're saying now. You said:

14 "The General Staff only assisted with placing the high-level
15 officers who came from abroad to the zone (like Kemail Shaqiri and
16 Xhemajl Bejta) - everyone lower than that was dealt with by the
17 zone."

18 Is that correct?

19 A. The majority of those who came arrived through people who had
20 knowledge, and I said through the General Staff. They didn't do this
21 on their own.

22 Q. Maybe just to make sure it's crystal clear. Just with a "yes"
23 or a "no," is what I just quoted you from your preparation session
24 correct?

25 A. Yes, that's correct.

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1 Q. Thank you. Clarified. In May 1998, were you operating from
2 Likoc?

3 A. Yes.

4 Q. And as part of your initial tasks as zone commander, did you set
5 up a hospital?

6 A. Yes. There was a military hospital within the zone which
7 treated civilians and military staff. There was also a civilian
8 emergency centre within the Mother Teresa charity, and there was a
9 better organisation of civilian life during that period of time in
10 Likoc.

11 Q. Where physically was the hospital located relative to the
12 headquarters?

13 A. I think 1 kilometre away from the building or premises of the
14 zone. It could be even closer. It's an approximation.

15 Q. And just to be clear where the other building is, what building
16 was being used as the headquarters of the zone?

17 A. It was a building that had previously been used by the police,
18 the previous police. It was a police station in Likoc, within the
19 local community.

20 Q. Who was the -- going back to the hospital, who was the doctor
21 there at the Likoc area hospital?

22 A. There were many doctors who came to the Likoc hospital. They
23 came from Prishtine. I can mention Fadil Beka who was always present
24 supporting and treating the wounded soldiers. There were many others
25 who would come and assist in the various operations in the hospital.

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1 Q. You talked with Zeri and elsewhere about having to move to Abri
2 at one point due to the Serb forces. Did the hospital also have to
3 move at that time?

4 A. Shortly before the Serb forces penetrated the area, the hospital
5 was evacuated, the wounded were evacuated, and the hospital moved out
6 of this building.

7 Q. Where did it move to at that time?

8 A. We were not able to treat some of the wounded, so some of the
9 wounded were treated in Abri, then in Jabllanice, because of the
10 penetration of Serb forces in this territory and the surrounding
11 villages.

12 Q. Did part of the hospital evacuation also go to Baice?

13 A. Fadil Beka, Gani Halili, and some others took the wounded
14 wherever they could - it could be a house or any other buildings - to
15 treat them. My brother was also wounded, Selman Selimi, who received
16 medical treatment in various locations. Initially, they were
17 transferred to Abri, then to Baice, and then from Baice to other
18 locations. At this period we have many wounded who received medical
19 treatment in various locations, but initially it was Baice. So, yes,
20 to answer your question, there was a medical treatment facility in
21 Baice.

22 Q. And talking about Fadil Beka and the others, were they then also
23 going to Abri and Baice during the period the hospital was displaced?

24 A. The hospital could no longer be functional. The equipment could
25 not be transported. But to the extent they could and with the means

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1 and equipment available to them, they went with the wounded and
2 provided medical care and treatment to them.

3 Q. Was Likoc ever used as a meeting place by the General Staff?

4 A. On one occasion we held a meeting. I've explained this. Yes.

5 Q. Yes. I appreciate sometimes you've explained something in the
6 preparation session, but it's important to ask again for purposes of
7 the proceedings. What was the meeting that you're describing now?

8 A. Correct. Yes, that is correct.

9 Q. So "on one occasion we held a meeting." Could you just explain
10 briefly what meeting you're talking about?

11 A. We held a meeting with the zone commanders in the presence of
12 Sokol Bashota as well. I have explained this. This was a zone and
13 General Staff level meeting.

14 Q. Do you remember when approximately this was?

15 A. Again, I do not recall the exact date, but this was sometime
16 after I was appointed zone commander.

17 Q. And do you remember anything discussed at that meeting or just
18 the fact that it happened?

19 A. I only remember the meeting taking place. There were other
20 meetings at a political level which I have explained that -- in
21 addition to this meeting, I've explained this, later meetings
22 attended by Ambassador Hill and other people, I think.

23 Q. So just given your last answer, so the General Staff, was it
24 also using Likoc for meetings with internationals?

25 A. There were also members of the General Staff in this meeting.

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1 Q. I now want to talk about people in your zone. You've mentioned
2 that you started with the tasks of a zone commander in May 1998. I
3 now want to identify the roles of what others were doing in Drenica
4 at that time, and we'll just go person by person.

5 Starting with the zone staff, what was Sami Lushtaku's role?

6 A. Sami Lushtaku was the deputy commander of the operational zone.
7 My deputy.

8 Q. Rasim Kiqina, what was his role in the zone?

9 A. He was in the intelligence and counter-intelligence, and then he
10 was a member of Brigade 111.

11 Q. When you said he was in intelligence and counter-intelligence,
12 did you appoint him to an intelligence/counter-intelligence position?

13 A. Yes, I did.

14 Q. And was he a high-ranking officer?

15 A. He was my friend, and he had a position of an officer in the
16 zone.

17 Q. Now, you talked in your admitted evidence about Sabit Geci's
18 unit. Was Rasim Kiqina part of the Sabit Geci unit you discussed in
19 your statement?

20 A. No, Rasim Kiqina was never a member of that. Rasim Kiqina, I
21 appointed him at a later moment in the operational zone in Drenica.

22 Q. Now, Shaban Shala you briefly mentioned already. But just to
23 clarify, what was his official position in the Drenica zone?

24 A. He was in charge of military-civilian relations, mainly in
25 communicating with the public and the media. He would always stay in

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1 the buildings, premises of the zone staff, to receive delegations or
2 media representatives or ordinary citizens or politicians.

3 Q. Did Shaban Shala also have General Staff contacts?

4 A. I think he did have contacts with the General Staff.

5 Q. Fadil Demaku, who did this person -- what did this person do in
6 the Drenica zone?

7 A. Fadil Demaku was with Tahir Desku and also in coordination with
8 Shaban Shala.

9 Q. Was Fadil Demaku working for Shaban Shala?

10 A. He worked in the team with Shaban Shala, with me, and he mostly
11 dealt with organising media or information work.

12 Q. Is Fadil Demaku related to Jahir Demaku?

13 A. They are brothers.

14 Q. Now, you mentioned just a moment ago in your answer a Tahir
15 Desku. Did he also work for Shaban Shala?

16 A. Tahir Desku worked in the Drenica operational zone. He was
17 doing the reporting and constantly worked with Shaban Shala.

18 Q. Could Tahir Desku communicate in English?

19 A. Yes, Tahir Desku spoke English.

20 Q. Turning now to brigades. We were just talking about
21 Jahir Demaku. What was his role?

22 A. He was the commander of Brigade 111.

23 Q. Is this also known as the Drenica zone special unit?

24 A. Yes, that's correct.

25 Q. Nexhat Demaku, who was he?

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1 A. He's the brother of Jahir Demaku. Fadil Demaku's brother as
2 well.

3 Q. What brigade was he in?

4 A. I do not know exactly about Nexhat. However, I believe he was
5 in Brigade 111 and -- as well as his brother, Xhevat Demaku, martyr
6 of the nation, was a member of Brigade 111.

7 Q. Was Nexhat Demaku just a simple soldier in that brigade?

8 A. Yes, simple soldier.

9 Q. Moving to the 112th Brigade, who was its commander?

10 A. Muje Krasniqi was the commander of the 112th Brigade.

11 Q. And who was the commander of the 113th Brigade?

12 A. Sorry, I made a mistake. Muje Krasniqi was the commander of
13 Brigade 113th, and Abedin Rexha was the commander of Brigade 112. So
14 Muje Krasniqi was the commander of Brigade 113.

15 Q. Thank you for clarifying. For the 112th Brigade and Abedin
16 Rexha, what was his nickname?

17 A. Sandokan.

18 Q. And going now to the 113th Brigade, what was Muje Krasniqi's
19 nickname?

20 A. Kapuci.

21 Q. Staying in that brigade, who is Bedri Gashi? Did he have a role
22 in Drenica?

23 A. I have explained this. If we're referring to a Bedri Gashi who
24 was a co-fighter of Muje from the village of Cabiq.

