

1 Tuesday, 11 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: Thank you.

11 The record will reflect that all of the accused are present in
12 court.

13 You were going to check on the background information of a
14 proposed exhibit MFI 1D00246. Was there any information?

15 MR. HALLING: It was obtained via open source, Your Honour.

16 PRESIDING JUDGE SMITH: So we don't know where it came from
17 or --

18 MR. HALLING: I don't have the exact URL to hand, but obtained
19 from the internet.

20 PRESIDING JUDGE SMITH: Okay.

21 So as to 1D00246, the Panel finds that due to lack of
22 information on its origin, as the witness was not able to comment on
23 its content, that the *prima facie* authenticity and reliability of the
24 document is not established at this time.

25 Therefore, the Panel denies admission of 1D00246 MFI without

1 prejudice.

2 This concludes the Panel's first order.

3 Yesterday, during W04290's testimony, the Panel marked for
4 identification MFI P02034.

5 Having considered the parties' submissions, the Panel considers
6 that MFI P02034 does not meet the *prima facie* requirements of
7 Rule 138 as W04290 does not know who authored the document and was
8 not able to comment on the specific meeting mentioned in the
9 document.

10 Therefore, the Panel denies the admission of MFI P02034 without
11 prejudice.

12 This concludes the Panel's oral order.

13 We will now continuing hearing the evidence of Prosecution
14 Witness W04290.

15 Madam Court Officer, please bring the witness in.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 I note for the record that Duty Counsel, Mr. Qerkini, is present
19 in the courtroom with the witness.

20 Good morning, Witness.

21 THE WITNESS: [Interpretation] Good morning.

22 PRESIDING JUDGE SMITH: Today we're going to continue your
23 testimony.

24 I remind you to please try to answer the questions clearly, with
25 short sentences. If you don't understand a question, feel free to

1 ask counsel to repeat the question or tell them that you don't
2 understand and they will clarify. Also, please remember to try to
3 indicate the basis of your knowledge of the facts and circumstances
4 upon which you will be questioned.

5 I remind you that you are still under an obligation to tell the
6 truth as stated by you in your solemn declaration. I also remind you
7 that the assurances provided to you yesterday by the Panel - namely
8 that any response provided to relevant questions will not be used
9 either directly or indirectly against you in any subsequent
10 prosecution before the Specialist Chambers except under Article 15(2)
11 of the Law and Rule 65 - are still applicable and that refusal to
12 give testimony may be sanctioned with the imposition of a fine.

13 Please also remember to speak into the microphone and wait five
14 seconds before answering a question, and then speak at a slow pace
15 for the interpreters to catch up.

16 And, finally, if you feel the need to take a break, please let
17 us know and we will accommodate you.

18 We continue with the Prosecution's questions.

19 Please, Mr. Prosecutor, you have the floor.

20 MR. HALLING: Thank you, Your Honour.

21 WITNESS: SYLEJMAN SELIMI [Resumed]

22 [The witness answered through interpreter]

23 Examination by Mr. Halling: [Continued]

24 Q. Good morning, Witness.

25 A. Good morning.

Witness: Sylejman Selimi (Resumed) (Open Session)

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Examination by Mr. Halling (Continued)

1 Q. I'd like to continue with the topic of the military police that
2 we finished on yesterday. You were saying yesterday that Sahit
3 Jashari was stationed at Likoc and that the military police unit was
4 there.

5 MR. HALLING: And this is, for the record, real time transcript
6 page 82.

7 Q. Do you remember that testimony?

8 A. Yes, that's correct.

9 Q. Were there interrogations of arrested persons at Likoc?

10 A. There were no arrested persons in my opinion. There were,
11 perhaps, people questioned or interrogated or something of that sort
12 but not arrestees.

13 Q. When you say there were no arrested persons in your opinion,
14 were there arrested persons interrogated or not?

15 A. I do not recall there being any such persons.

16 Q. Okay. So now you've said that you don't recall. Is your
17 evidence that there were no such people interrogated or that you
18 don't remember if there were?

19 A. To my knowledge, I did not have any information about any person
20 detained or arrested. There were, perhaps, people questioned,
21 including soldiers, in order to obtain certain information, but no
22 persons arrested.

23 MR. HALLING: Your Honour, at this point we would like to go to
24 a part of the witness's admitted ICTY OTP evidence, which is P2026.
25 We actually would like to play the part of a video that corresponds

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Examination by Mr. Halling (Continued)

1 to the transcript that we would like to use.

2 In light of the previous ruling with W04401, we would ask to go
3 into private session to be able to play the video excerpt.

4 PRESIDING JUDGE SMITH: Into private session, please,
5 Madam Court Officer.

6 [Private session]

7 [Private session text removed]

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Witness: Sylejman Selimi (Resumed) (Private Session)

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Examination by Mr. Halling (Continued)

1 [Private session text removed]

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Examination by Mr. Halling (Continued)

1 [Private session text removed]

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13 [Open session]

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

15 MR. HALLING: Now we would like on the screen 098615 to 098626
16 in both English and Albanian, and we would be starting on page
17 098618, although there are several pages in this 12-page set we'll
18 later turn to.

19 Q. Witness, you saw this page during preparation session. Is this
20 your handwriting?

21 A. Yes, I think it's correct.

22 Q. And it's marked as illegible in the English transcript, but what
23 is it on the second line to the right of your name? There's
24 something in parenthesis.

25 A. Shall I read the entire text?

1 Q. I don't know if that's necessary for now, but where it says:

2 "Haki, we, more specifically Commander Sylejman Selimi ..."

3 What is that in parenthesis to the right of your name there?

4 A. That's -- are you referring to Daja or further down? So we have
5 Deputy Commander Sami Lushtaku.

6 Q. Yes. So what I'm asking about now is just on the second line.

7 If you see the red number 098618, it's something in parenthesis
8 immediately below that number and just to the right of your name.

9 What is said there?

10 A. It reads "101," my sign, call sign.

11 Q. Yes. So now going to the content of this. It does mention you,
12 101, Deputy Commander Sami Lushtaku, and it says:

13 "You should supply these people with as modern weapons as
14 possible. We need them badly. Possibly weapons of the highest
15 possible calibres. The same is also valid for 'Daja.'"

16 And then it says:

17 "Commander Sylejman Selimi.

18 "Deputy Commander Sami Lushtaku"

19 Who were you requesting weapons from in this document?

20 A. We sent some of our members from the Drenica operational area to
21 Albania and directed them to Haki there but also to Daja, who was
22 Azem Sylja, for them to undertake steps to supply them with weapons,
23 the group that we sent over there.

24 Q. And where was Haki based, if you recall?

25 A. I do not know where he was, either somewhere in Kukes or in

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Examination by Mr. Halling (Continued)

1 Tropoje. I don't know because I was not there. But I know that they
2 got weapons mostly in Albania. And I think he was based in Tropoje,
3 but I do not know the exact location.

4 Q. Now, you mentioned Azem Sylja in one of your previous answers.
5 Is that who Daja is in this request?

6 A. Yes, his nickname is Daja.

7 MR. HALLING: If we can now go to the page before this one,
8 which is 098617.

9 Q. Now, Witness, you also saw this during your preparation session,
10 and you can see on the top of this page, it says 20 May 1998, and
11 then it then says:

12 "On [16 April 1998] at 17:50 hours Lulzim Habib Kuliqi came out
13 of Rexhep Kurti's house accompanied by two people. One of them
14 stopped at the gate door, whereas the other accompanied him 500-600
15 metres. We rushed from our position to check his identity. Our
16 verification showed that he was Lulzim Habib Kuliqi."

17 And it's declared by a Florim Mustafa, Selim Mustafa, and
18 Isuf Mustafa.

19 Do you recognise any of the names in what I just read to you?

20 A. No, I don't.

21 Q. Who was Rexhep Kurti, if you know?

22 A. Rexhep Kurti was a person from the village of Obri who was
23 killed by the Serbian forces.

24 Q. And you talked about Abri in your statements and interviews
25 admitted yesterday. Is Obri and Abri the same place in the Drenica

1 zone?

2 A. These are two neighbourhoods, two villages actually, who go by
3 the same name. We have the Abri e Ulet, lower Abri, and upper Abri,
4 Abri e Eperme.

5 Q. Was Rexhep Kurti a supporter of Slobodan Milosevic?

6 A. Yes, he was publicly a supporter of Slobodan Milosevic.

7 Q. And was this known prior to the start of the war?

8 A. I don't know. But at the beginning of the war this was known
9 and nobody dealt with him.

10 MR. HALLING: I'd now like to go to page 098620.

11 Q. Witness, the other pages in this set you only looked at in the
12 preparation as to the handwriting, so I'll take a moment to go over
13 the contents for my questions now.

14 On this page, you see a list of questions:

15 "When did you first hear of the KLA?

16 "Who is in the KLA?

17 "What do you think about the Albanian people?

18 "What do you think about Serbian policies?

19 "What do you think about S. Milosevic?

20 "What do you think about the massacres of the Serbian police?"

21 Can you explain why questions like this would be found in a set
22 of papers talking about a Milosevic supporter in your zone?

23 A. First of all, I do not recognise the handwriting in this paper,
24 and I do not know the context in which these questions were asked.

25 Q. Okay.

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Examination by Mr. Halling (Continued)

1 MR. HALLING: We'll now go to page 098625, which actually is an
2 admitted exhibit already. It's P1644.

3 Q. Now, you see this name Zarko Milograd Spasic, and then at the
4 bottom:

5 "Professor: driver in Ballagevc."

6 Do you know who this person is?

7 A. No, I see it for the first time here.

8 MR. HALLING: We'll now go to 098623.

9 Q. This Miroslav Sulenic from Peje, do you know who this person is?

10 A. No, I don't know him.

11 MR. HALLING: If we can go to the next page forward, which is
12 098624.

13 Q. Dejan Stojikolvic. Do you know this person?

14 A. No, I don't know him.

15 Q. Okay. Why don't we then go to page 098615, which is part of
16 P220, and there are some people on this page that you've talked about
17 before.

18 So first I'll just go over quickly the contents of the page just
19 to orient you. It says on the top 18 May 1998, "Daily Report," and
20 then "Jahir Demaku." And then it says:

21 "Muharrem Demaku went to Rexh Kurti.

22 "Feriz Demaku took a revolver from them.

23 "Ismet Demici is in touch with Rexh Kurti."

24 And then further down the page there is this separate entry:

25 "The Pllum/b/i checkpoint brought a Serbian: Vladimir

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Examination by Mr. Halling (Continued)

1 Spasic ..."

2 And it was received by Sahit Jashari, and you can see a date
3 down there of 18 May 1998.

4 My first question is have you seen this daily report before?

5 A. No, I haven't.

6 Q. Are you aware of a Muharrem Demaku and what is written as an
7 Ismet Demici, these two alleged associates of Rexhep Kurti? Do you
8 know these persons?

9 A. I don't know if they are associated to him. This is not my
10 handwriting. It's not directed to me. I see Jahir Demaku here, but
11 I know nothing about this case.

12 Q. Do you know about a Vladimir Spasic being taken by Pellumbi
13 checkpoint and being delivered to Sahit Jashari?

14 A. No, I'm hearing it for the first time here.

15 Q. Just from your experience as the zone commander, what actions
16 were taken by the military police commander when Serbs were
17 transferred by Drenica units?

18 A. I am not aware of any such cases having occurred. I do not
19 recall any.

20 Q. My question was a little different. It wasn't about recalling
21 cases. It was about what would happen structurally when such a
22 transfer occurred. Can you answer that question?

23 A. And I'm saying that, hypothetically, I have not heard of any
24 such cases. I don't know what would have happened, but I do not have
25 any such cases or I do not have any knowledge about any such cases.

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1 Q. So was a situation like this simply unregulated by the Drenica
2 zone?

3 A. I do not know of any such or similar cases having occurred or
4 any sanctions.

5 Q. Witness, you're answering the question about whether these cases
6 occurred. My question is different. It's about whether this
7 situation was regulated by the Drenica zone.

8 A. And I'm saying that I do not know that any such cases occurred.

9 Q. I'd now like to show you part of a video.

10 MR. HALLING: If the Court Officer could please pull up video
11 P1499, and the subtitled version, which is 05477401_2.

12 Q. And, Witness, I'll explain what this is just to give some
13 context. The information in the record and the transcript of the
14 video suggests that this video depicts Zarko Spasic, a Miroslav from
15 Peje, a Dejan Stojilkovic and Vladimir Spasic. I want to play about
16 90 seconds of the video and ask you some questions, but they're
17 across several different timestamps so it's going to take a moment to
18 play.

19 MR. HALLING: For the benefit of the Court, on this occasion
20 instead of having the English translation of the video portion
21 itself, could the Court Officer instead put the interrogation
22 questions page back up in English on one side of the screen, which is
23 098620 in the 12-page set just discussed. So we'd ask that page to
24 be on one side and the video on the other. And the first timestamp
25 to be played is from the 00:00:44 mark to the 00:00:48 mark.

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Examination by Mr. Halling (Continued)

1 Q. And, Witness, you should be able to hear the video through
2 interpretation. I'll play the whole 90 seconds and then ask the
3 question.

4 [Video-clip played]

5 MR. HALLING: So the second timestamp is from the 00:00:55 mark
6 to the 00:00:58 mark.

7 [Video-clip played]

8 MR. HALLING: Now from the 00:01:28 to 00:01:32 mark.

9 [Video-clip played]

10 MR. HALLING: Now 00:02:10 to 00:02:15.

11 [Video-clip played]

12 MR. HALLING: 00:02:39 to 00:02:41.

13 [Video-clip played]

14 MR. HALLING: And the last one we'll let play a little longer,
15 from the 00:03:55 mark to the 00:04:59 mark.

16 [Video-clip played]

17 MR. HALLING:

18 Q. Witness, this video has the same interrogation questions which
19 appear in materials directly linked to your zone and your military
20 police, and you just heard this man claiming to be a prisoner. You
21 were the zone commander. Do you still maintain you had no knowledge
22 of anything like this going on?

23 A. This is -- this, from what I can see, shows that this individual
24 says he was not in Drenica. But even if that were to have occurred
25 in Drenica, I am hearing it for the first time.

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1 And as for the questions, I do not know who has noted down these
2 questions as I maintained earlier.

3 Q. He said:

4 "From the moment when I was detained by the KLA ..."

5 A. That's correct, yes.

6 Q. He is part of a video with people that were given to Sahit
7 Jashari, your military police commander who you said was stationed in
8 Likoc. You had no idea this was happening?

9 A. I cannot be certain that this was handed over to Sahit Jashari.
10 That's what is -- I see written in there. But what you have to know
11 is that where was this individual detained and who is questioning
12 him. What we saw is only a note.

13 Q. Witness, weren't you convicted in the Drenica II EULEX case for
14 perpetrating war crimes against detainees at Likoc?

15 MR. DIXON: Your Honour, I do wish to object to this line of
16 questioning. I mean, it sounds like I'm listening to Defence counsel
17 here. I mean, this is the Prosecution cross-examining its own
18 witness. Are they still relying on him as a witness of truth in
19 these circumstances?

20 PRESIDING JUDGE SMITH: What's your objection?

21 MR. DIXON: The objection is cross-examining his own witness,
22 leading questions. He should not be able to put it in this fashion.

23 PRESIDING JUDGE SMITH: The objection is overruled.

24 Go ahead.

25 MR. HALLING:

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1 Q. Witness, would you like me to repeat the question?

2 A. Yes, correct.

3 Q. Was that conviction upheld on appeal and later by the Supreme
4 Court?

5 A. Yes, correct.

6 Q. And is that conviction for perpetrating war crimes against
7 detainees at Likoc now final?

8 A. Yes. Yes, it is final.

9 Q. Thank you, Witness.

10 MR. HALLING: Your Honours, we have no further questions.
11 However, we would like to admit the remaining pages of this range
12 098615 to 098626. Three pages of this set of 12 have already been
13 admitted at P220 and P1644. Several more have now been discussed
14 with this witness, including a page that he wrote and people he
15 recognised on other pages.

16 It's also, hopefully, now clear how these pages connect with
17 another admitted exhibit, P1499, further showing that they should be
18 understood as a set. And so we tender the remaining pages
19 accordingly.

20 PRESIDING JUDGE SMITH: Any objection?

21 MR. DIXON: Your Honours, yes. We do object. I mean, this is a
22 pile of documents that came from Belgrade. We have no evidence about
23 the chain of custody. Some of the documents have been admitted, but
24 this witness hasn't been able to assist with any of those documents
25 that haven't been admitted.

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1 And, really, what the Prosecution should be doing to do this
2 properly and fairly should be calling somebody who got the documents
3 to explain where they came from and to get them in that way. Not
4 through a witness who the Prosecution is challenging, saying that
5 he's lying under oath. That's not the way to do it as the
6 Prosecution.

7 As I said before, this is the Prosecution acting as Defence
8 counsel and not in bringing witnesses of truth.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. DIXON: Yes. That's my objection. Thank you, Your Honours.

11 PRESIDING JUDGE SMITH: We'll mark these MFI and make a
12 decision.

13 [Trial Panel and Court Officer confers]

14 THE COURT OFFICER: Your Honours, the full set will be assigned
15 P2037, marked for identification.

16 PRESIDING JUDGE SMITH: Thank you.

17 Mr. Misetic, cross-examination.

18 MR. MISETIC: Yes, thank you, Your Honour.

19 Cross-examination by Mr. Misetic:

20 Q. Good morning, Mr. Selimi. My name is Luka Misetic, and I am
21 Defence counsel for Hashim Thaci. And I will have some questions for
22 you for the rest of the morning and perhaps into the afternoon.

23 I'd like to start off at the beginning, with your first
24 involvement in the Prekaz group. Could you tell us, first of all,
25 what was the Prekaz group?

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1 A. The Prekaz group consisted of a group of people who had -- gave
2 a great contribution. It was a group that was led by the legendary
3 commander Jashari, Hamez Jashari, and other people who were part and
4 parcel of this group.

5 Q. Just for the record, you said Adem Jashari; correct?

6 A. Yes.

7 Q. And in addition to you and Adem Jashari, could you identify who
8 the other members of the Prekaz group were?

9 A. Some of those who I knew from the Prekaz group contained
10 Sami Lushtaku, Sahit Jashari, Fadil Kodra, Nuredin Lushtaku, and
11 Zenun Kodra.

12 Q. Okay. Now, is it correct that this group --

13 A. Muse Jashari, too.

14 Q. Okay. Is it correct that this group, the Prekaz group, would
15 later transform and become the Drenica zone in the KLA?

16 A. Yes, that's correct.

17 Q. And at this time, meaning before the war in 1997, you knew there
18 was a General Staff in Prishtine but you had no further information
19 on who the commander was or how it operated; is that correct?

20 A. I have heard of the General Staff and its members all along, and
21 I did not know who they were, neither did I know where their
22 headquarters were or where they were operating from.

23 Q. Okay. You joined the KLA on 30 January 1997; is that correct?

24 A. No, I joined much earlier. On 30 January, there was an attempt
25 to arrest me, and that's when I came out publicly. But I joined from

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1 when the Jashari compound was surrounded. My uncle was killed. And
2 since then, we kept our contacts constant with Adem Jashari and his
3 group.

4 Q. Okay. I'm reading from your witness statement, which is in
5 evidence as P02026, at page 12 in the English and page 14 in the
6 Albanian, and I'll read it. It says:

7 "... but the concrete, the actual joining of the KLA on my part
8 was ... the 30th of January [1997]."

9 Is that not accurate?

10 A. It is correct. The 30th of January I came out publicly.

11 Q. You joined the KLA on a voluntary basis?

12 A. Yes, on a voluntary basis.

13 Q. And is it correct that initially you were part of local units of
14 the KLA based on the local village, with fellow villagers gathering
15 up and organising themselves?

16 A. That's correct.

17 Q. Now, is it correct that throughout this period - so from 1997
18 into March 1998 - you had one higher authority and that was your
19 commander, Adem Jashari?

20 A. Yes, correct.

21 Q. And, again, you did not know anything past Adem Jashari. In
22 other words, you were not aware of anything in a command higher than
23 Adem Jashari.

24 A. I knew a lot of people, but Adem Jashari was always in the
25 vanguard and the principal commander of the Kosovo Liberation Army as

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1 far as I'm concerned.

2 Q. Now, you have no personal knowledge of Adem Jashari's contacts
3 with anybody who may have been in the General Staff, do you?

4 A. I do not have such knowledge.

5 Q. Okay. You yourself had no contact with people whom you knew to
6 be members of the General Staff at the time; is that correct?

7 A. I may have met a few people or a lot of people. However, I
8 never knew what position they held, neither did I ask them. I later
9 came to learn that they were members of the General Staff. However,
10 until 1998, I had no knowledge about what position people held or
11 what tasks they carried out.

12 Q. Now, in your statement at P02026 at page 17 in the English, you
13 say:

14 "... there was no real structure of the KLA [at this time],
15 there were no real zones, there was no groups I don't think ..."

16 Is that an accurate description of the KLA in early 1998?

17 A. Yes, it is correct.

18 Q. And you've stated in your statement that by the beginning of
19 1998, you had 10 to 15 soldiers, and you were responsible for one of
20 the villages in the Drenica area; is that correct?

21 A. Yes, it is.

22 Q. And the village you were responsible for was your home village
23 of Aqareve?

24 A. Yes, correct.

25 Q. And you were appointed to lead that village and those 10 to 15

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1 soldiers by Adem Jashari himself; is that correct?

2 A. Yes, it is correct.

3 Q. Now, you've stated in your statement at P02026 at page 22 to 23
4 that at that time there were no levels of command. Meaning in early
5 -- or in spring 1998, there were no levels of command between the
6 soldiers on the ground and the General Staff; is that correct?

7 A. Yes, it is correct as far as the beginning of 1998 is concerned.

8 Q. And is it fair to say that the structure at this time was,
9 generally speaking, friends in the village gathering and trying to
10 create some sort of organised structure?

11 A. That's correct.

12 Q. And so it was this group of people, so amongst yourselves, who
13 came up with proposals for who would be responsible or who would be
14 the commander of your zone; is that correct?

15 A. Let me elaborate a little bit on this. In the Drenica zone,
16 there were a number of groups and subzones led by people who had
17 their own soldiers. And out of all these groups or individuals, a
18 proposal emerged for someone to be the commander of Drenica zone. At
19 the time, these were known as points or had their call signs, but
20 that is the situation that existed at the time. It's correct.

21 Q. Yes, I'd like to take you, on this topic, to your statement
22 that's in evidence as P1745.

23 MR. MISETIC: Madam Court Officer, if we could have that on the
24 screen. English is 6D00067 at page 14. And in the Albanian,
25 SPOE00360459 to 00360498 at page SPOE00360477, which is page 19 in

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1 the PDF.

2 Q. Sorry, this is your Zeri interview from 2000.

3 MR. MISETIC: And it's the paragraph that begins: "After a great
4 deal of work ..." right in the middle of the page, and in the
5 Albanian it's at the bottom of the page. Yes.

6 Q. Here's how you describe how you came to be the commander of the
7 Drenica zone. You say:

8 "After a great deal of work over a long period of time, all the
9 persons in charge of the points or the unit commanders gathered
10 together in Plluzhina in the summer of 1998 to elect the commander of
11 the Drenica Operational Zone. Rexhep Selimi, a representative of the
12 UCK General Headquarters, Bekim Berisha, Sami Lushtaku, Fadil Kodra,
13 Ilaz Kodra, Zene Prokshi, Rasim Kicina, Jahir Demaku, Gani Thaci,
14 Xhavit Duraku, and so forth, were present there."

15 We can stop there. Do you recall now, does that accurately
16 describe the individuals who were present when you were selected to
17 be zone commander of Drenica?

18 A. I think so.

19 Q. If we continue, it says:

20 "Some of the commanders were absent, but they had the right to
21 be recommended, and of course, they would have been elected. The
22 recommendations were done publicly. Rexhep Selimi said the UCK
23 HQ ..."

24 MR. MISETIC: If we could turn the page, please, in Albanian.
25 In the Albanian, sorry.

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1 Q. "Rexhep Selimi said the UCK HQ would approve who would be
2 elected commander from this meeting."

3 Now, if we stop there. As I understand what you were saying
4 there is it's the people from the points who would do the electing of
5 you or whoever would be the zone commander, and you say Mr. Selimi
6 said the HQ would just approve whoever you would elect; is that
7 correct?

8 A. Yes, it is correct.

9 Q. And it says:

10 "I proposed that Fehmi Lladrovci be elected commander.
11 Sami Lushtaku and Ilaz Kodra supported my proposal. In the meantime,
12 Zene Prokshi proposed me, and all the people who were present
13 approved his proposal. Any person who had merit, but who was not
14 present at the moment, had the right to be elected. My friends
15 selected me to be approved and I was formally appointed afterward by
16 the General HQ."

17 Now, you're saying there that it's your friends who elected you
18 zone commander of Drenica, and the appointment thereafter by the HQ
19 was a formality; is that fair?

20 A. Yes, it is.

21 Q. Now, I'd like to show you the Prosecution's summary of your
22 testimony on this point.

23 MR. MISETIC: And if we could please have F02833/A01, Annex 1,
24 on the screen, please. Not to be broadcast to the public.

25 MR. HALLING: Your Honours, I'd just query as to the relevance

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1 of showing a filing to the witness.

2 MR. MISETIC: I'm asking him if he agrees with the Prosecution
3 position.

4 PRESIDING JUDGE SMITH: The objection is overruled.
5 Go ahead.

6 MR. MISETIC: Page 3. Yes. If we could scroll down. Paragraph
7 4.

8 Q. It says:

9 "[You] will speak to [your] election as Drenica [zone]
10 commander, when Rexhep Selimi attended and approved the election in
11 his capacity as General Staff representative."

12 They are right there, are they not, when they say that you were
13 elected as the zone commander by -- as you call them in the *Zeri*
14 interview, by your friends? That's correct, isn't it?

15 A. Yes, it is a fact that I was elected by them and the proposal
16 went to the General Staff. That's what I've stated.

17 Q. Okay. Now --

18 MR. MISETIC: We can take that down now.

19 Q. Now, Witness, is it fair to say that even by the spring 1998 you
20 did not know all of the members of the General Staff?

21 A. Yes, that is correct.

22 Q. And one of the people you did know at the time was Hashim Thaci,
23 in spring 1998; is that correct?

24 A. Yes, that's correct.

25 Q. But you did not know, according to what you told the Prosecution

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1 last week - this is paragraph 80 of Preparation Note 2 - you did not
2 know what role he had in the General Staff; is that correct?

3 A. Yes, that is correct. I did not know what role he held at the
4 beginning of 1998.

5 Q. Yes. And then you said in a different statement - this is at
6 P02026 at page 30 of the PDF - you say you don't know for sure what
7 his role was in the General Staff, but you think at the time he was a
8 political representative of the General Staff; is that correct?

9 A. Yes, I believe so.

10 Q. Okay.

11 MR. MISETIC: Mr. President, I note the time. Is it a good time
12 for a break?

13 PRESIDING JUDGE SMITH: If this is a convenient time, we can.

14 MR. MISETIC: Yes, it's convenient.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 [The witness stands down]

17 MR. HALLING: Your Honours, just briefly before the break. We
18 have three Defence presentation queues for the witness but not that
19 of the Veseli Defence. I just wanted to confirm if it was coming.

20 MR. DIXON: It's being released as we speak, so it'll be there
21 in a few seconds.

22 PRESIDING JUDGE SMITH: Thank you.

23 MR. DIXON: Thank you, Your Honours.

24 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

25 --- Break taken at 10.00 a.m.

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1 --- On resuming at 10.10 a.m.

2 PRESIDING JUDGE SMITH: Madam Court Usher, please bring the
3 witness in.

4 MR. MISETIC: Mr. President, I just wish to alert you that I'm
5 going much faster than I had planned, so it will be significantly
6 less than the amount of time I had asked for.

7 PRESIDING JUDGE SMITH: Thank you. Thank you for the notice.

8 MR. MISETIC: Yeah.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: All right. Mr. Selimi, we will continue
11 with the questions from the Thaci Defence.

12 Go ahead.

13 MR. MISETIC: Thank you, Mr. President.

14 Q. Mr. Selimi, just a few questions. In your *Zeri* interview, you
15 discuss that Mr. Thaci was present in the Drenica zone at the end of
16 September 1998, and I just wanted to have you explain the
17 circumstances at that time in the Drenica zone.

18 That was the time of the Serb offensive; is that correct?

19 A. That is correct.

20 Q. In your own words, can you describe the situation that the
21 people in the Drenica region had found themselves in in late
22 September 1998 as a result of the Serb offensive.

23 A. In September 1998, there was the biggest, largest Serb offensive
24 in the territory of Drenica, with its main focus in Likoc and the
25 surrounding villages. The civilians, villagers were in the

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1 mountains, in the woods. I, together with my soldiers, tried to stop
2 the advance of these forces, but this was impossible. We were
3 largely, greatly outnumbered, outgunned. So this was the situation.

4 I met by chance, sometime in the evening if I remember
5 correctly, with Hashim Thaci and Rexhep Selimi.

6 Q. Yes, you said you met by chance, and that's similar to what you
7 say in the *Zeri* interview at P1745 at page 22. You say:

8 "On a day when we had been surrounded and were under great
9 pressure from all directions by the Serb offensive directed at us,
10 Hashim Thaci, Rexhep Selimi, Jahir Demaku, Hysni Thaci, Zene Demaku,
11 Avdi Raci, and Tahir Desku happened to be in Abri e Eperme."

12 Is that correct?

13 A. That's correct.

14 Q. In the *Zeri* interview you say they happened to be in Abri e
15 Eperme, and you now in your answer to me you said you encountered
16 them by chance. Can you explain what you mean by they happened to be
17 there and you encountered them by chance? How did they happen to be
18 there?

19 A. As the fighting expanded in the area of Likoc and around it, the
20 Serbian forces started attacking some locations in the lower Abri,
21 and at the same time they launched attacks on the upper Abri. Other
22 forces were coming from Kieve and Drenas and penetrating into Baice
23 and other villages around Kieve. And, yes, we then met by chance in
24 Abri. And I think that together with these individuals was Tahir
25 Desku and some other people.

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1 Q. Yes. And Drenica -- the Drenica region is Mr. Thaci's home
2 region; is that correct?

3 A. Yes, that's correct.

4 PRESIDING JUDGE SMITH: Can we get an approximate date for this
5 encounter?

6 MR. MISETIC: Yes.

7 Q. Can you tell us approximately when this took place? I think --
8 actually, let me draw your attention to it specifically. You say in
9 the *Zeri* interview:

10 "... [they] happened to be in Abri e Eperme. My birthday is
11 25 September, and Tahir Desku happened to have a bottle of brandy,
12 and we raised a glass of it to my birthday."

13 So was it on or about 25 September when you encountered them
14 there?

15 A. Yes.

16 Q. Now, as I was saying, and as you confirmed, Drenica is
17 Mr. Thaci's home region, so he had reason to be in the region for
18 personal reasons as well; is that correct?

19 A. That is correct. He's from Drenica, and his family, relatives',
20 friends' movements were certainly at this time in or around Drenica.

21 Q. And is it correct Mr. Thaci was not there to inspect troops; is
22 that correct?

23 A. That's correct.

24 Q. Now, let me just ask you just a few other questions about the
25 Drenica zone. Was there a brigade in the Drenica zone known as Hasan

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1 Prishtina?

2 A. No, not in Drenica.

3 Q. Was FARK present in Drenica, in the Drenica zone?

4 A. No.

5 Q. Are you aware of any issues that the LDK had in the Drenica zone
6 with the KLA or that the KLA had with the LDK in the Drenica zone?

7 A. No, I don't recall any.

8 Q. Now, let me turn to a different topic. Mr. Selimi -- and let me
9 actually put the *Zeri* interview on the screen.

10 MR. MISETIC: P1745 at page 25, and the same in the Albanian.
11 In the Albanian, it is 6D00-0792. And it should start -- yeah, there
12 it is. The paragraph at the bottom, "The international
13 community ..."

14 I'm told that the Albanian we'd like is in the same document as
15 the English version except it's at page 33 in that PDF. And in the
16 third row in the middle -- yes. And if we can scroll down a little
17 bit more. Right there. Actually, scroll up just a little bit.
18 Right there. Yes.

19 Q. I don't know if you can read that. Can you read that,
20 Mr. Selimi? The paragraph begins: "The international community
21 decided to organise ..."

22 And here you're talking about the Rambouillet conference. And
23 you say:

24 "The international community decided to organise an
25 international conference on Kosovo. They sought a political solution

1 for Kosovo, and we were supposed to participate in that conference.
2 The UCK General Headquarters consulted with the zone commanders, who
3 [were really] very important, both in the overall structure of the
4 UCK and in the concrete actions in the field. At long last, the war,
5 operations, the brunt of the war, attacks, defences and actions were
6 carried out in the terrain, where the operational zones, particularly
7 their commanders, had the key and dominant role. I, as the Drenice
8 Operational Zone commander, just like all the others, supported the
9 participation of the UCK delegation in the Conference, but with clear
10 and firm [stance]. This way, Hashim Thaci, as chief of the Political
11 Directorate of the UCK, had our full support."

12 Does that accurately describe the situation in terms of the
13 relationship of the zone commanders and their views on the
14 Rambouillet negotiations?

15 A. I think it does. There was a shortage of information or
16 explanations given in relation to the first meeting, but this does
17 reflect the reality, yes.

18 Q. Yes. And the reality of the KLA at the time, as you say in this
19 excerpt, is that it's the zone commanders who were the ones who were
20 on the front lines, who were doing the fighting, and as far as you
21 were concerned, they were the ones who had to make the ultimate
22 decisions on what the KLA would and would not agree to at
23 Rambouillet; is that correct?

24 A. That's correct.

25 Q. Now, the positions of the zone commanders, this position that

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1 you've articulated in the Zeri interview and now, was communicated to
2 the negotiating delegation that was going to Rambouillet on behalf of
3 the KLA; is that correct?