25 Q. As a co-fighter of Muje Krasniqi, does that mean that he was in

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1 the 113th Brigade?

2 A. He was a member of Brigade 113.

3 Q. How about Mirush Daka?

4 A. He was also a member of 113th Brigade.

5 Q. Before becoming a part of that brigade, was he also a unit
6 commander?

7 A. To my knowledge, yes. He was together with Muje and the other
8 part of Sokol.

9 Q. When you say "Sokol," who do you mean?

10 A. Sokol Bashota.

11 Q. I've heard of him. What was Mirush Daka's nickname?

12 A. I don't seem able to recall now. I think Korbi.

13 Q. At some point during the war, was Mirush Daka killed?

14 A. Yes.

15 Q. Do you know anything about the circumstances of how he died?

16 A. No, I don't.

17 Q. Next one. Ramadan Gashi, who is that?

18 A. A member of 113th Brigade.

19 Q. And do you remember his post during the war?

20 A. No, I don't. His role in Brigade 113. He was initially engaged
21 in the brigade with Muje, but I do not know his role.

22 Q. Next one. Skender Halilaj.

23 A. Skender Halilaj was a member of 113th Brigade. There are two
24 martyrs in his family, his father and his brother.

25 Q. Was he just a simple soldier in that brigade?

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1 A. Yes.

2 Q. And then Zeqir Demaku. Was he also a simple soldier in the
3 113th Brigade?

4 A. As far as I can remember, he was also a simple soldier in
5 113th Brigade.

6 Q. Turning now to the 114th Brigade. Who was its commander?

7 A. The first commander was Fehmi Lladrovci. Then after his fall,
8 it was Ilaz Kodra, who is also a martyr.

9 Q. Can you just briefly describe Fehmi Lladrovci's appearance?

10 A. Fehmi was an early activist of the movement, a comrade of Adem
11 Jashari, a distinct personality not only in Drenica but throughout
12 Kosovo.

13 Q. My question was actually just about his physical appearance.
14 Just if you could describe that briefly.

15 A. He was a capable man, tall, respectable, with a strong
16 personality.

17 Q. Next person. Nuhi Geci, who is he?

18 A. He's a martyr, and he was a member of the 114th Brigade.

19 Q. Turning now to the military police. Who was its commander?

20 A. Sahit Jashari.

21 Q. And where was Sahit Jashari based?

22 A. Sahit Jashari is from Prekaz, a comrade of Adem Jashari. He was
23 stationed in Likoc.

24 Q. And is Sahit Jashari a brother of Muse Jashari, who we were
25 discussing earlier?

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1 A. Yes, that is correct.

2 Q. Next, Fatmir Mehmeti. Who is this person?

3 A. Fatmir Mehmeti came in with the group of Sami Lushtaku and
4 Fehmi Lladrovci, the group that arrived after 5 March. He served for
5 a short period of time as the deputy commander of the military police
6 unit in Likoc.

7 Q. Thank you. Next, Muharrem Xhemajli. Who is he?

8 A. A member of the 113th Brigade. And later on, I think he joined
9 the military police. I'm not certain, though.

10 Q. And, finally, Fatmir Gjilani. Who is he?

11 A. As I said, Fatmir Gjilani came after 5 March with a group of
12 Sami, Sami Lushtaku, Fatmir Limaj I think, Fehmi Lladrovci. He was
13 with them. Fatmir was with them. He initially came to Drenica and
14 then moved to the operational zone --

15 THE INTERPRETER: The interpreter couldn't hear the name of the
16 zone.

17 MR. HALLING:

18 Q. Sorry, Witness, could you just repeat again the end of the last
19 answer a little louder.

20 A. Yes. Fatmir Gjilani -- Fatmir Mehmeti, I think. It's not
21 Fatmir Gjilani. We are talking about Fatmir Mehmeti; right?

22 Q. We were. Now I'm talking about Fatmir Gjilani, so I want to
23 know about him.

24 A. I think it's the same person we're talking about. I don't know
25 who Fatmir Gjilani is. Fatmir Mehmeti from Gjilan.

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1 Q. How long did this person stay in the Drenica zone?

2 A. I don't know exactly --

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 A. -- how long.

5 MR. HALLING: Well, he's saying now that they're the same
6 person. So just focusing on the person, I just wanted to know how
7 long.

8 Q. So, Witness, you said you don't know exactly.

9 MR. HALLING: Your Honour, could we please go to paragraph 79 of
10 Preparation Note 2 to ask about a -- just a refreshing recollection?

11 PRESIDING JUDGE SMITH: Yes.

12 MR. HALLING:

13 Q. So, Witness, for -- under "Fatmir Gjilani," you said:

14 "Only stayed in the Drenica Zone for 1-2 months around the
15 middle of 1998 (partly staying with [you])."

16 Is that correct?

17 A. I think it is correct. As I said, I do not know exactly how
18 long did he stay. It could be two weeks, two months, or more or less
19 than that.

20 MR. HALLING: If we could now -- and I note the time, but I
21 think I can do two more quick things in two minutes. If we could
22 look first at P1753, and it's page 09807, and it's a photograph.

23 Q. Witness, there's one photograph I want to show you and then
24 we'll have a break for lunch. So, Witness, focusing on the photo in
25 the lower right-hand corner of the screen, you see the numbers next

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1 to the people. Who is the person with the 1 in the arrow?

2 A. The person under number 1 is Fatmir Limaj; number 2, Muse
3 Jashari; number 3, Fatmir Mehmeti; 5, Sahit Jashari. And in number
4 4, I know him by sight but I can't recall the name.

5 Q. Was Fatmir Limaj and Muse Jashari in the Drenica zone like
6 yourself?

7 A. No, they were not. Muse Jashari and Fatmir Limaj were in the
8 Pashtrik zone.

9 Q. Thank you.

10 MR. HALLING: Your Honour, we can take the break.

11 PRESIDING JUDGE SMITH: Witness, we have a lunch break for an
12 hour and a half. We'll be back here at 2.30, and then we'll go until
13 4.30.

14 You may leave the courtroom now.

15 [The witness stands down]

16 PRESIDING JUDGE SMITH: We're adjourned until 2.30.

17 --- Luncheon recess taken at 1.01 p.m.

18 --- On resuming at 2.30 p.m.

19 PRESIDING JUDGE SMITH: You may bring the witness in.

20 We'll take a ten-minute break at 3.30.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 I'm sorry. We'll continue with questions from the Prosecution.

24 MR. HALLING: Thank you, Your Honour.

25 Q. And good afternoon, Witness. We were talking before the break

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1 about the roles of various other people when you were starting with
2 your tasks as the zone commander in May 1998. I just have three kind
3 of miscellaneous people I wanted to also ask you about before we move
4 to a new topic.

5 The first is Isni Thaci. What was this person's role during the
6 war?

7 A. He was a simple soldier and served as a bodyguard to Mr. Thaci,
8 as an associate.

9 Q. When you say "Mr. Thaci," is that in --

10 A. Escort, rather.

11 Q. Is that in reference to Hashim Thaci?

12 A. Yes.

13 Q. And when you said he served as a bodyguard to Mr. Thaci, would
14 Isni Thaci sometimes be in the Drenica zone?

15 A. Yes.

16 Q. Okay. And the last two people, we can talk about them together,
17 Ajvaz Berisha and Ferat Shala. Were they at one point in the Drenica
18 zone?

19 A. Yes, initially. After some time they moved into the
20 General Staff.

21 Q. When they were still in Drenica, what unit were they a part of?

22 A. If I remember correctly, they belonged to the unit Pellumbi.

23 Q. And who commanded that unit?

24 A. Ferat Shala was the commander of the Pellumbi unit.

25 Q. Now, you said: "After some time they moved into the

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1 General Staff." Do you remember around when after they left your
2 zone to do that?

3 A. I can't remember exactly. But I know that they moved on to the
4 General Staff.

5 Q. Are you able to give an approximate period of time as to when
6 this would have happened?

7 A. Towards the end of 1998 maybe, or sometime before, but I can't
8 be more precise. It may have been earlier.

9 MR. HALLING: And, Your Honour, on that we would like to go to
10 paragraph 45 of Preparation Note 2 to probe a potential
11 inconsistency.

12 PRESIDING JUDGE SMITH: Yes, go ahead.

13 MR. HALLING: Thank you.

14 Q. Witness, this is what you're recorded as having said in the
15 preparation session:

16 "Ajvaz Berisha and Ferat Shala, both of them were initially in
17 the Drenica Zone's Pllumbi unit. [You believe] that Ferat Shala
18 commanded that unit and may have had the nickname Pllumbi. Sometime
19 around April-May 1998, both men left the zone and were instead
20 attached to the General Staff. [You do] not know what their tasks
21 were for the General Staff."

22 Is that correct?

23 A. It may be correct. I do not know which month in particular, but
24 I think that they were no longer in the zone from the beginning or
25 the middle of 1998. So that may be correct.

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1 Q. So in the last part where you said "that may be correct," is
2 this in relation to the April-May 1998 timeline?

3 A. Maybe it was April or May. And that is the reason why I can no
4 longer be certain, so much time has passed. So maybe, yes, that
5 month, I think that may be correct.

6 Q. Understood. During your time as Drenica zone commander, were
7 there occasions where other people issued orders on your behalf?

8 A. Yes, there were occasions.

9 Q. Was there ever an occasion when you had to undo or change an
10 order issued in your name?

11 A. I can't recall.

12 Q. Were there occasions when the fighting on the ground made it
13 impossible to comply with orders?

14 A. Yes, that's right.

15 Q. Did you yourself obey all orders that were possible to obey?

16 A. It depends. I may not have known. It depends on what context
17 or circumstances we are talking about.

18 Q. We are talking about orders that were possible to obey. So
19 removing things that were not possible to comply with, did you comply
20 with all orders when it was possible to comply?

21 MR. MISETIC: [via videolink] Your Honour, I would object as to
22 foundation.

23 PRESIDING JUDGE SMITH: Overruled.

24 You may answer.

25 THE WITNESS: [Interpretation] Yes, I believe so. Within the

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1 context of the organisation of the Drenica operational zone, I
2 respected them including the organisational chart that arrived to us
3 from the General Staff.

4 MR. HALLING:

5 Q. Talking about the General Staff, was it possible for you as
6 Drenica zone commander to issue an order to the General Staff?

7 A. No. It would have been impossible to issue an order for the
8 General Staff from that level upwards.

9 Q. I'd now like to go to some documents about the workings of the
10 Drenica zone that you discussed in your preparation session and even
11 before in some of your earlier statements.

12 MR. HALLING: Could we start with putting P139 on the screen in
13 both English and Albanian.

14 Q. And, Witness, we were talking earlier about the special unit of
15 Jahir Demaku, and my questions to start are going to be about this,
16 but we'll just wait for the document to be put on the screen.

17 So you can see it says 9 May 1998, "Preparation plan and program
18 for special unit - commando," and then there is a list of points,
19 including point 1:

20 "Every commander has an obligation to inform his/her unit in the
21 battle zone about the preparation of the special commando unit."

22 And then 7:

23 "The zone commander shall be responsible for every candidate who
24 is admitted into the special unit ."

25 And then 9:

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1 "The training for special units shall begin on 11 May 1998."

2 Now, Witness, you said in the preparation session that this is
3 not your signature or handwriting, but is this a document prepared by
4 the Drenica zone KLA?

5 A. It may be, and I believe it is.

6 Q. Why do you believe it is?

7 A. Because I have often issued such instructions for the units. I
8 cannot recall having issued this one in particular, but it resembles
9 a few others that I have sent, such orders, orally or in writing,
10 within the context of military training and preparations.

11 Q. As to the special unit in particular, is what is recorded here,
12 does that match the discussions about the special unit you were
13 having in May 1998?

14 A. Who would I have had this discussion with in May 1998?

15 Q. Well, this is related to my question for you. Were you having
16 discussions within your zone about the special unit at this time that
17 mirror the points in the order on the screen?

18 A. In cooperation with the brigade commanders and the zone chiefs
19 of staff, we have tried to prepare our units to the best of their
20 abilities, and this is in -- it's fully consistent with what we have
21 done. And this one in particular belongs to the special unit of
22 Brigade 111.

23 Q. When cooperating or developing this plan, were these
24 conversations at Likoc?

25 A. It depends on the time we are focusing on, and such

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1 conversations were held at Likoc and possibly elsewhere.

2 Q. Yes. So this one is dated 9 May 1998. Were you in Likoc when
3 this was issued?

4 A. I believe I was in Likoc.

5 Q. And so would the discussions about it have also happened there?

6 A. It is possible, though I'm not certain.

7 JUDGE BARTHE: Excuse me, Mr. Prosecutor, here, do we have a
8 date? I think the date is missing in the English translation.

9 MR. HALLING: If we scroll up to the top of P139 --

10 JUDGE BARTHE: Ah, okay.

11 MR. HALLING: It just wasn't on the screen, but that's the
12 date --

13 JUDGE BARTHE: But it's not at the bottom, right?

14 MR. HALLING: Correct. Yeah, I believe it's only on the top for
15 this particular document.

16 JUDGE BARTHE: Yeah. But in the Albanian it's at the bottom as
17 well?

18 MR. HALLING: Yes. And so -- yes. And it's on the top in the
19 Albanian as well. So this is the basis for the questions.

20 JUDGE BARTHE: Yes.

21 MR. HALLING: Thank you, Your Honour.

22 Q. Now, Witness, this can be taken off the screen. There is also a
23 27 August 1998 appointment of Jahir Demaku to the special unit you
24 discussed with the ICTY. That's P140 in this case. But since that's
25 already discussed in your evidence, I want to instead go to a

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1 training document.

2 MR. HALLING: Can P120 please be put on the screen. And this is
3 the first page in English and Albanian, U000-8212.

4 Q. Now, Witness, looking at the first page of this, which you also
5 saw in your preparation session, is this your signature on the left
6 side of the document?

7 A. Yes, correct.

8 Q. Is this a real KLA training programme for the Drenica special
9 unit or the Black Tigers as is written here?

10 A. Yes.

11 Q. Now, we see also a signature of an Afrim Shureci in the lower
12 right-hand corner. Who is that person?

13 A. He was the chief of the operational sector or the chief of the
14 training for Brigade 111, if I recall correctly.

15 Q. And if we can now go to the last page, which is U000-8219, there
16 are these remarks at the end of the training document where it says:

17 "Non-fulfilment of this plan is justified only by extraordinary
18 combat or compelling situations."

19 And it says it was "plan designed by Sh.O.N.D Deputy Commander
20 Kemail Shaqiri." Who is this person, Kemail Shaqiri?

21 A. Kemail Shaqiri was a career officer and he was the chief of
22 staff in the Drenica operational zone.

23 Q. Thank you.

24 MR. HALLING: If the Court Officer could now put on the screen
25 P156 in English and Albanian.

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1 Q. So, Witness, the document I just showed you, as you saw from the
2 first page, had a training period of 1 to 15 September 1998. The
3 document on the screen now is slightly later. It's dated
4 22 September 1998, and this is Communiqué 54. And it says at one
5 point:

6 "Daily successful fighting has also been taking place recently
7 in the subzone of Drenice. Our special units operating around Likoc
8 and Prekaz are causing losses [to] the enemy both in troops and
9 military arsenal on [a] daily basis."

10 So noting the date of this communiqué, was the special unit of
11 Drenica indeed active at Likoc and Prekaz by 22 September 1998?

12 A. I don't know on whether the date of 22 September is correct, but
13 I know that there was heavy fighting on 22 September not only in
14 Prekaz and elsewhere but in Likoc and the surrounding villages where
15 Serbian forces penetrated. The special unit could not have been all
16 over the place, but alongside other units of the Kosovo Liberation
17 Army it was involved in fighting throughout the territory of Drenica.