4 A. I don't know whether this was conveyed. But in my election or
5 appointment as a general commander of the General Staff, participated
6 also zone commanders.

7 Q. Well, you say in this excerpt:

8 "I, as the Drenice Operational Zone commander, just like the
9 others, supported the participation of the UCK delegation in the
10 Conference, but with clear and firm [stance]."

11 So you're talking about the time that you were the Drenica
12 operational zone commander. What was your clear and firm stance, and
13 to whom did you convey that clear and firm stance?

14 A. I do not recall this. What I think was clear is that the war
15 would not stop unless the Serbian forces would withdraw and leave the
16 Kosovo territory. We would not put down our weapons. So these were
17 the topics at the time. I do not recall more than that. I also know
18 that the zone commanders gave their support to the Rambouillet
19 delegation.

20 Q. Yes. Let me see if I can refresh your recollection. Two things
21 that the zone commanders wanted: First, your position was that the
22 negotiating process should lead to a process for the independence of
23 Kosovo; is that correct?

24 A. That's correct.

25 Q. The second point that you conveyed was that you did not --

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1 having built up the Kosovo Liberation Army, you did not now want to
2 sign a document that would demilitarise what you had just built. Is
3 that also fair?

4 A. Yes, we were against. I don't know if I signed a document in
5 that regard. But we were against the demobilisation. I'm referring
6 here to the period 1998, 1999, which is before the end of the war.

7 Q. Yes. Let me take you to a different portion of this interview.

8 MR. MISETIC: And if we could go to page 26 in the English, and
9 in the same PDF, for the Albanian version, page 33. So this is the
10 portion that begins: "After the Rambouillet conference ..." If we
11 could -- there we go at the bottom. Yes.

12 Q. You say:

13 "After the Rambouillet conference, in which the agreement was
14 not signed, Thaci asked for a period of two weeks in order to consult
15 once more with the UCK base. He came to Kosovo and consulted with
16 the commanders of the operational zones. We all gave him our consent
17 to sign the document in the conference that would be held in Paris.
18 Meanwhile, when I was appointed the UCK commanding general, and
19 between the two meetings, we had a meeting with Wolfgang Petritsch,
20 in which Rexhep Selimi, Fatmir Limaj, Jakup Krasniqi, Rame Buja, and
21 I, as the commander, took part. The meeting was held in Testernik,
22 in Drenica region, and we reiterated, once more, our [stance] related
23 to the conference and the signing of the agreement."

24 Now, it's correct, is it not, that Mr. Thaci had to come back
25 from Rambouillet to get the consent of the zone commanders to sign

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1 the agreement; is that right?

2 A. Yes, that's right.

3 Q. Okay. I'd like to turn to a different topic, and this is
4 Operation Arrow.

5 Now, it was the operations directorate of the General Staff that
6 came up with the plan for Operation Arrow; is that correct?

7 A. That's correct.

8 MR. MISETIC: And if we could go to the revised translation of
9 the *Zeri* interview. It should be added on to -- yes. And we can go
10 back one page in the other PDF that was on the screen. In the second
11 row, at the bottom of the second row and going into the third row.
12 So if we could scroll down. Second column, sorry. Yes.

13 Q. So here's what you say in the *Zeri* interview about
14 Operation Arrow. You say:

15 "The Kosovo Liberation Army and its General Headquarters
16 demanded an approach and a commitment of national proportion and a
17 historical responsibility, because they were faced with many military
18 offensives undertaken by the enemy, and with different political
19 challenges. They were also faced with the difficult situation of the
20 civilian population; the difficulties in getting supplied with arms
21 and ammunition; the difficulties in getting supplied with food, and
22 especially for the people; and many other difficult tasks of the war.
23 In relation to the war plans, it was necessary to undertake operation
24 'Shigjeta', which we prepared and undertook professionally and
25 effectively. Based on the work and the confidence that we had in the

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1 cadres of the Operational Directorate of the UCK General
2 Headquarters, I issued the order and I signed the operational plan
3 for Operation 'Shigjeta', having complete confidence that it would be
4 successful. The Operational Zone of Pashtrik was tasked with the
5 implementation of such an operation. The purpose of the action was
6 to break the siege of the Albania-Kosovo border, and would bring in
7 the numerous UCK volunteers to Kosovo, that was tossing and turning
8 with its fate fighting for life or death."

9 Mr. Selimi, does that accurately describe the process of how
10 Operation Shigjeta or Operation Arrow was approved?

11 A. Yes. The main objective was to establish a corridor in order
12 for both the civilians and us KLA members to organise and get weapons
13 and ammunition supplies. I have also explained that I signed off
14 this operation, and it was prepared by a number of people whom I have
15 mentioned. This is the description I've given to this newspaper.

16 Q. Yes. And one of the people that planned it was Bislim Zyrapi;
17 is that correct?

18 A. Of course, Bislim was involved in this plan designed well before
19 as part of the operational -- operations room. This plan was
20 approved and signed in the meeting I had in Nerodime with Agim Ceku,
21 so other details were agreed on and signed.

22 Q. Yes. And after you signed it, the next day, appointments were
23 discussed as to the implementation of this plan; is that correct?

24 A. On the next day or the day after, I handed over my
25 responsibilities for this to Agim Ceku, who then, together with

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1 Bislim Zyrapi, dealt with the further steps of the plan.

2 Q. Okay. Now, you say you don't recall the specifics of what was
3 discussed in the meeting with Bislim Zyrapi about Operation Arrow; is
4 that correct? That's at P2028 at page 3.

5 A. I do not recall exactly. Can you kindly repeat the question,
6 though?

7 Q. Yes. You were asked in your witness statement at P02028 at page
8 3, question 15 is:

9 "Did Bislim Zyrapi have any role in the operation Arrow?"

10 And your answer is:

11 "I don't know precisely, I don't remember such discussion during
12 the meeting, at least in my presence. The meeting lasted two or
13 three days and then I returned to the Drenica zone after being
14 appointed as commander of the National Guard."

15 Now, my question is --

16 A. It is correct.

17 Q. Okay. So I'm going to tell you what Mr. Zyrapi testified in
18 court here last year, and he said, and this is at transcript page
19 17767, lines 22 to 24:

20 "Q. And turning to Operation Arrow, you were in charge of
21 operations in Operation Arrow; is that correct?"

22 And his answer is:

23 "Yes, of the operations."

24 You have no reason to dispute that, do you?

25 A. No, I have no such reason. As I have said, I do not know how

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1 the Shigjeta operation unfolded and how the decisions were taken as I
2 wasn't present.

3 Q. Okay. And you have no reason to dispute his testimony, at
4 transcript page 17768, that the plans for Operation Arrow had started
5 being drawn up as early as January 1999; is that correct?

6 A. It may very well be correct because Bislim, in his capacity as
7 chief of staff, worked with the operations department. I was alerted
8 to the details when I assumed the job and the details on the
9 operational plan for this one.

10 Q. Okay. I'm going to read you something else that Bislim Zyrapi
11 testified to here in court, and this is at transcript page 17768,
12 lines 14 to 24:

13 "Q. Now, there were three operational commands of Arrow, and
14 how many of the commanders of these three operational commands did
15 you appoint?"

16 Mr. Zyrapi answered:

17 "The operational commands, I was not the only one involved in
18 the appointments but the staff as well. The commanders of Direction
19 1 and Direction 2 were appointed upon my proposals, which were
20 approved by the General Staff. They were appointed. And as I said,
21 their appointment was made based on my proposals and that of the
22 general commander.

23 "Q. That would be Commander Ceku; correct?

24 "A. No. This happened earlier, by Sylejman Selimi."

25 Is that correct that the --

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1 A. I do not remember this. I have tried to clarify it, and maybe
2 there was -- there were such developments, but I cannot recall them.
3 However, I was not there all the time. I was at Drenica, Bislum at
4 the General Staff. And maybe there were preparations made in advance
5 to this end, but I cannot recall this largely because this is the
6 period during which I was replaced by General Ceku, and I'm referring
7 to the time after I'd signed off the Shigjeta operation. So the
8 preparations made in advance are not very well known to me.

9 Q. Well, I take your answer. Now, you told the Prosecution last
10 week that it was only after your approval of the plan for
11 Operation Arrow that you met with Agim Ceku, Hashim Thaci, and
12 Kadri Veseli, and that's at Preparation Note 2, paragraph 89; is that
13 correct?

14 A. Yes, it is correct that I met Agim Ceku, Hashim Thaci, and
15 Kadri Veseli.

16 Q. Yes. And it says after you approved the plan for the operation;
17 correct?

18 A. No, I don't know if it was on the same day. However, after
19 signing off this plan, I requested that I be replaced by Agim Ceku or
20 that I quit from my task or post of general commander.

21 Q. Okay. I'll just read into the record that at Prep Note 2,
22 paragraph 89, it says:

23 "After approving of the plan for the operation, W04290 met with
24 Agim Ceku, Hashim Thaci and Kadri Veseli."

25 Now, at that same prep note, at paragraph 90, you state that,

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1 after approving the plan for Operation Arrow, you did not join the
2 broader discussion about preparation of Operation Arrow and instead
3 you left. Is that correct?

4 A. Yes, correct. This happened two or three days later. I cannot
5 recall exactly.

6 Q. And at paragraph 90 of Preparation Note 2, you state that you
7 know that present for that broader discussion about preparations for
8 Operation Arrow were also Spiro Butka, Bardhi, Shpetim Golemi,
9 Bislim Zyrapi, Agim Ceku, Hashim Thaci, Kadri Veseli, Fatmir Limaj,
10 and also others. Is that correct?

11 A. Officers like Spiro Butka, Bardhi, and forgive me because I
12 cannot recall their exact names at this point in time, and Agim Ceku
13 too, were the ones who worked out the details of the Operation Arrow.
14 This was a plan that had been prepared in advance, so during their
15 first meeting they finalised these details in which I signed off. A
16 day later, there was this meeting with other people.

17 Q. Yes. And you say that others were present. When you say
18 "others," you mean that you know more people were present, you just
19 don't recall who they were; is that correct?

20 A. There are two points to make. There were these people who were
21 involved in planning the Operation Arrow alongside Agim. A day
22 later, there were other people who came into that building. I
23 personally met General Ceku, Kadri Veseli, and Hashim Thaci. This
24 was on the -- a day later.

25 Q. Okay. And you state that you were not present when Agim Ceku

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1 was selected to become the chief of the General Staff of the KLA, but
2 instead you heard about his appointment on television while in
3 Berisha; is that correct?

4 A. This came out of my own proposal at this meeting. Two days
5 later, I returned to Berisha on my way to Drenica. A communiqué came
6 out later to say that Agim Ceku had been appointed. So that is what
7 I remember of this period and of this meeting.

8 Q. Yes, but what I wanted to point out is you made the proposal
9 that he replace you, and then you left; is that correct?

10 A. I don't know if I stayed for yet another day. But, yes, I did
11 leave on my way to Berisha and Drenica.

12 Q. And you don't know how the process of his appointment unfolded
13 after you left; is that correct?

14 A. Correct, I don't.

15 Q. Okay. Now, we've established you have no personal knowledge of
16 how Operation Arrow was prepared after you signed the order approving
17 the plan; is that correct?

18 A. Correct, yes.

19 Q. You have no personal knowledge of how Mr. Ceku was selected to
20 become the chief of the General Staff after you left; correct?

21 A. Correct.

22 Q. And because you weren't present for discussions about
23 preparation of Operation Arrow, nor were you present when
24 General Ceku became chief of the General Staff, you have no personal
25 knowledge that Hashim Thaci assigned roles to individuals to carry

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1 out Operation Arrow; is that correct?

2 A. Correct. I have never stated that I had knowledge of
3 Hashim Thaci or someone else to have played a role in the
4 Operation Arrow or in these appointments. I do not know how the
5 process unfolded or how appointments were made from that moment
6 onwards.

7 Q. Okay. You have not mentioned that Jakup Krasniqi was present
8 for any of these discussions; is that correct?

9 A. I do not believe he was there, no.

10 Q. Okay. So if Jakup Krasniqi in later years wrote about how
11 Operation Arrow unfolded and decisions that were made, as far as you
12 know, he would not have had any personal knowledge of how decisions
13 were made with respect to Operation Arrow; is that correct?

14 MR. HALLING: Objection, calls for speculation.

15 MR. MISETIC: I said as far as he knows.

16 PRESIDING JUDGE SMITH: You'll have to rephrase your question,
17 then, if you're going to -- because it is a speculative question.

18 MR. MISETIC: Well, it ...

19 Q. You were present up to the point of signing Operation Arrow,
20 approving Operation Arrow; correct?

21 A. That's correct.

22 Q. You have some knowledge that you've heard about who else was
23 present as you were leaving; correct? You said Agim Ceku came, some
24 officers from Albania came; correct?

25 A. Yes, correct.

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1 Q. You have no knowledge that Jakup Krasniqi was present; is that
2 correct?

3 A. Mr. Krasniqi was not present, no.

4 Q. If Mr. Krasniqi were later to have written something about how
5 decisions were made for Operation Arrow, do you have any knowledge as
6 to how he would have known about how decisions were made with respect
7 to Operation Arrow?

8 MR. HALLING: Objection, calls for speculation.

9 PRESIDING JUDGE SMITH: Overruled.

10 You can answer that.

11 THE WITNESS: [Interpretation] I don't know.

12 MR. MISETIC:

13 Q. Now, I want to show you an interview that Mr. Ceku gave with
14 respect to his appointment.

15 MR. MISETIC: And I'd first like to show you Exhibit 1D00243-ET,
16 and it's an excerpt that should be available in both English and
17 Albanian.

18 Q. Now, in the paragraph that begins: "During the contacts we
19 had ..."

20 MR. MISETIC: Is there a next page? Yes, there it is at the
21 top. And in Albanian -- next page, please. If we can -- yeah, it's
22 to the left. It's the column to the left at the bottom. Yes, thank
23 you.

24 Q. Here's what he says in this paragraph, starting in the middle of
25 the paragraph, it says:

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1 "But I did not accept this assessment. Even my activity has
2 never been public. Only a very narrow circle knew about it. I did
3 not intend to make it public that I am in contact with the KLA, and
4 to stay outside of Kosovo. I insisted that the decisions about my
5 concrete commitment be made in Kosovo. Then, we stayed at the
6 General Staff for a few days and my work was discussed for a long
7 time and the decision to appoint me Chief of the General Staff of the
8 KLA was made by the entire General Staff, not by one person."

9 Now, you have no reason to dispute Mr. Ceku's account of his own
10 appointment that he was appointed not by one person but by the entire
11 General Staff, do you?

12 A. I think what is stated was correct. He would have known better
13 who was present there.

14 Q. And I'd like to show you a different excerpt of this same
15 interview.

16 MR. MISETIC: Madam Court Officer, could we please have DHT04009
17 to DHT04017-ET at page 4. And in Albanian it's SPOE00053060 to
18 00053071 at page SPOE00053067. And it is the second column, starting
19 towards the middle of that column. Yes.

20 Q. The question that's posed to Mr. Ceku is:

21 "How was the decision made for your arrival in Kosovo?"

22 And towards the middle of that answer, he says:

23 "In Kosovo, I did not enter to become a commander, but to add
24 one more rifle, to give my contribution in the most difficult days.
25 In a way, I did not want to give myself priority to be entrusted with

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1 the task of Chief of the General Staff of the KLA, especially in
2 those difficult moments. To take on such a responsibility was really
3 a big thing. But, at the insistence of the General Staff, with the
4 consultation of the area commanders, I was assigned that task, which
5 I undertook. I did this since I had come to Kosovo to perform every
6 task that was required of me."

7 Now, if we stop there. Mr. Ceku says that one of the things he
8 did before accepting this appointment was consult with the area
9 commanders. Do you see that?

10 A. Yes, I do.

11 Q. Now, you've already said that he at least discussed this with
12 you; correct?

13 A. I do not recall him having discussed this with us. After having
14 been appointed, yes, this was discussed, but not before the
15 appointment was made. I do not think -- I do not believe that he had
16 any such discussions with zone commanders before the appointment.

17 Q. How would you know if he had consultations, for example, with
18 Ramush Haradinaj or Commander Remi?

19 A. That is the reason why I cannot speculate to say that such
20 consultations were made. Maybe he spoke to other commanders but not
21 to me. On the day that I saw General Ceku, I proposed him to be the
22 commander of the Kosovo Liberation Army instead of me.

23 Q. And you've said that there was an exchange where they tried to
24 dissuade you from that; is that correct?

25 A. Yes, I think so. I can't recall the details at this point, but

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1 I was told not to quit. I can't recall the details on account of the
2 length of time that has elapsed.

3 Q. And you conveyed to him, as I understand your testimony, you
4 clearly conveyed to him that he had your support to become the chief
5 of the General Staff of the KLA; is that correct?

6 A. Yes.

7 Q. Now, if we continue into the next question, it says:

8 "Can you describe the procedure of your arrival in Kosovo?"

9 And he says:

10 "I travelled by plane from Slovenia to Albania. In the
11 afternoon, I met in Tirana with some KLA activists. The next night
12 we were at the border. When I entered Kosovo, the NATO bombing had
13 not yet begun. I entered Kosovo with Hashim Thaci. We spent the
14 night in high snowy mountains and were constantly in danger,
15 especially while crossing the border. But nothing stopped us,
16 because we were determined to enter Kosovo."

17 Now, do you have a recollection from your meeting later on that
18 it was discussed that Mr. Ceku had entered Kosovo from Albania with
19 Mr. Thaci?

20 A. No, I do not recall such a thing. I know that they have come
21 together with Hashim Thaci, but here he has described how that
22 happened.

23 Q. Okay.

24 MR. MISETIC: Mr. President, I would ask that this page be added
25 to 1D00243.

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1 PRESIDING JUDGE SMITH: Just page 4?

2 MR. MISETIC: Yes.

3 PRESIDING JUDGE SMITH: Any objection?

4 MR. HALLING: We have no objection to that. Just for the
5 record, we also have no objection to all the pages of this interview
6 being admitted. As has been our long-standing position, we think
7 documents reasonable in length should be admitted and understood as a
8 whole. But certainly no objection to the individual page if that's
9 all that's tendered.

10 PRESIDING JUDGE SMITH: Any objection to admitting the entire
11 document?

12 MR. MISETIC: If you let me take a look at the break, I'll get
13 back to you after the break.

14 PRESIDING JUDGE SMITH: All right. [Microphone not activated].

15 MR. MISETIC: Okay.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. MISETIC: Okay. Thank you.

18 PRESIDING JUDGE SMITH: I said I will not make a ruling on this
19 at this time.

20 MR. MISETIC: Okay.

21 Q. Witness, you have no personal knowledge of to whom General Ceku
22 reported after he became chief of the General Staff; is that correct?

23 A. No, I have no such knowledge.

24 Q. So you have no personal knowledge of whether he reported to
25 anyone; is that correct?

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1 A. I don't know.

2 Q. You have no personal knowledge of to whom Mr. Ceku should have
3 been reporting; is that correct?

4 A. As chief of staff, I think that he should have reported to the
5 minister of defence and, in certain circumstances, to the head of
6 government. In a normal situation, that is. But his line of command
7 comes under the minister of defence. However, how that happened in
8 practice at this point in time I do not know.

9 Q. Yes. And you qualified it by saying in normal circumstances.
10 These were not normal circumstances, were they?

11 A. They weren't.

12 Q. Okay.

13 MR. MISETIC: Mr. President, I note the time.

14 PRESIDING JUDGE SMITH: Thank you.

15 Witness, we'll have a half-hour break now. Remember not to
16 speak with anyone about your testimony outside the courtroom. We'll
17 be back here at 11.30. You may leave the courtroom now.

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: We're adjourned until 11.30.

20 --- Recess taken at 11.00 a.m.

21 --- On resuming at 11.30 a.m.

22 PRESIDING JUDGE SMITH: Did you have a chance to look at that
23 entire document?

24 MR. MISETIC: I did not, Mr. President, so if I go to the next
25 break or -- or even if I don't, I would ask if I could have the lunch

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1 break to do it. I was busy with other matters.

2 PRESIDING JUDGE SMITH: Okay.

3 MR. MISETIC: Thank you.

4 PRESIDING JUDGE SMITH: Please bring the witness in.

5 [The witness takes the stand]

6 PRESIDING JUDGE SMITH: All right. Mr. Selimi, we continue with
7 the questions from the Thaci Defence.

8 MR. MISETIC: Thank you, Mr. President.

9 Q. Mr. Selimi, I'd like to go back to continue on one answer you
10 gave earlier this morning and ask you for a further clarification.

11 MR. MISETIC: Excuse me, one second.

12 Q. At transcript page 39, I asked you to confirm that you have no
13 personal knowledge that Hashim Thaci assigned roles to individuals to
14 carry out Operation Arrow; is that correct?

15 And your answer was:

16 "Correct. I have never stated that I had knowledge" -- sorry,
17 my transcript keeps moving.

18 "I have never stated that I had knowledge of Hashim Thaci or
19 someone else to have played a role in the Operation Arrow or these
20 appointments."

21 MR. MISETIC: Now, I'd like to call up Exhibit P02028, please.
22 And if we could go to page 3 in the English and page 8 in the
23 Albanian, please.

24 Q. And it's the answer to question 13. If you could draw your
25 attention to that in Albanian and in English. This is your 2011

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1 interview to the SPRK, and you're asked about a meeting, and you say
2 -- the question is:

3 "Do you remember what the topic of the meeting was?"

4 Second sentence:

5 "The topic of the meeting was how to establish [an] operational
6 plan, called 'Arrow', to create a corridor for the transport and flow
7 of people and weapons.

8 "During the meeting, roles were assigned by Hashim Thaci to
9 Agim Ceku, Bislim Zyrapi and others to carry out the operation."

10 Do you see that?

11 A. Yes, I can see it.

12 Q. Now, I explored with you earlier the timing of when these
13 operational plans were discussed, and I understood your testimony to
14 be that the operational plan was developed by Bislim Zyrapi, signed
15 by you; is that correct?

16 A. That's correct.

17 Q. And then I understood that you attended a meeting but that the
18 operational meetings, and this is what you told the SPO last week,
19 that you had left and were not present, and this is at paragraph 89
20 of Preparation Note 2:

21 "After approving of the plan, [you] met with Agim Ceku,
22 Hashim Thaci and Kadri Veseli."

23 And then in paragraph 90:

24 "[You] did not join the broader discussions to prepare
25 Operation Arrow ..."

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1 And that's why I asked you to confirm first that you have no
2 personal knowledge, because you say now you weren't even present for
3 the broader discussion of preparations; correct?

4 A. That is correct. I can explain it better. When I was there,
5 other people came in, as I have described, and perhaps it is in this
6 context of the meeting with Mr. Thaci and others was mentioned, but I
7 explained that I did not attend that meeting. That is correct.

8 Q. So what was your basis in 2011 if you did not attend the
9 meeting, then what was your basis for saying that the roles were
10 assigned by Hashim Thaci to Agim Ceku, Bislum Zyrapi, and others?

11 A. I based this on the fact that many people came there after me.
12 I think it was the next day. And I had in mind here the position
13 itself at the time but not in the sense of assigning military roles,
14 but in the sense of selecting ministers in view of forming the
15 provisional government. Maybe I spoke in this sense.

16 Q. When you say "I had in mind here the position itself," what
17 position are you referring to?

18 A. As a general commander, and then I stayed another day or two in
19 that area, and then other people came there for the meeting, but I
20 was not present.

21 Q. Yes. But in your answer just a minute ago, you said:

22 "I based this on the fact that many people came here after me.
23 I think it was the next day. I had in mind here the position itself
24 at the time but not in the sense of assigning military roles ..."

25 What position are you referring to?

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1 A. At this time I did not have a position, but I was physically
2 positioned there in that location.

3 Q. Okay. All right. I will move on.

4 JUDGE BARTHE: Mr. Misetic, excuse me. I think the Panel has
5 difficulties to understand what the witness's testimony is in that
6 regard, and I would like to take the opportunity and ask the witness
7 the following question.

8 Mr. Selimi, it is stated, and it's still on the screen in the
9 Albanian and also in the English, that allegedly, according to the
10 transcript, you told the SITF the following, I quote:

11 "During the meeting, roles were assigned by Hashim Thaci to
12 Agim Ceku, Bislim Zyrapi and others to carry out the operation."

13 And the sentence before that sentence refers to Operation Arrow.

14 So my question is did you tell the SITF that Mr. Thaci assigned
15 roles to Agim Ceku, Bislim Zyrapi, and others to carry out
16 Operation Arrow or not?

17 THE WITNESS: [Interpretation] It can be seen here that I did say
18 that. But, again, I was not in the meeting. I assumed, I thought,
19 and I said what I said in respect of Mr. Thaci. I am not able to
20 remember better now, but I was not present in that meeting.

21 JUDGE BARTHE: Did you tell the SITF that you only assumed that,
22 or did you tell the SITF, as it is stated here in the transcript,
23 that Mr. Thaci actually assigned roles?

24 THE WITNESS: [Interpretation] I thought that in that meeting he,
25 in his capacity as a representative of the provisional government,

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1 Mr. Thaci, did that. I see it here that I said it like this. I
2 thought this at the time, but I was not there in the meeting.

3 JUDGE BARTHE: Thank you.

4 MR. HALLING: And, Your Honours, just to clarify for the record
5 if it assists, this part is clarified in P2029, paragraph 7.

6 PRESIDING JUDGE SMITH: Go ahead, Mr. Misetic.

7 MR. MISETIC: Well, now that my cross has been interrupted, I
8 need to take a look at what was just referred to.

9 MR. HALLING: It's just Preparation Note 1, if it assists.

10 MR. MISETIC:

11 Q. Yes. And this is actually a point I wanted to raise with you,
12 and this is what you told the Prosecution last week. You know that
13 Hashim Thaci was assigning roles to these individuals to carry out
14 the operation, but you do not know specifically what those
15 assignments were. And if we read the whole paragraph, and I'm going
16 to read the whole paragraph to you, it says:

17 "[You] signed off on the preparations for Operation Arrow, but
18 then [you] left [your] General Commander position the following day.
19 The operation itself was actually launched by Agim Ceku, and Ceku,
20 Bislim Zyrapi and others were the ones who actually prepared the
21 plan. W04290," meaning you, "knows that Hashim Thaci was assigning
22 roles to these individuals to carry out the operation, but [you do
23 not] know specifically what [the] assignments were."

24 Now, as I understand what you told the SPO last week, Agim Ceku
25 did not become general commander until after you had left, and you

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1 only learned that when you were in the Drenica region, on TV;
2 correct?

3 A. That's correct.

4 Q. So you couldn't have been present at a meeting where Mr. Thaci
5 is assigning roles to Agim Ceku because he wasn't in any position in
6 the KLA at the time you were present for any meetings; correct?

7 A. And I've said the same thing. I was not present in the meeting,
8 and I was not present when this was assigned.

9 Q. Yes. And so any information you have about how the plans were
10 made after you left would be based on what?

11 A. As I said before, I based this on the fact that Mr. Thaci
12 received people, delegations in -- with a view of forming the
13 provisional government. So there were consultations to form the
14 provisional government. He received people who were then selected or
15 elected. In this sense, I said that Mr. Thaci dealt with
16 appointments of ministers of his government.

17 Q. Okay.

18 MR. MISETIC: May I move on? Okay.

19 PRESIDING JUDGE SMITH: I'm sorry, yes.

20 MR. MISETIC: Thank you.

21 PRESIDING JUDGE SMITH: My mic was off.

22 MR. MISETIC: Thank you.

23 Q. Witness, I'm going to turn to your role in the KLA.

24 Now, you were the commander of the Drenica zone from May 1998
25 until February 1999; correct?

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1 A. That is correct.

2 Q. And you became general commander of the KLA in February 1999;
3 correct?

4 A. Correct.

5 MR. MISETIC: Now, I'd like to show you Exhibit 1D00205, please.

6 THE COURT OFFICER: I'll need a moment, please.

7 MR. MISETIC: Yeah.

8 THE COURT OFFICER: Your Honours, there appears to be a
9 technical issue. If I could have a moment.

10 MR. HALLING: Yes, the SPO is having difficulty loading
11 Legal Workflow at the moment as well.

12 [Trial Panel and Court Officer confers]

13 PRESIDING JUDGE SMITH: We'll step aside for a few minutes.
14 Everybody can relax while they try to work this out. So as soon as
15 there's been some resolution, let us know, and we'll reconvene.
16 We're adjourned.

17 [The witness stands down]

18 --- Break taken at 11.50 a.m.

19 --- On resuming at 12.10 p.m.

20 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
21 in.

22 [The witness takes the stand]

23 PRESIDING JUDGE SMITH: Sorry for the delay, Mr. Selimi. We
24 will continue now. Mr. Misetic will continue with his questions.

25 MR. MISETIC: Thank you, Mr. President.

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1 Madam Court Officer, if we could have on the screen 1D00205,
2 please.

3 Q. And, Mr. Selimi, just to give you some background. This is an
4 article that appeared in the British newspaper *The Independent* on
5 6 February 1999 as the Rambouillet conference was about to begin. Do
6 you understand?

7 A. Yes, I do.

8 MR. MISETIC: And if we could turn to page 3 in both versions of
9 the document, please.

10 Q. The top paragraph says:

11 "The Albanian team includes Ibrahim Rugova, political leader of
12 the ethnic Albanians, as well as Azem Sylva, said to be a top
13 commander of the KLA, and Jakup Krasniqi, a KLA spokesman and former
14 supporter of Mr. Rugova's non-violent path to independence, who
15 switched his support to the movement's military wing."

16 Now, here we see that this British newspaper, *The Independent*,
17 was publishing that Azem Sylva was a top commander of the KLA at least
18 as of 6 February 1999. Do you accept that?

19 A. Yes, as an article I do accept it and I can see it. As far as I
20 am concerned, I have stated here that I had no knowledge of Azem Sylva
21 having been general commander.

22 Q. Okay. Can you explain how it could have been internationally
23 known that Azem Sylva was a top commander of the KLA but you as the
24 Drenica zone commander didn't know?

25 A. I have no comment to make. I don't know. But it's not just me.

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1 Other zone commanders did not know that Azem Sylja was a general
2 commander of the General Staff.

3 Q. Okay. Well, I'd like to take you to a document that I believe
4 was shown to you in the preparation session with the Prosecution, and
5 it concerns a meeting on 6 February 1999.

6 MR. MISETIC: And, Madam Court Officer, if we could have on the
7 screen, please, Exhibit P00182, page 29 in both versions, please.

8 Q. And what I'm about to show you, Mr. Selimi, are notes of that
9 meeting that the SPO says were taken from the home of Rexhep Selimi.
10 Do you understand?

11 A. Yes.

12 Q. Now, these notes on this page, the date you see in the top, and
13 I don't know if it's visible in the English.

14 MR. MISETIC: Can we scroll to the top of the page and to the
15 right? Yes.

16 Q. The date is 6 February 1999. And according to these notes, the
17 following people are present: The commanders of the operational
18 areas of the KLA, Ramush Haradinaj, Rrustem Mustafa, Ekrem Rexha,
19 Sylejman Selimi; and representatives of the General Staff,
20 Rexhep Selimi and Bislim Zyrapi.

21 Now, do you recall attending such a meeting on or about
22 6 February 1999?

23 A. I can't recall the exact date, but I do remember such a meeting.

24 MR. MISETIC: If we could turn to page 34 of the document,
25 please, in both versions. These are the notes from the same meeting.

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1 Q. The person who's referred to as Syla, under point 2, it says:

2 "The appointments that have been made in the General Staff are a
3 matter of concern. (Sokol Bashota and Jakup Krasniqi). I think
4 Sokol Bashota is not up to the job of Deputy Commander. The
5 General Staff has ignored the requests we have made about this
6 issue."

7 And if we turn the page, the person identified as Syla says:

8 "Jakup Krasniqi, too, with all the respect he [commands], is not
9 the right man for the post of the Deputy Commander.

10 "We should be consulted about the appointments to the
11 General Staff. Those who took up arms first to fight, are being
12 ignored."

13 Now, I showed you the list of the participants as recorded:
14 Ramush Haradinaj, Rrustem Mustafa, Ekrem Rexha, Sylejman Selimi,
15 Rexhep Selimi, and Bislim Zyrap. Of those six names, who else could
16 Syla be but you?

17 A. I have had my name, my pseudonym, and everything, but I do not
18 have any knowledge about this meeting, where it was held, and what
19 situation. I cannot recall it.

20 Q. Now, in the excerpt I just read to you, the person identified as
21 Syla says that Sokol Bashota and Jakup Krasniqi are not up for the
22 job of deputy commander. So the participants in this meeting, all of
23 you were aware that there were deputy commanders of the KLA and that
24 they were Jakup Krasniqi and Sokol Bashota; correct?

25 A. Yes, that's correct. We knew that Jakup and Sokol were deputy

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1 commanders.

2 Q. Now, if you know that two people are fulfilling the position of
3 deputy commanders, they must be deputies to some commander. Do you
4 agree?

5 A. Yes.

6 Q. So you must know that there is an overall commander if there are
7 two deputies to that overall commander.

8 A. But the name was never made public.

9 Q. Okay. So as I understand your testimony, you, as participants
10 in the meeting, know there's an overall commander, you just don't
11 know that the person is Azem Sylja?

12 MR. HALLING: Objection, misstates the evidence. He said he had
13 no knowledge of this meeting at the previous page of the transcript.

14 PRESIDING JUDGE SMITH: That is what he said.

15 MR. MISETIC: Well, I'm following what his answer is. He agrees
16 that he knows that there is an overall commander, but the name was
17 never made public.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. MISETIC: Okay.

20 PRESIDING JUDGE SMITH: Go ahead.

21 THE WITNESS: [Interpretation] No, I have never known. We have
22 asked the question, but it was never confirmed, at least to myself,
23 the name -- that there was a commander, in fact. We were told that
24 we have two deputies but the commander has not been chosen yet.

25 As far as this meeting is concerned, I don't know when it

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1 happened. From the notes in there, you cannot see that it is in the
2 shape of minutes. These are notes that have been taken by Rexha or
3 someone else I don't know.