18 Q. Thank you. I now want to show a couple of documents discussed
19 in your preparation session about the harvest in the Drenica area.

20 MR. HALLING: Could we start with putting P142 on the screen in
21 English and Albanian.

22 Q. So, Witness, this one says:

23 "Request

24 "We do herewith request the KLA's General Staff the provision of
25 funds needed by the Operational Staff of Drenica and for the purpose

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1 of the harvest time campaign in the following amount:"

2 And then it gives a list and it has a signature in the lower
3 right-hand corner. My first question is, is this your signature on
4 this document?

5 A. Yes.

6 Q. Did you make this request to the General Staff?

7 A. Yes. It can be seen that I sent the request to the
8 General Staff. I don't know whether it reached the General Staff.
9 But what I know is that we were in difficulty, and everyone in the
10 Drenica operational zone, including myself, was keen for the
11 harvesting to be completed, because the population had been dispersed
12 throughout the territory on account of the fighting. I've tried to
13 explain this to yourself and to everyone present here that -- that
14 more was needed to be able to complete the harvesting of the season,
15 in order to assist the civilian population. This is indeed my
16 signature, and it is a request that I sent to the General Staff.

17 Q. Did the Serb's threatening the harvest also potentially affect
18 the KLA's food supply?

19 A. I have explained that the KLA was not the only one to have
20 difficulties with the food supplies but the civilian population too.

21 Q. Understood. And do you remember one way or the other whether
22 you actually received the resources requested here?

23 A. I cannot recall exactly. I don't think so, but I cannot
24 remember.

25 MR. HALLING: If we could now go to P131.

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1 Q. Now, Witness, the last document was 6 July 1998. This is the
2 14th. And it says:

3 "Announcement

4 "Concerning wheat harvest."

5 And it talks at one point:

6 "For the needs of the KLA, farmers are obliged to surrender 50
7 kilogrammes of wheat per hectare, and owners of combine harvesters
8 are obliged to give 10 kilogrammes per hectare."

9 And then, amongst other things, it says "Commander Shaban Shala"
10 on the bottom.

11 Is this the same wheat harvest announcement you discussed in
12 your ICTY testimony?

13 A. Yes, the same.

14 Q. And is this something that Shaban Shala signed on your behalf?

15 A. Yes, it can -- Shaban Shala's signature can be seen there.

16 Q. Thank you.

17 MR. HALLING: If we could now go to something else about
18 training, this time in -- more in general. And if we can go to P126.

19 Q. So, Witness, you can see this one has a date of 29 July 1998,
20 and it's an order. And it's an order for the formation of a course
21 for candidates for commanders of squads, platoons, and companies.
22 You can see from number 3 that the course is planned from 27 July
23 1998 to 10 August 1998. And then we see these appointments.

24 Starting at line 5 we see Xhemail Bejta, Shaban Dragaj, Agron Zeqiri,
25 Hazir Lushtaku, and Ilaz Kodra down at number 8.

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1 Now, Witness, I appreciate this isn't your handwriting or
2 signature, but did your zone organise a July-August 1998 training
3 course along the lines set out here?

4 A. Given that this is neither my handwriting nor my signature, I
5 have said that, yes, I have tried to organise such courses where the
6 conditions permitted when there was no fighting. This was part of
7 the organisation of brigades in the Drenica operational zone.

8 Q. Are the people who are appointed to conduct the course in this
9 document the same people who were ordered to conduct these kinds of
10 courses?

11 A. Yes. Shaban Dragaj, Kemail Shaqiri and Xhemajl Bejta were
12 within the operational staff of Drenica operational zone, and they
13 were in a position to issue such orders.

14 Q. Just to finish with the other names in this document you haven't
15 yet mentioned, who is Agron Zeqiri?

16 A. I do not know him. I don't know Agron. Shaban Dragaj, yes.

17 Q. Hazir Lushtaku?

18 A. And neither Hazir Lushtaku is a name that I'm able to recall.
19 Maybe he served at a lower level of service, but it's not a name that
20 I can recall.

21 Q. Now, Ilaz Kodra you've mentioned before. But just briefly
22 again, what was Ilaz Kodra's role?

23 A. After the heroic fall of Commander Fehmi Lladrovci, Ilaz Kodra
24 succeeded him as commander of the Brigade 114.

25 Q. Do you have any reason to dispute that this document was an

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1 order for a training course in the Drenica zone?

2 A. No, I don't have a single reason. It may well have been the
3 case. We have tried to organise such courses from time to time.

4 Q. Thank you. Now, this is dated 29 July 1998.

5 MR. HALLING: If we could now have on the screen 096746 to
6 096747, and we'll look at the first page.

7 Q. Now, Witness, this says it's dated 1 August 1998. It says
8 "Daily Work Timetable," and there is a series of activities including
9 classes in the schedule. I understand, again, this isn't your
10 handwriting or signature, but was this a typical daily schedule for a
11 soldier in a KLA training course?

12 A. This is a daily work timetable for the trainees, those who were
13 to attend the training. So this is the daily work timetable of a
14 trainee but not that of -- it did not apply to all Kosovo Liberation
15 Army members in the zone. It's just a course, a training course,
16 timetable.

17 Q. I follow. One of the last items on the schedule, and if you
18 scroll down a little in the Albanian, it says "Listening to the
19 news," from 6.35 to 7.00 p.m. At this time, 1 August 1998, what kind
20 of news was being listened to?

21 A. This is part of the daily work timetable within which is also
22 the news, watching the news on TV. At this period of time, the
23 Albanian television dedicated two hours daily to the developments in
24 Kosovo. There was also another medium, the other media outlets,
25 including the radio and television channel in Prishtine that in

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1 Belgrade were at the service of the occupier. So this might have
2 only referred to the programme broadcast in Albania which dedicated
3 two hours to the issue of Kosovo.

4 Q. Thank you.

5 MR. HALLING: Now, Your Honours, this is the first document in
6 this sequence that's not fully admitted already. We would tender it
7 at this time given its connection to the previous document and the
8 overlapping time in the witness's testimony. So this would be 096746
9 to 096747.

10 PRESIDING JUDGE SMITH: Any objection to the tender? No
11 objection is heard. 096746 to 096747 is admitted.

12 THE COURT OFFICER: Your Honours, that will be assigned
13 Exhibit P02033. And if we can confirm the classification.

14 MR. HALLING: It can be public, Your Honour.

15 PRESIDING JUDGE SMITH: It'll be reclassified as public.

16 MR. HALLING:

17 Q. Witness, there's one last order that I would like to show you.

18 MR. HALLING: If we could now put P130 on the screen.

19 Q. So, Witness, this says it's an "Order To Fortify Bases," and
20 then it says:

21 "Non-uniformed civilians must be mobilised and assembled
22 regardless of," and then it's illegible, "and must urgently begin to
23 fortify firing positions, bunkers, and," again illegible, "where
24 instructed by the commander."

25 And then:

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1 "Legal-military measures /?will be taken/ against persons who
2 refuse."

3 Is this your signature on this order?

4 A. This is my signature.

5 Q. And is this an order that you issued around 30 July 1998?

6 A. I think so.

7 Q. What was going on at the time that made you issue an order to
8 mobilise civilians?

9 A. It is very simple. I'll try to explain. I believe I tried to
10 explain to you, too.

11 After 5 March, there was continuous fighting in various
12 locations in the Drenica operational zone. The shelling started,
13 shelling of our positions and inside various villages. The danger
14 was very high for civilians and the members of the army who were on
15 the front line. So this was mostly to mobilise, preserve, and
16 protect the civilians, put them in shelters so that they can have a
17 shield to be protected from various shelling.

18 Q. Thank you. Witness, we're going to leave the world of orders
19 now, but I do want to show you yet another document.

20 MR. HALLING: This one is admitted as well. It is P760-ET.2 is
21 the English, and I believe that would be within P760 in Albanian.
22 The ERN of the page if it assists is 076603 to 076603.

23 Q. Witness, the document on your screen you saw in your preparation
24 session. It says "Reaction" in the title, and then it talks in the
25 body:

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1 "We would like to inform the Albanian public once again that
2 Gani Geci is not a traitor ...

3 "We reject Communiqué No. 59 and the reason for which it was
4 written."

5 And then there is a series of signatures.

6 Was this a document you were involved with that was countering
7 allegations that Gani Geci was a traitor?

8 A. Yes, that is correct. And there is my signature and my name in
9 this reaction.

10 Q. And just to be clear for the record, is this line 2 where your
11 signature appears?

12 A. Correct.

13 Q. Can you explain why this document was necessarily to create?

14 A. Because of an interview that was broadcast on television, we saw
15 it necessary and reasonable to react.

16 Q. What was the interview that was broadcast on television saying?

17 A. We can read the text here as a counter-reaction saying that Gani
18 Geci did not lead the counteraction and he was not a traitor.

19 Q. That's clear. Thank you, Witness.

20 MR. HALLING: This can be taken off the screen.

21 Q. I now have a few additional questions about nicknames before we
22 continue. During the war what was Hashim Thaci's nickname?

23 A. This was public, and his pseudonym was Gjarpri.

24 Q. What was Kadri Veseli's nickname?

25 A. I am not certain. I don't know. But I think it was Luli. I am

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1 not certain, though.

2 Q. What was Rexhep Selimi's nickname?

3 A. It was Dhjete, the Tenth.

4 Q. Turning now to 1999. Are you aware of an exchange of Serbian
5 and Albanian prisoners in January 1999?

6 A. Yes.

7 Q. How many Serbs were captured by the KLA for this exchange?

8 A. I don't know. I think a squad. I do not know the exact number,
9 nine or ten.

10 MR. HALLING: Your Honour, if we could refresh the witness's
11 recollection with paragraph 40 of Preparation Note 2.

12 PRESIDING JUDGE SMITH: Yes, go ahead.

13 MR. HALLING:

14 Q. So, Witness, in the preparation session you said:

15 "... there was an ongoing issue about eight Serb soldiers who
16 had been captured in the Shala zone."

17 Is that correct?

18 A. Yes, that is correct. Again, I do not know the exact number,
19 but I believe it was eight.

20 Q. Was the General Staff meeting with internationals about a
21 possible exchange with these people?

22 A. A group of Albanians crossed the border with Muje Krasniqi, they
23 fell into an ambush, several soldiers were killed, others were made
24 prisoners, and these soldiers were to be exchanged then with the
25 soldiers who had been captured in the said battle. That was the

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1 exchange.

2 Q. And was the General Staff meeting with internationals about this
3 exchange, to discuss it?

4 A. I believe yes. I do not know who at the General Staff led these
5 talks, but I know that there were lengthy discussions to achieve this
6 exchange of prisoners.

7 Q. Once the exchange was agreed upon, did part of it take place at
8 Likoc?

9 A. The handover of these KLA soldiers was done in Likoc. And the
10 Serb soldiers were handed over somewhere in Shala. I don't know
11 where exactly. When the exchange happened, the Kosovo Liberation
12 Army soldiers were handed over in Likoc.

13 Q. Now, Witness, as I understood from your preparation session, you
14 were not aware of a Norwegian journalist by the name of Pal Refsdal;
15 is that right?

16 A. That's right. I wasn't aware.

17 Q. Now, Mr. Refsdal did write a book. A couple of pages were shown
18 to you in the preparation session, but I want to ask you now about a
19 couple of other pages to see what you know.

20 MR. HALLING: Could the Court Officer please pull up
21 SPOE00209434 to 00209512 in English and Albanian, and the page is
22 going to be SPOE00209482. Yes.

23 Q. And so just to orient you to start, you can see, and it's
24 towards the bottom of the page in the English:

25 "It has been no more than a few weeks since I once again met

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1 Luli and Gjarpri at a restaurant in Brussels."

2 Just to set the scene for the conversation on the next page in
3 each of Albanian and English.

4 MR. HALLING: So this would be SPOE00209483.

5 Q. So at this meal, Refsdal writes the following:

6 "'The two of you know that Norway chairs the OSCE this year,' I
7 said in a didactic tone. 'Foreign Minister Vollebaek is in Albania
8 today and is going to Kosovo in three days.'

9 "I stopped for two or three seconds, as if to emphasize that an
10 important point was coming.

11 "'Wouldn't it have been good for him to meet the KLA there?'

12 "They looked at each other and exchanged a few words in
13 Albanian. Then Gjarpri got up, took out his mobile phone and turned
14 his back to call.

15 "'He can go to Likofs. We will ensure that he gets to meet
16 someone from the leadership,' he said and sat down at the table
17 again."

18 Now, Witness, my question for you at this point is are you aware
19 of Hashim Thaci and Kadri Veseli arranging a meeting from abroad with
20 a Norwegian Foreign Minister Vollebaek at Likoc?

21 A. No, I'm not aware of this.

22 Q. There is one last passage I wanted to ask you about further down
23 this page. Refsdal then writes:

24 "The next two days I functioned as an intermediary in a strange
25 communications channel between the KLA and the Norwegian delegation.

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1 Gjarpri and Luli spoke with the KLA in Kosovo and then called me. I
2 called my contact who in turn spoke with Vollebaek. Because the
3 delegation was in the Balkans, I could not say everything in plain
4 words over the telephone. Therefore I had to call the encryption
5 section at the Norwegian Ministry of Foreign Affairs, and they
6 brought in another person who in turn could send a coded message down
7 to the delegation.

8 "The day before Vollebaek travelled to the Balkans, a group of
9 eight Serbian soldiers drove the wrong way and were taken prisoner by
10 the KLA. Serbian authorities threatened to restart the war if the
11 soldiers were not released, and the hostage matter completely
12 overshadowed the visit by the Foreign Minister."

13 Now, Witness, my question on this is are you aware of a Foreign
14 Minister Vollebaek having any meetings with the KLA about the eight
15 captured Serb soldiers?

16 A. No, I'm not aware, as I've explained earlier.

17 MR. HALLING: Going to what you explained earlier, could we now
18 go to P182. And we'll start on page SPOE00226369, which is the first
19 page.

20 Q. Now, Witness, as I understand it, you had not seen these notes
21 before the preparation session; is that right?

22 A. That's right.

23 Q. And it says 11 January 1999, Likoc, F.L., and then:

24 "We welcome you and express our gratitude for your willingness
25 to meet us. I convey the greetings of the General Staff of KLA. We

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1 are grateful to Norway and, especially, to your Foreign Minister."

2 And I want now to continue on the next page of this item. So it
3 says:

4 "This is a consultive meeting. The General Staff will be
5 briefed on the outcome of this meeting."

6 And then there is a "W" that says:

7 "The situation is getting worse and more dangerous. For the
8 moment it is isolated but also tense because of the 8 Serb soldiers
9 who have been taken hostage."

10 Now, Witness, around this time, which would be 11 January 1999,
11 was there a lot of tension due to the negotiations concerning the
12 eight captured Serb soldiers?

13 A. No, I do not recall this. The situation was always tense in
14 Drenica. And these persons were taken hostage in the Shala zone not
15 in Drenica zone.

16 Q. On page --

17 MR. HALLING: If we could now go to page SPOE00226372.

18 Q. It now says:

19 "Minister Vollebaek urgently and powerfully requested the KLA to
20 contribute to lowering the tension by immediately releasing the 8
21 soldiers.

22 "This would be a humanitarian act.

23 "Mr. Vollebaek believes that the release of the soldiers would
24 help create a new momentum for a political solution."

25 Do you have any reason to dispute that what you are seeing now

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1 are notes from a meeting of the KLA with Norwegian Foreign Minister
2 Vollebaek at Likoc on 11 January 1999?

3 A. First of all, this is not my handwriting. I do not know who
4 authored it. Second, I know that there were meetings held at the
5 General Staff with various diplomats. However, I'm not aware of this
6 one meeting, and I do not know whether this meeting did occur or not.

7 Now, given that we can see that some sort of minutes were taken,
8 it is possible that it did happen. But I'm not aware of it.