4 So, first, I do not recall this meeting; and, secondly, it's
5 never been made public that there is a general commander and his name
6 is Azem Sylja.

7 MR. MISETIC: Just to respond to the objection that was made
8 earlier.

9 Q. At page 55, line 3, after I asked you:

10 "... do you recall attending such a meeting on or about
11 6 February 1999?"

12 Your answer was:

13 "I can't recall the exact date, but I do remember such a
14 meeting."

15 Correct?

16 A. I remember meetings that were held. I cannot remember the date.
17 And I do not know whether these notes pertain to meetings which were
18 held.

19 Q. Okay. Well, you know there was a meeting with the six people
20 that I showed you were participants in the meeting including
21 yourself; correct?

22 A. According to the notes, I was present there, but I cannot recall
23 this meeting having taken place.

24 Q. Let me ask you again. As I understood your answers from just a
25 few minutes ago, when I said to you that if you know there are deputy

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1 commanders, then you must know there is an overall commander, I
2 understood your answer to be: Yes, you understood there was an
3 overall commander, you just didn't know the name of that overall
4 commander. Is that correct?

5 A. No. What I said is that I knew that there were two deputy
6 commanders, but I had no knowledge that there was a commander, a
7 general commander. I had heard of Azem Sylja as somebody who was
8 known as Daja, but I always thought that he was the man in charge of
9 logistics.

10 Q. Okay. Can you explain to us then, organisationally, how it
11 makes sense that an organisation has two deputy commanders but those
12 deputy commanders are not deputies to any overall commander? How
13 does that make sense organisationally?

14 A. The organisation of the General Staff itself is meaningless from
15 an organisational point of view given that there were many unknowns
16 about who was there and what functions they had. Jakup Krasniqi and
17 Sokol Bashota are known to have been deputy commanders, but there was
18 no such order on a commander at that point in time. And it was not
19 known who that overall commander was, at least not to me as commander
20 of the Drenica zone.

21 Q. Okay. Well, while we have this on the page, it's Sylja is
22 recorded as having said that:

23 "We should be consulted about the appointments to the
24 General Staff."

25 Now, did you believe that the zone commanders should be

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1 consulted about appointments to the General Staff?

2 A. Yes, I think they ought to have consulted us. If this is a
3 reference to me and my name, yes, I think we ought to have been
4 consulted in order for a better and more successful organisation
5 overall.

6 Q. Why did you think the zone commanders needed to be consulted on
7 appointments to the General Staff?

8 A. Because zone commanders were the ones who had responsibility on
9 the ground.

10 Q. And why is that relevant to who was going to be appointed to the
11 General Staff?

12 A. It would have been important for the organisation of the entire
13 structure of the Kosovo Liberation Army and of the General Staff in
14 particular.

15 MR. MISETIC: If we can turn the page, please. Or, sorry, to
16 page 37 it should be. Yes.

17 Q. Now, here Sami is recorded. Now, do you recall Sami Lushtaku
18 also being present at a meeting such as this?

19 A. I don't know. If it was zone commanders who took part, deputy
20 commanders might have as well. And I don't know whether he attended.
21 I'm not sure.

22 Q. Okay. Well, the notes record Sami as saying:

23 "Rexhep Selimi, Hashim Thaci and Kadri Veseli are responsible
24 for this situation we are in at the moment."

25 It's clear from these notes that Sami Lushtaku had no

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1 difficulties being critical of Rexhep Selimi, Hashim Thaci, and
2 Kadri Veseli; correct?

3 MR. HALLING: Objection, foundation, and asked and answered.

4 MR. MISETIC: It's cross-examination --

5 PRESIDING JUDGE SMITH: Overruled.

6 You may answer if you know.

7 THE WITNESS: [Interpretation] I don't know. This is what Sami
8 thought.

9 MR. MISETIC:

10 Q. Yes. And according to the notes, he had no problems being
11 critical of Rexhep Selimi in your presence even though you are
12 related to Rexhep Selimi; correct?

13 A. It's his thoughts here, and it is of no consequence on whether
14 he criticises Rexhep Selimi or not. Everyone is entitled to their
15 own way of thinking.

16 Q. Yes. And, in fact, Rexhep Selimi is present at this meeting
17 when Sami Lushtaku is being critical of him, Hashim Thaci, and
18 Kadri Veseli, according to the notes; correct?

19 A. Correct. According to the notes, yes.

20 MR. MISETIC: Now, if we turn to PDF page 39, please.

21 Q. Now, this is, again -- I can show you again if we go back one
22 page just to show the speaker. Again, the person is recorded as Sylva
23 speaking. If we turn the page, Sylva is recorded as saying:

24 "Until we have new appointments, I will not respond to any
25 requests from or brief you and I think even my post as Commander of

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1 the Operational Zone will be contested.

2 "Only then I will carry out all the tasks that the General Staff
3 assigns us and will not contest any orders."

4 Now, according to the notes, you obviously believed you had the
5 authority to decide whether you would or would not carry out orders
6 from the General Staff; correct?

7 A. Again, we are talking about notes whose authorship is unclear.
8 But it is correct that as zone commanders we did have concerns and
9 dissent, and I myself, I have given various opinions and concerns as
10 have other zone commanders, and this was all to do with the
11 improvement of the functioning.

12 Q. Now, yesterday you were asked by the Prosecutor:

13 "Did you ... obey all orders that were possible to obey?"

14 Do you recall being asked that question yesterday?

15 A. Yes.

16 Q. Do you recall any specific orders that you were given?

17 A. No, I do not.

18 Q. Do you recall any particular person in the General Staff that
19 ever issued you orders?

20 A. I do not recall anyone else to have issued orders with the
21 exception of Bislim Zyrapi.

22 Q. Now, Bislim Zyrapi is present, according to the notes, at this
23 meeting. Do you recall him being present at a meeting like this?

24 A. I have had several meetings with Mr. Bislim Zyrapi, but I cannot
25 recall this.

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1 Q. Okay. Well, let me ask you a question. He's the only one in
2 the General Staff that you can recall having given you orders, but
3 you're at a meeting where he's present and you're discussing - you
4 and other zone commanders are discussing - the appointment of an
5 overall commander. Do you understand that?

6 A. Yes, I do.

7 Q. What was -- if you can recall, what was Bislim Zyrapi's role in
8 the discussion? Did you consider him a colleague, your superior?
9 Why was he there?

10 A. Bislim Zyrapi was a representative of the General Staff, if we
11 are referring to this one or meetings that I attended. The meetings
12 with Bislim Zyrapi were held in his capacity as chief of staff of the
13 Kosovo Liberation Army, and they had to do with the organisation,
14 with training courses. And we have discussed several issues during
15 that period of war with Bislim Zyrapi, including on the formation and
16 reorganisation of different units.

17 Q. Yes, but I'd like just to focus on this: He's the one who had
18 given you orders from the General Staff, but at this meeting it's
19 pretty clear that you, the zone commanders, are going to decide who's
20 going to be his boss, and that turned out to be you; correct?

21 A. Yes.

22 Q. Okay. Let me turn to notes of another meeting. Again, these
23 are notes that the SPO says were seized from Rexhep Selimi's house of
24 a meeting in Drenica on 13 February 1999.

25 MR. MISETIC: If we could go to Exhibit 1D00033, please, in both

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1 the English and Albanian at page SPOE00226356.

2 Q. Now, you saw these notes in your preparation session, and at
3 paragraph 82 of the preparation note, you acknowledge that you were
4 present for this meeting on 13 February 1999; correct?

5 A. I don't know the exact date, so I don't know which meeting this
6 refers to.

7 MR. HALLING: And to be clear, this document was not shown to
8 the witness in the preparation session.

9 MR. MISETIC: Okay.

10 THE WITNESS: [Interpretation] I have not seen this document, in
11 fact these notes, because it does not amount to a document.

12 MR. MISETIC: Okay. I stand corrected.

13 Q. Nevertheless, there was a meeting at which you were selected as
14 the overall commander; correct?

15 A. Correct.

16 Q. And do you recall that you were selected on or around
17 13 February 1999?

18 A. I think so. That should be correct.

19 Q. Now, if we go to -- yes, we're on the page. Sorry, if we look
20 at the agenda, it says -- the first item on the agenda for the
21 meeting, according to the notes, was:

22 "Position on the request by the zone commanders for appointment
23 of the new KLA Commander."

24 Do you see that?

25 A. No, I can't see it on the screen.

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1 Q. It should be under point 1.

2 A. I see it. Yes, I see it.

3 Q. And is that consistent with your recollection that there was a
4 meeting and the number 1 item on the agenda was the request of the
5 zone commanders to appoint a new KLA overall commander?

6 A. I do not know who took the notes in this meeting, but, yes, this
7 was discussed in the meeting.

8 MR. MISETIC: Now, if we go to page 6353, please.

9 Q. Now, the meeting, according to the notes, begins with a speaker
10 saying as follows, under point 1, the last paragraph, that this
11 person told all of you assembled at the meeting:

12 "The secret services of many countries like: CIA, SHIK ... etc.,
13 and UDB /Yugoslav Secret Service/ are aware tonight about this
14 meeting ..."

15 And if we turn the page. The speaker continues, according to
16 the notes:

17 "The rumours and interpretations that there will be a coup
18 against the KLA tonight are very concerning for all of us."

19 And that:

20 "This has particularly worried the Albanian government ..."

21 Now, this was supposedly said at the outset of this meeting.

22 When the speaker mentioned that there were rumours and
23 interpretations already in advance of this meeting that there would
24 be a "coup" executed in the meeting, what did you understand the
25 speaker to be referring to? Who did you understand him to be

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1 implying would be overthrown in a coup?

2 A. I don't recall any such interpretation in the meeting I
3 attended. I do not recall anything of that sort.

4 Q. Okay.

5 MR. MISETIC: If we go to -- actually, we just looked at the
6 page regarding the agenda item.

7 Q. Let's go through the notes here to see if we can refresh
8 recollection.

9 MR. MISETIC: If we go to page 6358, please. Actually, if we
10 can go one page back, please. Sorry.

11 Q. Now, the speaker is reported to be Ramush Haradinaj, and he, in
12 response to that, about foreign governments being concerned about a
13 coup, says:

14 "We are an army and we are not interested about the concerns of
15 foreign governments and the security, even of our motherland.

16 "These are manipulations and games.

17 "Let even the UDB know that we are stronger.

18 "Our delegation in Rambouillet must know that they have our
19 confidence.

20 "UDB has been pleased with the events as they [are] developing
21 until now.

22 "... for me [the] commander is Sylejman Selimi."

23 Now, do you recall Ramush Haradinaj taking the floor initially
24 at the meeting and saying that, for him, you were the overall
25 commander of the KLA?

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1 A. With respect to these three different notes, they are different.

2 I can explain the entire chronology of the meeting. Yes, Mr. Ramush
3 Haradinaj was present and he proposed me to be the general commander.

4 Q. If we turn the page, we see Shukri Buja and then Commander Remi
5 reported in the notes. Commander Remi says:

6 "The [General Staff] has not been rejected as a whole. Only
7 some persons have been rejected."

8 And the last sentence:

9 "For me, from today he is the elected commander."

10 MR. MISETIC: And if we go to 6361, please.

11 Q. Here, Fatmir Limaj is recorded as having said:

12 "We can reach an agreement on who the next commander will be."

13 Is that what it says in the Albanian in the notes?

14 A. Yes.

15 Q. Now, the word "next" suggests that Fatmir Limaj knows there is
16 already a commander in place; correct?

17 A. According to his description and his opinion, yes.

18 MR. MISETIC: If we go to page 6362, the next page, please,
19 towards the bottom.

20 Q. Again we have an entry for Sylja. It says:

21 "I cannot work with the people that are in the Staff at the
22 moment ."

23 Now, at least according to the notes, is it fair to say that you
24 were not happy with the -- at least some of the members of the
25 General Staff at this time?

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1 A. I might have had dissatisfactions with many people, but I do not
2 recall having had any such dissatisfaction in the meeting we held.

3 Q. Okay. Now, in Exhibit P02026 at page 56, here's what you say on
4 the transcript, and this is your conversation with the ICTY in 2003.

5 You say:

6 "And then during the talks in ... Rambouillet, Azem Sylja, who
7 had been the commander, he was ... there as well so we ... we decided
8 ... they decided that ... I'd be the commander even though I ... I
9 didn't want it, to be commander in the beginning but it was decided
10 that I take the post."

11 Is that correct?

12 A. That is correct.

13 Q. And it was the zone commanders at this meeting who elected you
14 to be the new overall commander of the KLA; correct?

15 A. Correct.

16 Q. Okay. Now, one of the reasons that the zone commanders wanted
17 to appoint you as the overall commander was to send a message to the
18 Albanian delegation at Rambouillet that you, the zone commanders,
19 were the ones with the ultimate authority to decide whether the KLA
20 would disarm and whether the KLA would agree to a deal that did not
21 include independence for Kosovo; correct?

22 A. I believe so, yes.

23 Q. And do you recall that at this time, as you had been appointed
24 the overall commander of the KLA, you were working with Adem Demaci
25 to ensure that the Albanian delegation at Rambouillet would not make

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1 any deal that did not have the authorisation from the zone
2 commanders; is that correct?

3 A. We had also previously contacts with Adem Demaci. And when the
4 first draft was proposed or when we were given a copy of it, so the
5 draft in Rambouillet, this was not suitable at all, and we discussed
6 the matter.

7 Q. Yes. It was not suitable to Adem Demaci and the zone
8 commanders; correct?

9 A. I can say that's correct.

10 MR. MISETIC: I'd like to show you a document, which is 1D00049,
11 please.

12 Q. What I'm putting on the screen, Mr. Selimi, is a newspaper
13 article from 23 February 1999 that discusses a meeting that
14 Adem Demaci held with you on or around that date. And you will
15 recall that Albin Kurti was Adem Demaci's spokesperson at the time,
16 and he held a press conference immediately after your meeting with
17 Adem Demaci.

18 MR. MISETIC: And if we can zoom in on the first column, please.

19 Q. Here's what Albin Kurti reported in a press conference about
20 your meeting with Adem Demaci. And it starts:

21 "'No political decision can be taken without the consent and
22 approval of the KLA General Political Representative, Adem Demaci,'
23 said Albin Kurti today when speaking about the results of last
24 night's meeting of Adem Demaci with KLA General Commander,
25 Sylejman Selimi and its General Headquarters and said that Demaci has

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1 taken over the competence for political leadership of Kosovo
2 Liberation Army."

3 "Mr. Adem Demaci has been given full authority and competence
4 for the political leadership of the Kosovo Liberation Army,' he said.

5 "Albin Kurti said in today's press conference that Adem Demaci
6 has urgently travelled to Ljubljana today to have important meetings
7 with high-level representatives of international diplomacy and
8 politics. [The goal of these meetings is] to find a meaningful and
9 just solution to the Kosovo issue, in line with the KLA's fundamental
10 principles and [its] liberation war.

11 "'So, in line with the will of the people of Kosovo for the
12 freedom and independence of the Republic of Kosovo,' said Kurti.

13 "'KLA has not been created and does not exist to go to
14 Rambouillet to be disarmed there. No disarming or transforming
15 whatsoever of Kosovo Liberation Army will be taken into
16 consideration,' pointed out Kurti and added that KLA is a guarantee
17 of the security of the Albanian people in Kosovo and of victory and
18 that Albanians in Kosovo do not 'feel safe without Kosovo Liberation
19 Army.'"

20 Now, first, do you recall that you had a meeting on or about
21 22 February 1999, shortly after your appointment as the overall
22 commander, with Adem Demaci?

23 A. No, I don't recall it. I met with Mr. Demaci on several
24 occasions, but I do not know the exact time when.

25 Q. Okay. Do you recall having a meeting with Mr. Demaci -- you

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1 said you recall having several meetings with him. Do you recall
2 having a meeting with Mr. Demaci where Mr. Demaci was given the
3 competence for the political leadership of the Kosovo Liberation
4 Army?

5 A. I do not know about this competence, but I had several meetings
6 with Mr. Demaci, discussions. We talked, discussed the matter
7 related to Rambouillet. I think we also had a phone discussion,
8 conversation when he was in Ljubljana.

9 Q. Yes. And in your conversations with Mr. Demaci, was it again
10 reiterated that the zone commanders opposed a deal that did not
11 include independence for Kosovo?

12 A. This is what it reads, but I do not know to what extent is this
13 accurate.

14 Q. Well, you've confirmed that that was the position of the zone
15 commanders, right, at least initially, was that you did not want to
16 strike a deal at Rambouillet that did not include independence for
17 Kosovo; correct?

18 A. That's correct. I remember that Mr. Demaci attended meetings
19 with the zone commanders. As far as I'm concerned, I had several
20 meetings with Mr. Demaci who opposed the signing of the agreement in
21 Rambouillet. I'm referring to the first draft of the agreement.

22 Q. Do you know why he opposed the signing of the first draft of the
23 agreement?

24 A. I don't know. The draft contained a provision that the Serb
25 forces would not leave the territory, would not withdraw. We would

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1 have to disarm. So that meant for the KLA to lay down weapons and
2 for the Serb forces to continue to stay in Kosovo.