9 MR. HALLING: And, Your Honours, I'm not sure if that's
10 inconsistent, but if we could explore briefly with paragraph 40 of
11 Preparation Note 2.

12 PRESIDING JUDGE SMITH: Yes, go ahead.

13 MR. HALLING:

14 Q. So, Witness, you said in the preparation session that:

15 "... [you do] not remember a meeting of the kind described on
16 11 January 1999. But [you had] no reason to dispute that a meeting
17 happened along the lines described in these notes."

18 Is that correct?

19 A. That is correct. And I, again, tried to explain the same thing.

20 MR. HALLING: Your Honours, we have previously argued that that
21 entire Pal Refsdal extract on the exhibit list should be admitted as
22 a whole. To date only individual pages have been admitted at P1449.
23 We do intend to renew the submission for the admission of the whole
24 item in an upcoming bar table motion. But in the meantime, we would
25 ask that the pages shown just now be admitted and added to that

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1 exhibit.

2 And this would be pages SPOE00209482 to SPOE00209483 and to be
3 added to P1449.

4 PRESIDING JUDGE SMITH: Any objection to that addition?

5 MR. DIXON: Yes.

6 MR. MISETIC: [via videolink] Yes, we do object.

7 MR. DIXON: Yes. I'll ...

8 PRESIDING JUDGE SMITH: One or the other of you has to speak.

9 MR. MISETIC: [via videolink] Go ahead, Mr. Dixon.

10 MR. DIXON: Your Honours, yes, we do object. The witness wasn't
11 able to recall or identify anything from those pages from his own
12 experience and involvement and recollection. This is an account
13 given by somebody in a book who's readily available to come and
14 testify as a witness about what he actually went through. And it's a
15 roundabout way in the extreme to be asking for the document to be --
16 or this part of the document to be admitted through a witness who has
17 no connection to it whatsoever when there's a clear route to do it.

18 The bar table motion is an option that is available as has
19 already been indicated, and we'll respond to that then. But no part
20 of it should be admitted now through this witness or marked for any
21 identification at this stage.

22 MS. V. ALAGENDRA: We join the --

23 MR. MISETIC: [via videolink] [Overlapping speakers] ...

24 MS. V. ALAGENDRA: -- submissions, Your Honour.

25 MR. MISETIC: [via videolink] I join the submissions as well.

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1 And I would add that the witness not only knew nothing about anything
2 that was read to him but also said that he doesn't know the author.
3 And we fail to see what basis for this -- to admit it through this
4 witness.

5 MR. HALLING: And all we would respond is that this witness has
6 served as connective tissue between the information in that book and
7 the information in a seized Rexhep Selimi notebook that's already
8 admitted into evidence, and that the connection is made from both the
9 nicknames that are made and the commonality of both the subject of
10 the meeting and the people that were attending. And him not having
11 any reason to dispute the accuracy of these notes gives these two
12 pages relevance and probative value now, especially considering
13 Defence lines about how Mr. Thaci and Mr. Veseli could not do
14 anything organisationally while abroad.

15 MR. DIXON: Your Honours, the minutes are already in evidence,
16 so there's no issue over that. The issue is about what a foreign
17 journalist has recorded about events going on, which this witness has
18 no connection to whatsoever. There's no tissue of connection. It's
19 non-existent, Your Honours, in our submission.

20 [Trial Panel confers]

21 MR. MISETIC: [via videolink] I believe -- and we would join
22 that. Even in the bear minimum of admissibility in this trial, this
23 doesn't even arise to that level.

24 MS. TAVAKOLI: Sorry, Your Honours. I think Mr. Miseti spoke
25 when all your headphones were off, but it's on the transcript.

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1 PRESIDING JUDGE SMITH: Yeah. [Microphone not activated].

2 209482 and 209483 are both marked for identification. Please
3 assign a number.

4 THE COURT OFFICER: Your Honours, they will be added --

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 THE COURT OFFICER: To be added to the existing number?

7 MR. HALLING: Well, Your Honour, P1449 is an admitted exhibit,
8 so I don't know if it's possible to add MFI pages to it, but this is
9 the question.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 We'll leave it separately for now, rule on it, and then if we
12 allow it, then it can be attached. Otherwise, it won't be.

13 THE COURT OFFICER: In that case, Your Honour, they will be
14 marked as P02034.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. HALLING: Yes. And, Your Honours, I note that it's close to
17 a break, and I'm about to enter into a new topic. Do you want to
18 take the break now?

19 PRESIDING JUDGE SMITH: Witness, we'll give you a ten-minute
20 break at this time. Please do not speak to anyone about your
21 testimony outside the courtroom.

22 [The witness stands down]

23 PRESIDING JUDGE SMITH: We're adjourned until 3.40.

24 --- Break taken at 3.29 p.m.

25 --- On resuming at 3.40 p.m.

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1 PRESIDING JUDGE SMITH: Please bring the witness in.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: Be seated.

4 You have the floor.

5 MR. HALLING: Thank you, Your Honour.

6 For the next line of questioning, it's going to concern
7 confidentially classified material, and for that reason we would ask
8 to go into private session.

9 PRESIDING JUDGE SMITH: Into private session, please.

10 [Private session]

11 [Private session text removed]

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1 [Private session text removed]

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Witness: Sylejman Selimi (Private Session)

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5 [Open session]

6 THE COURT OFFICER: Your Honours, we're in public session.

7 MR. HALLING:

8 Q. Witness, I'd like to show you a different document now.

9 MR. HALLING: If the Court Officer could now go to SITF00243005
10 to 00243010, and this would be page SITF00243009.

11 Q. Witness, I'd like to ask you a few questions now about you
12 becoming the KLA general commander. And I would like to start with
13 something that Rexhep Selimi once told to Zeri.

14 MR. HALLING: So this would be page 6 on the English transcript.
15 And I think it might be further down the page. Yes. So on the
16 current page, if you scroll to the bottom in the English.

17 Q. It's this question of:

18 "Did the KLA General Staff have a Commander ... at that time?"

19 And in the course of the answer, Rexhep Selimi says the
20 following:

21 "Even though Sylejman Selimi was quite reserved, modest, and
22 reluctant, we made him take up this role - KLA Commander in Chief.
23 He was modest and reluctant, considering it a very high position, but
24 we, all the comrades jointly, insisted that he accept. The
25 General Staff's decision was unanimous."

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1 And my question is does Rexhep Selimi accurately describe how
2 you come to be the KLA general commander?

3 A. Yes, I believe so.

4 MR. HALLING: Your Honour, this is another item that we've
5 previously submitted through the bar table, and we intend to file
6 another bar table motion following this witness's examination. But
7 just, again, in the meantime, we would ask to tender the page just
8 commented on by the witness which would be SITF00243009 of this item
9 in the meantime.

10 PRESIDING JUDGE SMITH: Any objection?

11 MR. ROBERTS: Sorry, he read it onto the record, Your Honour. I
12 don't see the necessity of anything further. If he wants to file a
13 bar table, that's obviously entirely up to him. But the one
14 paragraph or two lines that the witness has spoken about do not need
15 to be -- do not justify the admission of the entire interview.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 We will admit the single page, SITF00243005 at page 00243009.

18 THE COURT OFFICER: Your Honours, that will be assigned
19 Exhibit P02035.

20 PRESIDING JUDGE SMITH: It meets the minimal requirements of
21 section 138.

22 Go ahead.

23 MR. HALLING: Thank you. And I don't know if it needs a
24 classification, but that can be public.

25 PRESIDING JUDGE SMITH: Reclassify it as public, please.

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1 MR. HALLING:

2 Q. Witness, I'd now like to show you P227 in English and Albanian.

3 Now, Witness, just to orient you, it's our understanding from
4 the record that this is a signature authorising the approval of the
5 Rambouillet agreement. Had you ever seen this document before the
6 preparation session?

7 A. No.

8 Q. I think this is implied, but just to have it crystal clear, did
9 you sign this document?

10 A. Can I see the entire page, please?

11 Q. Yes.

12 MR. HALLING: If the Court Officer could scroll down. The
13 signature is on the bottom.

14 THE WITNESS: [Interpretation] It's fine now. No, I have no
15 knowledge about this document, and I have not signed it.

16 MR. HALLING: Thank you. If that can now be taken off the
17 screen.

18 Q. I now want to go to Operation Arrow. When was the plan to make
19 Operation Arrow approved?

20 A. As the general commander, I signed the plan for Operation Arrow,
21 but I cannot remember the exact date. However, I signed it off.

22 Q. How long was this before you withdrew from the general commander
23 post?

24 A. I proposed that Agim Ceku be nominated instead of myself the
25 following day.

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1 Q. Had you ever met Agim Ceku before the day you withdrew as the
2 general commander?

3 A. No, this was the first meeting.

4 Q. So when you "proposed that Agim Ceku be nominated instead of
5 myself the following day," who were you talking to when you proposed
6 that?

7 A. Agim, myself, Hashim, and Kadri, and some other officers from
8 Albania were together.

9 Q. Now, first, can you give the last names of the three people
10 whose first names you gave in your previous answer? Just so it's
11 clear on the record.

12 A. Yes. Hashim Thaci, Kadri Veseli, Agim Ceku, myself, and some
13 officers from Albania whose names I cannot remember. Spiro Butka.
14 And someone else whose name I cannot recall for the time being.

15 Q. Now, Witness, I'm not talking about all the people who were in
16 the area at the time but only those who were with you when you
17 proposed that Agim Ceku be the general commander. Who else was in
18 that conversation in addition to Agim Ceku, Hashim Thaci,
19 Kadri Veseli, and yourself, if anyone?

20 A. This was the period of consolidation, a time when the delegation
21 that returned from Rambouillet was talking about consolidating the
22 provisional government. There were other people, too. But -- and in
23 the course of that conversation, I proposed that I be replaced by
24 General Ceku and that for the sake of domestic as well as
25 international opinion given that he had been a career officer and had

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1 the rank of general.

2 Q. Yes. So when you said that, was that at the same conversation
3 as the first time you met Agim Ceku?

4 A. Yes.

5 Q. And in the first conversation you had with Agim Ceku, who else
6 was part of that conversation with you?

7 A. I cannot recall. There were some other people, I think, but I
8 can't remember who.

9 MR. HALLING: And, Your Honour, we'd now ask to use paragraph 89
10 of Preparation Note 2 to see if it refreshes the witness's
11 recollection.

12 PRESIDING JUDGE SMITH: Yes, go ahead.

13 MR. HALLING:

14 Q. So, Witness, this is what you said in the preparation session,
15 and you've mentioned the names already, but:

16 "After approving of the plan for the operation, [you] met with
17 Agim Ceku, Hashim Thaci, and Kadri Veseli."

18 Witness, you didn't mention any other people. Is that correct,
19 that that was the group having this conversation the first time you
20 met Agim Ceku?

21 A. It is correct. However, when I met for the first time Agim in
22 the course of Operation Arrow, there was Mr. Spiro Butka, Shpetim
23 Golemi and another person, and I explained that they were the ones
24 who were involved in planning Operation Arrow. Agim Ceku was one of
25 those.

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1 Q. When you said in the conversation that you shouldn't be the
2 general commander and Agim Ceku could be, what was the group's
3 reaction to what you said?

4 A. I can't recall the details, but they said no, let us wait for
5 the -- for other people who were expected on a day later. But that's
6 what I remember. I proposed it would be best for the KLA for
7 Agim Ceku to be the one. This was a conversation that was held in
8 the presence of both of them, Agim Ceku ...

9 Q. Sorry, Witness. You said "both of them, Agim Ceku," and it
10 trailed off a little. What was the rest of your answer?

11 A. And Hashim Thaci and Kadri Veseli.

12 Q. It --

13 A. I meant these two.

14 Q. In the part of your answer where they told you that others are
15 coming one day later, who were the others that were coming one day
16 later, to the extent you know?

17 A. It was a day or two later, because we stayed there two or three
18 days altogether, but Bislim Zyrapi, Rexhep Selimi, Fatmir Limaj I
19 think joined.

20 Q. Now, Witness, after signing off on the plan to make
21 Operation Arrow, did you then stay to become part of the broader
22 discussions creating this operation?

23 A. No, I did not. I did not take part in further discussions. I
24 returned to Drenica.

25 Q. At some point after you left, did you find out that you were no

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1 longer the general commander?

2 A. This happened sometime afterwards. There was a group who were
3 in my company, including my wife. We returned to Drenica. And I saw
4 via the media that Agim Ceku had been appointed as chief of staff or
5 commander of the Kosovo Liberation Army, and my name appeared as the
6 commander of the guard.

7 Q. So you actually found out about the change in the general
8 commander from the media; is that right?

9 A. Yes. We had had a conversation, and the appointment of
10 General Ceku and myself was conveyed via the media.

11 Q. Thank you. Witness, I'd now like to go out of timeline to
12 discuss a few distinct matters with you.

13 MR. HALLING: For the first one, Your Honour, we need to briefly
14 go into private session in order to protect a third person.

15 PRESIDING JUDGE SMITH: Into private session, please, for
16 protection of a third party.

17 [Private session]

18 [Private session text removed]

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20 [Open session]

21 THE COURT OFFICER: Your Honours, we are now in public session.

22 MR. HALLING:

23 Q. Witness, now that we're back in public session, my question for
24 you is: Did you try to confront people in Sabit Geci's unit about
25 what you were told had happened to Person 1?

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1 A. Not to confront them, but I asked for clarifications. So I
2 discussed this matter with the person.

3 Q. Did you get to speak with Sabit Geci himself?

4 A. Yes.

5 Q. So who exactly did you speak to? Was it just him or was it
6 others?

7 A. I actually spoke only to Sabit about this person, in relation to
8 the complaint regarding Person 1.

9 MR. HALLING: Your Honour, we'd ask to go now to paragraph 76
10 again of Preparation Note 2 to clarify the inconsistency.

11 PRESIDING JUDGE SMITH: Yes, go ahead.

12 MR. HALLING:

13 Q. Now, Witness, you said in your preparation session that:

14 "... in June 1998, [you] went to ask Sabit Geci's group if they
15 were responsible and tried to tell them they could not stay in the
16 Drenica area. Sabit Geci was not there (he was in Albania), but the
17 people [you] spoke to said they were friends of Ismet Haxha and
18 Sabit Geci."

19 So did you speak with Sabit Geci himself or did you speak with
20 other people?

21 A. It might be a mistake. What I said is I spoke to Sabit Geci who
22 then later went to Albania. I do not know if Ismet Haxha was there
23 present as well, but this is how it was.

24 This is the second or third time there seems to be unclear
25 things in what we have discussed in the prep session.

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1 Q. Yes. And it's why sometimes it's necessary to discuss it again
2 in this setting.

3 So if you were talking to Sabit Geci and you raised what
4 happened to -- what you had heard about Person 1, what was his
5 response?

6 A. What was his response? I have explained this. They invoked
7 having acted in the name of SHIK at the time. And the persons who
8 were with him, one or two, I don't remember, Ismet Haxha I know was
9 there, he invoked SHIK. And I've explained this on the first
10 occasion and during the conversation about Person 1 in my statement.

11 Q. In this conversation, was it also indicated on whose behalf they
12 were acting in SHIK?

13 A. They did not mention on whose behalf, but they referred to as
14 acting in the name of SHIK. And later on, I believe it turned out
15 not to be true.

16 MR. HALLING: And, Your Honour, again we need to go to the same
17 paragraph of the preparation session.

18 PRESIDING JUDGE SMITH: Yes, go ahead.

19 MR. HALLING:

20 Q. Now, Witness, you did say that:

21 "They said they were part of an intelligence unit (also
22 referring to themselves as SHIK)," which you've repeated now.

23 But in the preparation session, you also said:

24 "... and they introduced themselves as acting on the behalf of
25 Kadri Veseli."

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1 Is that how they introduced themselves?