3 MR. MISETIC: If we could have on the screen, please, Exhibit
4 P645, please, starting at page 672 of the document. Actually, if we
5 could start at 671, please.

6 Q. This is a meeting -- these notes purport to be of a meeting on
7 26 February of the General Staff in Divjake. Now, do you recall
8 whether you would have been present at such a meeting of the
9 General Staff?

10 A. I don't know. I don't recall it.

11 Q. Do you recall ever being in a meeting in Divjake where the
12 assessment of the Rambouillet conference was discussed and the
13 discussion of the formation of the Provisional Government of Kosovo?

14 A. I think so. Yes.

15 MR. MISETIC: If we could turn the page, please.

16 Q. Now, the first speaker there is identified as Rexha. Could you
17 tell us who you believe would be Rexha?

18 A. Rexha is Rexhep Selimi.

19 Q. And if we go to Sokol Bashota's comments, he's at this meeting
20 and he says:

21 "I hope and I wish that this coup has not been planned by UDB
22 ... The information we have is bleak!"

23 Now, do you recall being present at a meeting where
24 Sokol Bashota alleged that a coup had taken place and that he hoped
25 that it had not been planned by UDB?

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1 A. I never heard this expression or this opinion in the meeting I
2 attended. Perhaps it's another meeting or it has been described
3 differently.

4 Q. Let me ask you a question on a different topic. Why was
5 Commander Drini replaced as commander of the Pashtrik zone?

6 A. I don't know. I think he was promoted to the General Staff and
7 given further assignments and duties.

8 Q. You were the overall commander of the KLA at the time he was
9 promoted; is that correct?

10 A. I think so. I remember in a meeting where Bislim Zyrapi,
11 Fatmir Limaj, Rexhep Selimi were present as members of the
12 General Staff, Commander Drini was present and some other people whom
13 I don't remember.

14 Q. Would you have been the one to sign off on his promotion?

15 A. I don't know. I believe so, but I am not certain whether I took
16 this decision or signed it off. I attended the meetings and then I
17 would come back to Drenica. I don't know if this was a decision I
18 made or signed it.

19 Q. Do you recall whether Commander Drini voted for you as the
20 overall commander or did he oppose your appointment? Did he vote for
21 someone else?

22 A. I don't recall. But they were all in favour in the end. There
23 were discussions during this meeting.

24 Q. When you say "this meeting," you're talking about the
25 13 February meeting?

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1 A. I am referring to the moment I was selected as the overall
2 commander of the KLA.

3 Q. Yes.

4 MR. MISETIC: Mr. President, I'm going to turn to a new topic,
5 so this is a good time to break.

6 PRESIDING JUDGE SMITH: All right. Witness, we will break for
7 lunch now. We will break from 1.00 until 2.30. We'll be back in
8 court after that time. Thank you. You may leave the courtroom now.

9 [The witness stands down]

10 MR. MISETIC: Mr. President, for planning purposes, I will be
11 finished today after the lunch break.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MR. MISETIC: Today. Yeah.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 --- Luncheon recess taken at 1.00 p.m.

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

17 MR. MISETIC: Mr. President, on the question of the interview of
18 Mr. Ceku, we will tender the entire interview.

19 PRESIDING JUDGE SMITH: I believe that is -- just a second.

20 MR. MISETIC: I have it if you need it.

21 PRESIDING JUDGE SMITH: So the entire document will be in
22 place -- replacing the partial --

23 MR. MISETIC: Yes.

24 PRESIDING JUDGE SMITH: -- entries.

25 MR. MISETIC: Yes. So currently it's admitted Exhibit 1D00243.

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1 And now we're putting in the whole range, which is DHT04009 to
2 DHT04017. And in the Albanian it's SPOE00053060 to 00053071.

3 PRESIDING JUDGE SMITH: For the record, that is admitted in its
4 entirety and will be numbered accordingly with the previous entry.

5 THE COURT OFFICER: Yes, Your Honours, the range as specified
6 will be assigned Exhibit 1D243.

7 PRESIDING JUDGE SMITH: Thank you very much.
8 Please bring the witness in.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: Good afternoon, Mr. Selimi. We will
11 continue now with the questioning from the Thaci Defence.

12 Go ahead, Mr. Misetic.

13 MR. MISETIC: Thank you, Your Honour.

14 Q. Good afternoon, Mr. Selimi.

15 A. Good afternoon.

16 Q. I'd like to pick up with a new topic. When you became the
17 overall commander of the KLA, what was your relationship like with
18 the head of the military court, Mr. Sokol Dobruna?

19 A. I have never known Mr. Dobruna.

20 Q. So I will put to you that we have a document in evidence, which
21 is P01175, and it's a decision from 19 November 1998 that appointed
22 Mr. Dobruna to be chief of judicial services in the cabinet of the
23 commander of the KLA General Staff.

24 Now, is it your testimony that after you became the overall
25 commander of the KLA, you never met Mr. Dobruna?

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1 A. I do not remember ever meeting Mr. Dobruna.

2 Q. Were you aware at the time that there was a KLA military court
3 that had been established?

4 A. There was a General Staff communiqué to that effect, if I
5 remember correctly.

6 Q. Did you know to whom -- did you know -- even if you didn't meet
7 him, did you know who was running that military court?

8 A. No, I don't know. I had heard its name as you mentioned
9 earlier, but I've never met him.

10 Q. Let me follow up on that answer. You had heard the name of
11 Sokol Dobruna? Is that what you're saying?

12 A. Yes. I had heard that via the communiqué of the General Staff.

13 Q. Okay. So you were aware that there was a person named
14 Sokol Dobruna who was operating the military court?

15 A. Yes, I had heard about him.

16 Q. And did you know, as the overall commander of the KLA, to whom
17 Mr. Dobruna was reporting?

18 A. During this period of time, I stayed behind in Drenica and
19 carried out the General Staff tasks at Berisha, after which I
20 returned to Drenica and did not involve myself any further with
21 organisational issues of the General Staff.

22 Q. Well, between the time when you were appointed the overall
23 commander, so roughly 13 February 1999, until you left that position,
24 which would be, what, sometime around the beginning of April 1999?

25 A. After Rambouillet, upon the return of the delegation from

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1 Rambouillet, on the occasion that I met them.

2 Q. So are we talking about end of March? When did you stop being
3 the overall commander?

4 A. I can't recall the exact date, but it was after the return of
5 the delegation from Rambouillet, which coincides with the
6 bombardment, the first, second or third day afterwards. The bombing
7 started on 24 March, so this would have been two days later or maybe
8 a day later.

9 Q. Okay. So between that time, so between 13 February and the
10 beginning of the NATO bombing, where were you physically located?

11 A. Abri. At Abri in Drenica.

12 Q. And you had no knowledge in that six-week time period of who was
13 overseeing the work of the military court; is that correct?

14 A. Yes, correct.

15 Q. Okay. Now, you -- let's talk about your appointment to the
16 national guard. You've told investigators that you were appointed as
17 head of the national guard by a decision of the Provisional
18 Government of Kosovo; correct?

19 A. That's correct.

20 Q. Now, you say -- you told the SPO last week -- let me correct
21 that. Did you ever receive a written decision appointing you as head
22 of the national guard?

23 A. No. No.

24 MR. MISETIC: If we could have on the screen, please,
25 Exhibit P113.

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1 Q. How did you learn that you had been appointed to this position?

2 A. I was in Berisha, on my way to Drenica, when my name and Ceku's
3 too were made public via the media and Albanian television.

4 Q. Now, you were shown -- if I can -- I think we have the right
5 page. Albanian should be -- yeah.

6 Were you shown this document in your preparation session?

7 A. No.

8 Q. Well, do you recall seeing the part about the biography of
9 Sylejman Selimi and asking if the facts in the biography were
10 accurate?

11 A. Yes, the biography was correct.

12 Q. Now, the portion above the biography, had you seen that before?

13 A. No.

14 Q. Okay. Now, in your preparation session with the Prosecution
15 last week, at paragraph 91 of Preparation Note 2, you said that you
16 never reported to the provisional government during your time as
17 general commander. Is that correct?

18 A. That's correct.

19 Q. Now, did you ever receive an order from Mr. Thaci?

20 A. I don't recall to have ever received any order from Mr. Thaci.

21 Q. And now I'm talking about the time period of March 1998 to
22 September 1999. Did you ever receive an order from Mr. Thaci?

23 A. No, never.

24 Q. Now, this national guard.

25 MR. MISETIC: I'd like to show you P2028, please. English, page

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1 3. And in the same PDF, page 7 in the Albanian.

2 Q. This is your interview to the SPRK in 2011. And if we go to
3 answer to 14, in the second paragraph, you say in response to a
4 question:

5 "Ceku was appointed Chief of staff of the HQ and I was appointed
6 as commander of the 'National Guard', meaning an elite corps within
7 the Army of the provisional government, whose task was also to appear
8 in ceremonies, celebrations and so on. However, because of the short
9 period of time, we could not establish this corps."

10 Is that accurate, that you never were able to establish a
11 national guard?

12 A. Yes, that's correct.

13 Q. Now, I note that in Preparation Note 2, at paragraph 20, you say
14 something very similar but that last sentence is not included. And
15 in paragraph 20, you say:

16 "From June [to] September 1999, the national guard only had a
17 ceremonial role, dealing with ceremonial events or escorting high
18 level personalities."

19 But the sentence from 2011 is omitted, which is that:

20 "However, because of the short period of time, we could not
21 establish this corps."

22 Should that be read into paragraph 20?

23 A. It was not possible to form the guard during the war. The war
24 finished. And that is the context within which I said that we
25 started carrying out the tasks as set out here.

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1 Q. Yes. But the question is -- you say in 2011 that you could not
2 establish the corps. So the question is was it established and doing
3 ceremonial roles, or was it supposed to do ceremonial roles but was
4 never established?

5 A. The whole of the KLA was in the process of being transformed, so
6 that is what we dealt with. At that time, this coincided with
7 negotiations with the KFOR commander General Jackson and Commander
8 Wesley Clark. This unit remained unformed. The conversation was
9 about the role that the KLA would assume after transformation and,
10 within it, the guard itself.

11 Q. Yes. But just to clarify, and I understand it may have been a
12 translation issue or interpretation issue, so let me repeat the
13 question.

14 Are we to understand your testimony to be that the national
15 guard was supposed to have a ceremonial role but was never formed, or
16 that the national guard was formed and had only a ceremonial role?

17 A. It never assumed its powers after the war. It was in the
18 process of being formed. I started organising the guard alongside
19 some other people. However, we were not able to complete it because
20 we were unaware what kind of structure it would be under. So it was
21 all dependent on under -- the auspices the national guard would be
22 operating under.

23 So what we see here are some of the tasks that a Kosovo national
24 guard would be able to carry out. It had not been formed, it had not
25 been completed. It existed in part. And it was in the process of

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1 being transformed. We dealt mostly with ceremonial tasks or
2 protecting personalities.

3 Q. So ceremonial duties, were they during the war or after the war?

4 A. After the war. During the war it hadn't even been formed.

5 MR. HALLING: And maybe just to clarify with the witness what
6 "after the war" means in this context.

7 MR. MISETIC:

8 Q. What does "after the war" mean?

9 A. After the arrival of NATO forces.

10 Q. So after around 12 June?

11 A. Yes, after 12 June.

12 Q. Okay. So let me ask you a follow-up question to that.

13 First, when did you leave Kosovo for Albania?

14 A. The first time I did that was in 1997, when I went with some
15 other people. The second time, it was shortly before the end of the
16 war, after being appointed national guard commander. We had worked
17 out the logo of what it should look like as well as some operational
18 parameters. So I think about -- it was about two weeks before the
19 end of the war when, in the company of a whole group, we went in
20 order to get uniforms and the appropriate weaponry for the Kosovo
21 guard.

22 Q. Now, so you would have left the second time sometime in April
23 1999; is that correct?

24 A. After being appointed guard commander and Agim Ceku became chief
25 of staff. So it was about two or three weeks after that. I can't

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1 recall exactly. But I know that I was in Albania when the war ended,
2 and I returned the day after.

3 Q. So you returned around the 11th or 12th June?

4 A. If I remember correctly, it was the 12th, 13th, or 14th June.

5 Q. Okay. I want to ask you some questions about the situation you
6 found yourself in in June 1999.

7 MR. MISETIC: If we could please have SITF00016024 to
8 SITF00016042 at page 1, please.

9 Q. Now, this is a document from the Prosecution Office of the
10 Republic of Albania dated 28 July 1999. And if you look in the third
11 paragraph below "Ascertained," it says:

12 "On [3 June 1999], at approximately 14:00hrs, on the road
13 Tirana-Dajt, at a road bend, approximately 300 metres away from Hotel
14 'Linza', the vehicle with the plate numbers GH0126, driven by the
15 Kosovan citizen Sylejmani Idrizi, travelling in the direction
16 Dajt-Tirana, went out of the road causing injuries to the three
17 persons who were in this vehicle."

18 If we scroll down it says:

19 "Based on the forensic medicine expertise ... it results that
20 the injuries caused to Sylejman Selimi fall into the category of
21 causing -- injuries causing 9 days of temporary incapacity; these
22 injuries, too, were caused by a strong and sharp item. Furthermore,
23 based on the forensic medicine expertise ... the injuries caused to
24 Zabit Gerci" - it should say "Sabit Geci" - "fall into the category
25 of serious and dangerous injuries at that moment when the damage was

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1 caused ..."

2 Do you recall that on 3 June you were in a car accident in
3 Albania causing serious injuries?

4 A. Yes. I know that after I went to Tirana, I met Adem Grabovci
5 and some other people a day later. And we were inquiring about the
6 logo and uniforms for the guard, and I was told that, "You have to go
7 to Dajt to get some of them." I did not know where Dajt was, so they
8 gave me a car. Ferat Berisha and Sabit Geci were there, and they
9 were there in order to show me where this destination was. We had an
10 accident on the way back. It was a suspicious event because the car
11 itself was damaged as a result of it.

12 Q. And is it correct that you were temporarily incapacitated for
13 nine days after 3 June 1999?

14 A. No. On that day, I was taken to hospital. I stayed there one
15 day or two, after which I left the hospital.

16 Q. I had one question about Sabit Geci. Was he considered to be
17 someone who was part of the Prekaz group?

18 A. No. In the beginning, he was not a member of the Prekaz group.
19 The Prekaz group was discrete. Members from other areas might have
20 supported it, but the Prekaz group was discrete, as I mentioned
21 earlier.

22 Q. Do you know if Sabit Geci worked with Adem Jashari?

23 A. I assume so, yes.

24 Q. Do you know if as a result of Sabit Geci's connection to
25 Adem Jashari he enjoyed a certain prestige within the KLA?

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1 A. It is likely but I don't know.

2 Q. Okay. Now, you discuss the transformation. You started
3 speaking about it. The national guard was not included or listed as
4 one of the entities to be transformed; is that correct?

5 A. Yes, correct.

6 Q. But you, nevertheless, were appointed as second in command of
7 the Kosovo Protection Corps; is that right?

8 A. Yes. I was deputy commander of the Kosovo Protection Corps
9 until the transformation of the KLA into the KPC.

10 Q. And -- well, you were deputy commander even after the
11 establishment of the KPC; isn't that right?

12 A. I was deputy commander until I became appointed commander of the
13 Kosovo Protection Corps within the Kosovo Security Force. Agim Ceku
14 was the commander, and I was the deputy of the Kosovo Protection
15 Corps. When he joined the government, I became the first commander
16 of the Kosovo Security Forces after the transformation of the KLA
17 into the TMK, and I had the rank of colonel.

18 Q. Yes. And in Exhibit P --

19 A. Lieutenant-colonel.

20 Q. Exhibit P02026 at page 57 of the PDF, this is again your
21 statement, and I just want you to clarify something because it's a
22 little unclear in the English. I think it's clearer in the Albanian.
23 It says -- you're asked:

24 "... how did you get the position as second in command of ... of
25 KPC?"

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1 And you say:

2 "... this happened ... that Ceku became the ... the commander
3 and becoming second in command was decided in the council when the
4 transformations were taking place under ... and with ... with his
5 approval, the other group's approval and the KFOR commanders."

6 Now, I understand in the Albanian what it says is that your
7 appointment as second in command was decided based on consultations
8 between -- at the time when there was a French administrator,
9 Kouchner, meaning that with his decision and a decision of -- or in
10 consultation internally with their command and the KFOR commander,
11 you were appointed second in command. Is that what happened?

12 A. This is correct. When I was appointed UNMIK was in place. And
13 we - myself and Mr. Ceku - were appointed by the UNMIK administration
14 in place at the time.

15 Q. And the Provisional Government of Kosovo had no role or say in
16 your appointment as second in command of the KPC; is that correct?

17 A. Correct.

18 Q. Okay. Now turning to a different topic. In paragraph 93 of
19 Preparation Note 2, you said that there were occasions when orders
20 were issued by another person on your behalf; is that correct?