2 A. They introduced themselves as SHIK and mentioned the name of
3 Kadri Veseli, as acting on his behalf, but they did not show any
4 document proving this. And I asked for clarifications, explanations
5 at the time.

6 Q. Did this intelligence unit of Sabit Geci's immediately leave the
7 area following your conversation?

8 MR. DIXON: Your Honour, I'm concerned about the description
9 that's been given to the unit. The question should be asked in an
10 open way, what the nature of the unit was, and not fed in through
11 Prosecution counsel giving evidence.

12 PRESIDING JUDGE SMITH: It's a leading question and I'll --

13 MR. DIXON: Yes.

14 PRESIDING JUDGE SMITH: -- sustain the objection.

15 MR. DIXON: Thank you, Your Honours.

16 MR. HALLING: Yes.

17 Q. Now, Witness, to be clear, I'm only referring to how these
18 people referred to themselves. Did this group calling themselves
19 SHIK, did they immediately leave the area following your
20 conversation?

21 A. Sabit Geci was undergoing medical treatment and he moved to
22 various locations frequently, and then at a later stage he left to
23 Albania for further treatment. Ismet Haxha went to the Shala
24 operational zone.

25 Q. Okay. Left at a later stage. I follow. We were also

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1 discussing a *Bota Sot* article in private session. Were you involved
2 in a counter or a response to that article?

3 A. I do not know to my recollection whether I was involved in that
4 article.

5 Q. Was there a kind of counter write-up to the *Bota Sot* article we
6 were discussing in private session?

7 A. I don't recall exactly but I believe so. I do not recall.

8 MR. HALLING: Now, Your Honours, we'd like to go to one of the
9 witness's unadmitted prior statements in order to refresh the
10 witness's recollection. If we could please go to pages SITF00031870
11 to 00031871. Those are the specific pages, and I believe the first
12 page of the item is 00031869.

13 PRESIDING JUDGE SMITH: Go ahead.

14 MR. HALLING: Now -- and actually it would assist if the
15 Court Officer could put those pages on the screen in order to make
16 the question as clear as possible. So if we scroll to the bottom of
17 the page on 31870.

18 Q. So it says:

19 "During the war there was an order from the Headquarters that
20 Gani Geci was leading the Serb offensive. There was also a write up
21 denying this and I told Gani I did this for him even if it would
22 bring problems to my friends and me. I wanted a counter write-up in
23 *Bota Sot* and Gani was in good terms or knows someone in" - and then
24 if we could turn the page - "the newspaper. I didn't think that he
25 was the one who wrote this because we [were] always together."

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1 The counter write-up to *Bota Sot* that you wanted to write here,
2 was that in relation to Person 1?

3 A. I believe so, yes.

4 Q. And why did you want to make a counter write-up?

5 A. Because the article was inaccurate. It did not reflect in its
6 description the actual situation.

7 Q. So in your counter write-up you wanted to tell the truth about
8 what happened; is that right?

9 A. What I said here and the fact that I had nothing to do with
10 that.

11 MR. HALLING: If we could now go to P185 in English and
12 Albanian. And it would be the first page, SPOE00227659.

13 Q. And, Witness, this was not an item shown to you in the
14 preparation session, but I wanted to show it to you and ask a couple
15 of questions. You can see it on the screen now. It says
16 "Clarification," and then there are lines like:

17 "I have mentioned before that Sabit Geci was taking orders from
18 The General Staff, not from me, at the time when I was Commander of
19 the Drenica Operational Zone. He was Chief of the Intelligence
20 Service of the KLA."

21 It has your name on the end of this page, and there's also an
22 article of Gani Geci on the next page. Is this your *Bota Sot* counter
23 write-up?

24 A. I think so.

25 MR. HALLING: Thank you. If we could now turn to a different

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1 topic about the military police. And we'll start with P119 in
2 Albanian and English.

3 Q. Now, Witness, you were questioned by the ICTY trial chamber
4 about this document, and you told the ICTY that Shaban Shala signed
5 this on your behalf; is that correct?

6 A. That is correct.

7 Q. And did the Drenica military police start performing their tasks
8 in May 1998?

9 A. I am not certain. But the preparations -- so I don't know
10 whether this is accurate. This document is signed by Shaban Shala,
11 though.

12 Q. Now, Witness, is that that you know that this is inaccurate, or
13 do you have any reason to dispute its contents?

14 A. First of all, I have not authored it. This was prepared by
15 Shaban Shala.

16 Secondly, I do not know the exact time. So 13 May, I do not
17 know that on this day the military police was formed. I think that
18 it started the process of being formed within the zone at this time.

19 Q. Understood. Now, Witness, were you involved in KLA fighting at
20 the Llapushnik gorge?

21 A. Yes. I was involved in numerous actions including Llapushnik.

22 Q. Focusing only on the times you fought at Llapushnik gorge, when
23 in 1998 did you fight there?

24 A. During the first offensive. I do not know the exact dates now.
25 You might have the dates, and therefore we would know exactly the

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1 period of time we are talking about, but I do not seem to be able to
2 remember the dates.

3 MR. HALLING: Your Honours, if we could use paragraph 85 of the
4 Preparation Note 2 to refresh recollection.

5 PRESIDING JUDGE SMITH: Yes, go ahead.

6 MR. HALLING: Thank you.

7 Q. Witness, this is what you remembered last week about the
8 dates -- do you want to clarify something now?

9 A. I can't recall the date only.

10 Q. What you said is that:

11 "[You] took part in the fighting in Llapushnik Gorge in May
12 1998, and [you] cannot remember if you fought there once or twice in
13 the course of that month. [And you have] no personal knowledge of
14 any other battles at [that] location."

15 Is that correct?

16 A. That is correct. I took part in the fighting in Llapushnik.
17 What I said is that I do not recall the exact date.

18 Q. Right. But it sounds like all of the fighting you did was
19 sometime in May 1998, as I understand it; is that right?

20 A. Correct. I personally took part in the fighting from the first
21 day of the Serb forces penetrating the gorge of Llapushnik.

22 MR. HALLING: Now - and this will be the last thing we do today
23 - if P1745 can be put back on the screen. And this would be page
24 6D00-0772 in English and page SPOE00360476.

25 Q. Witness, this is something you said in the part of your *Zeri*

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1 interviews that you said was correct earlier today, and I just wanted
2 to ask you a question about it now before we break for the day.

3 MR. HALLING: And I believe it should be page 13 of the PDF in
4 the English. Yes, thank you.

5 Q. So you're asked:

6 "The battle for the Gorge of Llapushnik presents one of the key
7 moments of the war. What was the contribution of the units of your
8 zone in this battle?"

9 And you give an explanation. As part of that explanation, you
10 say:

11 "The other units, commanders and fighters, such as Fehmi
12 Lladrovci, Ilaz Derguti, Sami Lushtaku, Dibran Fylli, Rasim Kicina,
13 and the UCK police -- military police unit, led by Sahit Jashari, and
14 many others participated in the battle of the Llapushnik Gorge."

15 So Sahit Jashari's military police unit was active as early as
16 May 1998. Isn't this what you said to Zeri?

17 A. It may be correct. I know that Sahit Jashari participated in
18 this fighting. Now, was there a military police or what was its
19 level of development at this time, I don't know. What I know is that
20 we participated together in this fighting, including Sahit Jashari
21 and many others.

22 Q. Thank you, Witness. We'll continue tomorrow.

23 PRESIDING JUDGE SMITH: Thank you, Witness. That ends our
24 testimony today. You'll be excused now. We'll start again tomorrow
25 at 9.00 in the morning. Remember not to speak with anyone about your

1 testimony outside of the courtroom. Thank you for being with us.

2 Mr. Qerkini, thank you for being with us also.

3 [The witness stands down]

4 PRESIDING JUDGE SMITH: You're right at about four hours. What
5 is your plan for tomorrow?

6 MR. HALLING: Yes. We'll finish in the first session,
7 Your Honour.

8 PRESIDING JUDGE SMITH: All right. We'll see you all tomorrow.
9 We're adjourned until 9.00 a.m.

10 --- Whereupon the hearing adjourned at 4.32 p.m.

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