21 A. Correct.

22 Q. Now, also in Preparation Note 2, at paragraph 15, I'll read it
23 to you what it says. It says:

24 "Before the formation of the brigades, there would be issues at
25 checkpoints where people would address themselves by nicknames and

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1 there would be confusion on whether to arrest them. [You remember]
2 there being one such discussion among commanders about these three
3 persons," meaning Hashim Thaci, Kadri Veseli and Rexhep Selimi, "but
4 it resolved itself within a day and no order," meaning order for
5 their arrest, "of this kind was issued."

6 Do you remember telling that to the SPO last week?

7 A. Yes, that's correct.

8 Q. Correct me if I'm wrong, but I understand in that paragraph you
9 to be saying that you do recall there was discussion about -- or
10 among the commanders of the Drenica zone about arresting
11 Hashim Thaci, Kadri Veseli, and Rexhep Selimi, but it resolved itself
12 within a day and no order for arrest was issued; is that correct?

13 A. There was an internal discussion between the point or brigade
14 commanders at the time with respect to a number of issues, and I
15 remember that we had animated discussions about this. But there --
16 as far as I remember, no arrest order was issued against them.

17 Q. Now, I want to discuss this meeting just a little bit and ask
18 you to confirm the names of who I understand were present in this
19 meeting. You were present?

20 A. I think I was. And also others.

21 Q. Fehmi Lladrovci?

22 A. I am not sure.

23 Q. Sami Lushtaku?

24 A. I think he was.

25 Q. Fadil Kodra?

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1 A. I think he was.

2 Q. Ilaz Kodra?

3 A. I think he was. I am not certain.

4 Q. Zene Prokshi?

5 A. I don't know. I don't think so.

6 Q. Rasim Kiqina?

7 A. I don't know if he was present or not. I don't think he was,
8 though.

9 Q. Jahir Demaku?

10 A. Jahir might have been present because he was in charge of the
11 point or the brigade at the time.

12 Q. Abedin Rexha, Sandokan?

13 A. Yes, I think he was.

14 Q. Xhavit Nuraku?

15 A. I don't know.

16 Q. Gani Thaci?

17 A. Gani was present, yes.

18 Q. Now, as I understand it, the accusations that were being made
19 against Hashim Thaci, Kadri Veseli, and Rexhep Selimi were that they
20 had not provided weapons to Adem Jashari but instead they provided
21 them to others, and this allegedly led to the death of Adem Jashari;
22 is that correct? That was what the discussion was about?

23 A. No, that is not true. The discussion was about the detention of
24 KLA members in Drenica and the refusal to supply weapons in Albania,
25 not in relation to this matter. On numerous occasions, members of

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1 the Drenica operational zone were stopped and prevented from moving
2 further because they did not have the proper authorisation and were
3 not supplied with weapons in Albania.

4 Q. Well, let me show you a document.

5 MR. MISETIC: And this is DHT04399 to DHT04400 in the English,
6 and SITF00263239 to 00263325 at page SITF00263291.

7 Q. Now, I understand from your last answer that the issue was
8 related to weapons, and they were being accused of blocking the
9 provision of weapons to the Drenica zone; is that correct?

10 A. All the consultations were with the purpose of organising
11 ourselves and not being blocked, stopped. Many members could get
12 weapons supplies, but some members from the Drenica operational zone
13 were required to present a permit to move, although they had one from
14 me. So this was a clarification amongst the three of us.

15 MR. MISETIC: I may have read out the wrong page number. It's
16 3291 in the Albanian. That was the right document, just the wrong
17 page.

18 Q. What I have here is an excerpt from the book of Gani Geci. And
19 if you look at the paragraph that begins, "On the same day ..." which
20 is the fifth paragraph from the top in the Albanian, he writes in his
21 book:

22 "On the same day, I saw Mehdi with two people, no one else
23 approached him. You saw the difference, they had prepared the ground
24 for isolation. Then things went as they went. We always defended
25 ourselves in Llaushe. We had little weaponry, it had been stopped,

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1 just like in Prekaz. Sami Lushtaku asked for weapons, they did not
2 give them to him.

3 "Sami Lushtaku, Sylejman Selimi, Avni Haxha and another group,
4 who were part of Jetullah Geci's headquarters, signed the arrest
5 warrant for Hashim Thaqi and Rexhep Selimi: '... If they are caught
6 in the areas of Drenica, bring them to the headquarters [in] Likoc,
7 due to the supply/division of weapons, due to the embezzlement of
8 weapons!

9 "'The weapons remained in the Plain of Dukagjin. All the
10 fighters of Drenica who went to withdraw weapons of the three
11 automatic rifles that belonged to them, they only came with one rifle
12 and two magazines, the others stopped there.'"

13 Now, is that consistent with what saying as to the reason that
14 there was a discussion about arresting Hashim Thaci, Rexhep Selimi,
15 and Jakup Krasniqi -- I'm sorry, Kadri Veseli, Rexhep Selimi, and
16 Hashim Thaci?

17 A. This description is erroneous, wrong. It is his description. I
18 explained it to you that this was the conversation, a joint
19 conversation with the commanders of the points or the brigades at the
20 time. On the next day or on the same day in the evening, we met in
21 the presence of Hashim's brother Gani, so I think we all met,
22 including with Sami and others, and clarified this issue.

23 Q. I'm just trying to clarify what Gani Geci said and have you
24 explain whether it's true or not. So there's one other portion I
25 wish to put to you that Gani Geci has said in a statement, and I'll

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1 just read it to you. He says:

2 [As read] "When Sami Lushtaku came from Germany, an arrest
3 warrant for Hashim Thaci and Rexhep Selimi was made public. The
4 reason being that there were no weapons and ammunitions sent to Adem
5 Jashari and to Drenica. I have written it somewhere in my book, but
6 I don't know exactly where that is. So an arrest warrant was drafted
7 and that was prepared, so that was signed by Sylejman Selimi,
8 Sami Lushtaku, Bashkim Jashari. Abedin Rexha, I think initially he
9 signed that arrest warrant, but later on I think he withdrew it.
10 Avni Hoxha signed the arrest warrant as well. That is what I heard
11 from Avni Hoxha and Sylejman Selimi."

12 And he's asked the question:

13 "Do I understand you correctly that you understood this to be a
14 reaction to the understanding that Hashim Thaci and Rexhep Selimi
15 were not providing weapons to Adem Jashari but to others?"

16 And he says:

17 "Yes, this is the reason why. Okay? This is the reason why an
18 arrest warrant was drafted after the murder of Commander Adem
19 Jashari, but later on that arrest warrant was withdrawn, and it
20 wasn't withdrawn by me but by those people who drafted it."

21 Now, I'm giving you an opportunity to comment on what Gani Geci
22 says there.

23 A. This is -- this is entirely wrong. It is not true. I told you
24 the truth.

25 Q. Okay.

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1 MR. MISETIC: Now, I'd like to call up a document which is
2 DHT01458 to DHT01458.

3 Q. Now, you were shown this document in your preparation session
4 with the Prosecution. This is a document that is consistent with
5 your testimony that there was a discussion about arresting those
6 three individuals; correct?

7 MR. HALLING: Objection, misstates the evidence.

8 PRESIDING JUDGE SMITH: Overruled.

9 Go ahead.

10 THE WITNESS: [Interpretation] This order was not issued. It's
11 not signed. So this could have been prepared by anyone. As I said
12 earlier, these problems were discussed. We shortly met then, all of
13 us together, and clarified this point.

14 MR. MISETIC:

15 Q. Yes. But as I pointed out, and as the Prosecutor pointed out to
16 you, you have said that there were occasions when orders were issued
17 by another person on your behalf; correct?

18 A. Yes, that's correct.

19 Q. You don't necessarily have complete knowledge of what, for
20 example, Sami Lushtaku may have drafted?

21 A. No, I cannot necessarily know, but I know that we met shortly
22 after.

23 Q. Yes.

24 A. Very quickly.

25 Q. Yes. But as -- you'll recall that I put to you earlier today

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1 the portion of the notes of the meetings on 6 February and
2 13 February 1999, where Sami Lushtaku had no problem being critical
3 of these three individuals in your presence and in the presence of
4 Rexhep Selimi. And my suggestion to you is that Sami Lushtaku, for
5 example, was not in any way inhibited in expressing his feelings
6 towards these three men because you have a family relation to
7 Rexhep Selimi. That's right, isn't it?

8 A. That's right. And nor did I have a problem expressing direct
9 criticism to them. But, yes, that's correct.

10 Q. Now, it's correct that this incident demonstrates that the
11 command of the Drenica zone believed it had the authority to arrest
12 these three gentlemen if they decided they needed to be arrested.
13 That's right, isn't it?

14 A. Not only against these three persons in particular or anyone
15 else, but the zone commander had full responsibility and authority to
16 take action, and the zone commander took responsibility for this with
17 the brigade commanders at this time.

18 Now, whether the operational zone commander was -- could be
19 influenced or not is another matter. However, the zone commander had
20 the authority. I'm referring to our zone, the Drenica zone.

21 Q. Yes. He had -- the zone commander of the Drenica zone had the
22 authority to arrest these three members of the General Staff. That's
23 what this document shows, doesn't it?

24 A. This document reads that, but it's not signed. And I'm not
25 aware that it was implemented, because I met Mr. Thaci and Mr. Selimi

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1 on the next day or on that very day. I'm not sure. We met and we
2 clarified this problem.

3 Q. Let me rephrase my question. The incident itself, regardless of
4 whether you accept this document or not, but the fact that there was
5 even a discussion --

6 A. It's clear. It's clear to me.

7 Q. The fact that there was even a discussion suggests that you
8 believe the Drenica zone commander had the authority to arrest these
9 three members of the General Staff. That's right, isn't it?

10 A. I had the authority for the Drenica operational zone.

11 Q. Thank you.

12 MR. MISETIC: Mr. President, I tender this document into
13 evidence.

14 PRESIDING JUDGE SMITH: Any objection?

15 MR. HALLING: Yes, Your Honour. There is nothing in that
16 exchange that establishes the *prima facie* authenticity of this item.
17 The witness has never said that he'd seen this before and that he
18 keeps saying that it's not signed. There is no indication as to
19 where it came from. And this witness is only able to recall a story
20 that diverges sharply from the events as stated on this piece of
21 paper.

22 MR. MISETIC: Mr. President, first of all, that's argument.
23 Second of all, the document is consistent with the fact that the
24 witness has said that there was discussion about arresting these
25 three individuals. It's on its face a contemporaneous document from

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1 around this exact same time period. And if we're going to talk about
2 connective tissue, this document clearly corroborates to the extent
3 that it's even talking about the same three individuals.

4 [Trial Panel confers]

5 PRESIDING JUDGE SMITH: Where did this document come from?

6 MR. MISETIC: We obtained the document from someone in the -- I
7 have to look for his exact title but someone in the KLA, in an
8 investigation.

9 PRESIDING JUDGE SMITH: We'll mark this MFI for now.

10 THE COURT OFFICER: Your Honours, that will be marked 1D247 MFI.

11 MR. MISETIC: If I may just add argument to that. This is a
12 document found no different than any other document that's been found
13 in houses across Kosovo and tendered in this case and admitted.

14 MR. HALLING: And on that, we'd ask Your Honours to compare it
15 to the admitted exhibits from the zone.

16 PRESIDING JUDGE SMITH: Go ahead. It's been marked.

17 MR. MISETIC: Thank you.

18 Q. Now, it's correct, is it not, that the discussion about issuing
19 this arrest order ultimately was never enforced because there was a
20 fear that issuing this order would lead to bloodshed?

21 A. No, that's not true.

22 Q. Okay. Why wasn't the order issued?

23 A. Because very shortly after this, we met and clarified the issue.
24 And to my knowledge, the discussion was not about their arrest but
25 their detention, to detain them and clarify the situation. They had

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1 pseudonyms which were not entirely clear to us. They were referred
2 by their pseudonyms, the three of them - Mr. Thaci, Mr. Selimi, and
3 Mr. Thaci [as interpreted]. For what I know at the time, the idea
4 was to seek clarifications with Mr. Selimi and Mr. Thaci. I don't
5 think Mr. Veseli was part of this at the time.

6 These documents were shown to me by the Prosecution and you, and
7 I don't think this document came from the Drenica operational zone.

8 Q. Witness, let me turn to another topic before the break. On the
9 issue of communiqués, you've said, in P2027 at page 2058, that you
10 were not aware of the purpose behind communiqués issued by the KLA;
11 is that correct?

12 A. That's correct.

13 Q. And I take it that means that you were never personally involved
14 in the drafting or issuance of a communiqué?

15 A. Never in the General Staff.

16 Q. And if we could have -- when you say "never in the
17 General Staff," what does that mean?

18 A. Never involved in communiqués of the General Staff, issued on
19 behalf of the General Staff. I was never involved or aware of any.

20 Q. Okay.

21 MR. MISETIC: Now, let me show you 078552-01-TR Revised-ET at
22 page 1 and the same in the Albanian.

23 Q. This is a transcript of your appearance at a talk show in
24 Kosovo.

25 And if we look at the 0:00:27 entry, you're reported as saying:

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1 "I never knew who wrote the communiqués. I do not know even
2 today."

3 Is that correct? Is that still correct?

4 A. Yes, that's correct.

5 Q. And then the question is:

6 "During the war?"

7 You say:

8 "During the war. Even before, there were also communiqués
9 before the war started."

10 So as I understand what you said on this talk show, you don't
11 know anything about who wrote communiqués, whether they were written
12 before or during the war; is that correct?

13 A. Correct.

14 Q. You also, therefore, do not know who wrote Communiqué 59
15 regarding Abedin Rexha and Gani Geci?

16 A. I don't. Correct.

17 MR. MISETIC: Mr. President, I tender this one page into
18 evidence.

19 PRESIDING JUDGE SMITH: Any objection?

20 MR. HALLING: No objection. I believe the item is only two
21 pages. I don't see why it can't just be admitted.

22 MR. MISETIC: That's fine. Yes, that's fine.

23 PRESIDING JUDGE SMITH: How many pages are you offering?

24 MR. MISETIC: I was offering one, but I wasn't aware it was only
25 two pages, so that's fine with me too.

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1 PRESIDING JUDGE SMITH: So 078552-01-TR Revised-ET, pages 1 and
2 2 will be admitted.

3 THE COURT OFFICER: Your Honours, that will be assigned
4 Exhibit 1D248. And can I ask for the classification of this and also
5 for the one that was MFI'd earlier.

6 MR. MISETIC: This one can be public. It's from a public
7 interview. And the other document also, as far as we're concerned,
8 can be public.

9 PRESIDING JUDGE SMITH: Reclassified as public.

10 MR. MISETIC: Thank you. Sorry. If we could have P1745,
11 please. [Microphone not activated].

12 The Albanian version is SPOE00360459 to 00360498 at page
13 SPOE00360474.

14 Q. Now, Witness, I'd ask you to look at --

15 MR. MISETIC: If we could scroll down towards the bottom.

16 Q. If you could look through that quickly, and we'll also turn the
17 page, and let us know if you see anything there related to the topic
18 of communiqués.

19 MR. MISETIC: And in English, it should be 6D00-0771 is the
20 page. One more page. Yeah. We can turn the page. Just to the
21 black bullet point is sufficient. Actually, sorry, if we could
22 continue on to the ...

23 MR. HALLING: Your Honours, it might help if counsel reads in
24 English the portion that he's going to ask a question about.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

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1 MR. MISETIC: Your Honour, there's actually nothing to read.
2 I'm going to end before -- I mean, before the break, I'd just like
3 him to confirm that there is no discussion about communiqués in this,
4 and it's simply for the fact --

5 PRESIDING JUDGE SMITH: Could you just tell us where in the
6 document, the English document, you're reading?

7 MR. MISETIC: The entire page. And I'll just proffer that
8 paragraph 20 of the SPO pre-trial brief, footnote 87, cites these two
9 pages for a proposition concerning communiqués, and I'd just like the
10 witness to confirm that there is no discussion of communiqués in
11 these excerpts.

12 Q. Am I correct that there is no discussion of communiqués in these
13 pages that you've read?

14 A. That's correct. In these two pages, there is no mention of it.

15 Q. Thank you.

16 MR. MISETIC: Mr. President, I note the time, and I need about
17 15 minutes, I think.

18 PRESIDING JUDGE SMITH: We'll take a ten-minute break, Witness,
19 as we have in the past. You may leave the courtroom. Do not speak
20 with anyone about your testimony.

21 [The witness stands down]

22 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

23 --- Break taken at 3.32 p.m.

24 --- On resuming at 3.43 p.m.

25 PRESIDING JUDGE SMITH: Please bring the witness in.

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1 MFI 1D247 will be admitted. The MFI will be removed.

2 THE COURT OFFICER: It will be updated, Your Honours.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: All right. Mr. Misetic, you have the
5 floor.

6 MR. MISETIC: Thank you, Mr. President.

7 Q. Mr. Selimi, I have just a final set of questions for you, and
8 they relate to questions that were put to you by the Prosecutor at
9 the end of his examination about the criminal proceedings against you
10 in Kosovo.

11 MR. MISETIC: And if I could turn to 056965, please. And it's
12 057003 in the Albanian. Sorry, I'll give you the right range. It's
13 056953 to 057028. And the page in English is 056965. And the
14 Albanian version is in the same document, the same PDF, which is at
15 page 057003.

16 Q. Mr. Selimi, this is the indictment that was filed against you,
17 and I just want to look under subsection 1). What the prosecutor
18 charged you with there, amongst other things, is that in your
19 capacity as a KLA member, you were a person exercising control over
20 the Likoc/Likovac detention centre. Do you recall that that was what
21 one of the charges was against you?

22 A. This was a criminal case whose ending is clear. Yes, these were
23 the charges that I see in front of me.

24 Q. Okay. Now, is it correct that the Likoc/Likovac detention
25 centre was guarded by the military police or run by the military

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1 police?

2 A. There was military police in Likoc, and it was the military
3 police which also protected the headquarters of the operational zone.

4 Q. Yes. But it was the military police that also guarded the
5 detention centre. Is that your understanding?

6 A. I said it then, and I say it now, that there was no detention
7 centre. However, I was found guilty over this issue and sentenced
8 accordingly.

9 Q. Now, is it correct that your position is that you were not in
10 command of the military police?

11 A. Yes. Sahit Jashari was the commander of military police.

12 Q. Yes. And your position, with respect to these charges at least,
13 is that Mr. Jashari then reported to the military police
14 administration in the General Staff. That's right, isn't it?

15 MR. HALLING: Just to clarify the timeframe in which that is
16 happening.

17 MR. MISETIC: I'm asking him for his position.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 After you get that answer, find out the timeframe --

20 MR. MISETIC: Yeah.

21 PRESIDING JUDGE SMITH: -- please.

22 MR. MISETIC:

23 Q. Was it your position that the command of the military police
24 went to the military police administration and not to you as the zone
25 commander?

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1 A. I was a zone commander. Sahit Jashari was the commander of
2 military police.

3 Q. Okay. And how long was Sahit Jashari commander of the military
4 police? From when to when?

5 A. When the brigades started being formed, so did military police
6 in the Drenica operational zone. And Sahit Jashari stayed throughout
7 the period that I was a commander of the Drenica operational zone,
8 stayed on as commander of military police, that is.

9 Q. So through at least mid-February 1999?

10 A. I believe so. Or earlier.

11 Q. Yes. So as I understand what you told the Prosecution in
12 paragraph 17 of Preparation Note 1, and I'll read it out to you, you
13 say:

14 "The General Staff appointed a director of the military police,
15 and the idea was that the military police of each of the operational
16 zones would report to this one person, and not to the commander of
17 the zone."

18 Was that your testimony?

19 MR. HALLING: And, Your Honour, we'd ask if the second sentence
20 of that paragraph also be read for context.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. MISETIC: Thank you, Your Honour.

23 PRESIDING JUDGE SMITH: You can do that on redirect if
24 necessary.

25 THE WITNESS: [Interpretation] Yes, the commander of military

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1 police reported before the zone commander. However, the
2 General Staff issued an order to the effect that the military police
3 should report otherwise, and this was an order that was issued by
4 Fatmir Limaj.

5 MR. MISETIC:

6 Q. Yes. And so what I'm suggesting to you is that position that
7 you've taken explains your defence as to the fact that you did not
8 exercise control over any detention facility if it existed; correct?

9 A. Can you kindly repeat the question as I did not understand it,
10 please.

11 Q. Yes. Let me try to make it simple. You were charged with
12 exercising control over a detention centre which allegedly existed at
13 Likoc/Likovac. And what I'm saying to you is your position is that
14 you could not have exercised such control because the military
15 police, according to your testimony, were under the command of
16 Fatmir Limaj and not you; is that right?

17 A. No. Even at the hearing, at the trial -- during the trial, I
18 did not accept that even though I was found guilty. As far as the
19 military police is concerned, it was under my command and the command
20 of the Drenica operational zone. An order arrived later about the
21 reorganisation, the training of military police, so that it should
22 report directly to the Directorate of Military Police at the general
23 headquarters, and that was issued by Fatmir Limaj.

24 Q. If you look at the indictment on the screen, the sentence
25 underneath subsection 1) says that the allegations against you

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1 related to the time period of "spring 1998 until the first months of
2 1999."

3 Now, after the reorganisation, which I believe took place in
4 November 1998, what is your testimony as to who was commanding the
5 military police between November 1998 and the first months of 1999 in
6 Likoc/Likovac?

7 A. Sahit Jashari was the commander and reported to me as the zone
8 commander and he served under my orders.

9 Q. Okay. Then I don't understand your testimony at paragraph 17 of
10 Preparation Note 1. If Mr. Jashari, even into the first months of
11 1999, was reporting to you, then could you please explain this
12 sentence -- let me just finish. Let me just finish. This sentence
13 that says:

14 "... the idea was that the military police of each of the
15 operational zones would report to this one person, and not to the
16 commander of the zone. This person was Fatmir Limaj."

17 A. I do not know what month this order arrived. It was an order on
18 behalf of Mr. Limaj to the effect that the military police across all
19 zones should be under his command and report to him.

20 Q. Okay. I apologise. I'm very confused now as to what your
21 position is.

22 So if the military police directorate was established, let's
23 say, around November 1998, and we're talking about the period between
24 November 1998 and the first months of 1999, between that time period,
25 I understood you to answer my question first by saying that the

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1 military police and Mr. Jashari were under your command.

2 So were they under your command or were they under
3 Fatmir Limaj's command?

4 A. Let me clarify it one more time. I do not know the exact month,
5 but during this period, Sahit Jashari, as commander of the military
6 police, served under my command. I do not know the exact time of the
7 order issued by Mr. Limaj which expressly stated that the police
8 across all zones should report in a hierarchical manner to Mr. Limaj.
9 But I do not know the exact time when this order was issued and how
10 much it was implementable on account of the circumstances of the
11 time, but, yes, it did exist.

12 Q. Did there come a time when the military police in your zone
13 stopped reporting to you?

14 A. No. But I also believe that they reported directly to
15 Mr. Limaj, too. However, I do not have an example to cite here.

16 Q. Okay. So you were commander of the operational zone until
17 mid-February of 1999. Are you saying that Mr. Limaj's order was
18 issued before or after you became the overall commander of the KLA?

19 A. Before, whilst I was zone commander.

20 Q. Okay. And you believe he issued the order, but, as I understand
21 your testimony now, nevertheless, Mr. Jashari continued to report to
22 you until you became the overall commander of the KLA?

23 A. Mr. Jashari continued reporting to me throughout the time that I
24 was zone commander and served under my orders.

25 Q. Thank you.

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1 MR. MISETIC: Mr. President, that concludes my
2 cross-examination.

3 Q. Thank you, Mr. Selimi.

4 PRESIDING JUDGE SMITH: Thank you.

5 Mr. Dixon.

6 MR. DIXON: [Microphone not activated].

7 Sorry. Thank you, Your Honours.

8 Cross-examination by Mr. Dixon:

9 Q. Good afternoon, Mr. Selimi. My name is Rodney Dixon. I'm going
10 to ask some questions for the rest of today for a short time and then
11 tomorrow as well on behalf of my client, Mr. Kadri Veseli.

12 I want to start, Mr. Selimi, with evidence that you gave
13 yesterday regarding Mr. Rasim Kiqina. You were asked by the SPO
14 about him, and this is at page 77 of the provisional transcript from
15 yesterday. You said:

16 "He was in the intelligence and counter-intelligence, and then
17 he was a member of Brigade 111."

18 And you said that you were the one who appointed him into this
19 position.

20 You were then asked:

21 "... was he a high-ranking officer?"

22 And you said:

23 "He was my friend, and he had a position of an officer in the
24 zone."

25 Do you remember giving that evidence yesterday?

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1 A. Yes, it's correct.

2 Q. You were then also asked about whether he was part of
3 Mr. Sabit Geci's unit that you discussed in your statement, and you
4 said:

5 "No, Rasim Kiqina was never a member of that. Rasim Kiqina, I
6 appointed him at a later moment in the operational zone in Drenica."

7 Do you remember continuing in that way?

8 A. Yes.

9 Q. Then just so we have all your evidence so far on this point, and
10 then I'll ask you some questions about this appointment. You said in
11 your preparation note -- and this is at page 13 for those following.
12 It's not in Albanian, we've had this discussion before, so I'm just
13 going to have to read it out to you and see if you recall it.

14 You said that he was a "martyr, killed shortly before the end of
15 the war. [You] appointed him to [your] intelligence position -- or
16 his intelligence position. Kiqina was not part of Sabit Geci's
17 group. Was mainly in the 111th brigade and participated in much
18 fighting. Kiqina was a high-ranking officer and part of a team with
19 [Xhemajl] Shaqiri, Shaban Draga and Xhemajl Bejta."

20 Sorry, it was Kemajl, Kemajl Shaqiri was the first name. I
21 mispronounced it.

22 Do you remember saying that to the SPO, and is that correct?

23 A. It is correct with the exception that -- I did not say that
24 Mr. Kiqina was a career officer but that he worked with career
25 officials. I'm not sure that he was a career officer himself, but he

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1 was one of the most successful officers in the Drenica zone.

2 However, he had not been a professional soldier. Mr. Shaqiri,

3 Mr. Draga, and the others had been, though. And there is a third one

4 whose name escapes me at the moment, but there were three career

5 officers in my zone. But what I stated there is correct, and I only

6 wanted to offer this clarification.

7 Q. Yes. Thank you. It's right, isn't it, that Mr. Kiqina had been
8 in Kosovo the entire time before the war started, he hadn't been
9 abroad, he was living there, and that he then joined the KLA while
10 living there?

11 A. That's correct, yes.

12 Q. And as you've said, he wasn't a person with a professional
13 military background. It's correct as well that he had no training in
14 intelligence or counter-intelligence at the time when you appointed
15 him?

16 A. Yes. With the exception of those three career officers, no
17 single member had any military training whatsoever. Mr. Kiqina
18 included.

19 Q. Yes. And he had no specific training, just to be clear, in
20 intelligence. That's right, isn't it?

21 A. Correct.

22 Q. You appointed him because, as you've said, he was a friend of
23 yours, so you knew him well, is that right, and you trusted him?

24 A. That's correct.

25 Q. And this appointment, it wasn't one that was made by anyone in

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1 the General Staff. It was made by you. That's right, isn't it?

2 A. That's correct.

3 Q. Mr. Kadri Veseli was not involved in this decision to appoint
4 Mr. Kiqina, was he?

5 A. He wasn't.

6 Q. I'd just like to clarify with you, if you can recall, I know
7 it's sometime ago, and you've had to look back, whether you can
8 recall when it was that you appointed him into this position, this
9 position at the zone level?

10 A. I can't recall.

11 Q. Well, perhaps I can try and reconstruct the time period with
12 you. You were asked some questions earlier on today about the
13 restructuring period of the KLA in November 1998. Do you remember
14 being asked about that period?

15 A. Yes.

16 Q. That's when Mr. Bislrim Zyrapi and others got involved in
17 reorganising the very basic structures that existed in the KLA. Is
18 that how you recall it?

19 A. Yes.

20 Q. That was in November 1998. Do you recall that it would have
21 been around that period when you were appointing persons to be in
22 your zone structure, intelligence, other positions in the zone
23 structure?

24 A. It is possible that this is correct. As I said, I do not know
25 exactly, but I believe it is this period of time.

1 Q. Yes, thank you. And before Mr. Kiqina took up his position that
2 you appointed him into, there was no intelligence structure in the
3 zone that was reporting to you. That's right, isn't it?

4 A. Correct.

5 Q. And it's correct that once Mr. Kiqina was appointed, he was
6 reporting directly to you as his zone commander?

7 A. That's correct.

8 Q. And did he have anyone who was assisting him or was it only him
9 in the zone on intelligence?

10 A. I can't recall anyone else except Mr. Kiqina.

11 Q. And what about in the brigades that were forming to some extent
12 at that stage, was there anyone in those brigades - you'd mentioned
13 the 111th Brigade - or not who was working on intelligence?

14 A. No, I don't recall that there was any intelligence and
15 counter-intelligence officers at the brigade level.

16 Q. Now, it's correct you've said that Mr. Kiqina was involved in
17 much fighting. This was in the months of May, June, July, August,
18 September? Is that roughly the period we're talking about?

19 A. Yes. Mr. Kiqina was an extraordinary fighter.

20 Q. Yes. You've referred earlier on in your evidence to him being
21 involved right from the outset in fighting. This is in 1998. I just
22 wanted to clarify for the record. And that was all mainly in the
23 111th Brigade; is that correct?

24 A. That's correct. In addition to his work within Brigade 111, he
25 also supported and came to the aid of other brigades participating in

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1 fighting.

2 Q. Yes. But which other brigades was he crossing over into?

3 A. Mainly, when there was fighting going on, he would volunteer
4 with other members to support them, mainly Brigade 113.

5 Q. Yes. And it was later, as I think you've said you think you
6 recall, that he was then appointed into this position of intelligence
7 around November time. But did he continue operating in the brigade
8 and fighting while he was in the position of intelligence in the
9 zone?

10 A. He engaged mostly in fighting, combat operations, and very
11 little in his role.

12 Q. When you say "very little in his role," do you mean his role as
13 intelligence at the zone level?

14 A. Yes, because his task was to get as close as possible to the
15 enemy forces and uncover their weaponry, manpower, their positions,
16 proximity to other positions, and he took part directly in the combat
17 activities.

18 Q. Yes. So his role in the intelligence side, even if it was
19 limited, is it right, though, that he was there to collect evidence
20 about the position of the Serb forces and their strengths, their
21 manpower, their weaponry? Is that your evidence?

22 A. Yes, that's it.

23 Q. And when he got this information, he was passing that over to
24 you as his zone commander; is that right?

25 A. That's correct.

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1 Q. He wasn't passing that on to anyone else in the General Staff?

2 A. He passed it on to the chief of staff, to the head of the
3 operations, in order to take the necessary measures as per the
4 intelligence obtained.

5 Q. So when you say "the chief of staff," that's the chief of staff
6 of your zone, that's Mr. Shaqiri; is that right?

7 A. Yes, I'm referring to the zone chief of staff and the chief of
8 operations.

9 Q. Who was the chief of operations in the zone?

10 A. Xhemajl Bejta, also a career officer.

11 Q. Yes. And the third person you've mentioned, Mr. Shaban Draga,
12 what was his position in the zone?

13 A. He was in the operations as well and was mostly involved in the
14 training and preparation of the officers.

15 Q. Yes, thank you. And Mr. Kiqina, he wasn't, as far as you know,
16 passing any of his information on directly to Mr. Kadri Veseli, was
17 he?

18 A. I don't have this information. I don't know.

19 Q. Now, I'm just asking what you know. As far as you know, he was
20 reporting to the chief of staff and to you. He wasn't reporting to
21 Mr. Veseli. That's right, isn't it?

22 MR. HALLING: Your Honours, he just said he doesn't have this
23 information.

24 PRESIDING JUDGE SMITH: Sustained.

25 MR. DIXON: Your Honour, I'm just asking what he knows.

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1 PRESIDING JUDGE SMITH: And he told you he didn't know.

2 MR. DIXON:

3 Q. Well, I'm going to put to you because it's my case. My point
4 that I'm putting to you is that Mr. Kiqina was not reporting to
5 Mr. Kadri Veseli. Is that right as far as you remember?

6 MR. HALLING: Objection, foundation.

7 MR. DIXON: Well, it's cross-examination. It's my instructions
8 from my client.

9 PRESIDING JUDGE SMITH: And you get to ask once, and you got an
10 answer.

11 MR. DIXON: Well, I haven't got the answer to whether he was
12 reporting or not.

13 PRESIDING JUDGE SMITH: No, you didn't get the answer you
14 wanted, but you did get an answer.

15 MR. DIXON: Your Honour, I'm entitled to put what my case is.
16 Can I proceed and do it in this fashion?

17 Q. You've said that Mr. Kiqina was reporting to the chief of staff
18 and to you. He wasn't reporting to anyone else higher up as far as
19 you know. That's right, isn't it?

20 MR. HALLING: Objection, asked and answered.

21 PRESIDING JUDGE SMITH: Answer the question. Let's move on with
22 this.

23 THE WITNESS: [Interpretation] Mr. Kiqina was within my command
24 and he reported to me in the Drenica operational zone.

25 MR. DIXON: Yes, thank you.

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1 Q. Mr. Selimi, I want to ask you some questions about what you
2 recall from the period in November 1998 and the restructuring
3 process. Do you recall any interactions at that time as the zone
4 commander with Mr. Zyrapi about looking to upgrade the structure of
5 the KLA and improve it so that it was operating more cohesively?

6 A. Yes, I remember.

7 Q. Can you recall what the nature of those discussions were? What
8 were you seeking to do at that time?

9 A. This was mostly about the forming of structures. For example,
10 in my zone I had brigades, but they did not have battalions,
11 companies, platoons. So this -- the idea was to reorganise and to
12 structure the operational zone in Drenica with the support of
13 officers in the zone.

14 Q. Yes. And when you say reorganise the operational zone, what
15 kind of changes or new steps were you putting in place?

16 A. I tried to explain this to you. The idea -- the aim was to have
17 the zone as organised as possible in terms of structure, equipment,
18 have a functional brigade, battalion, company, so this was -- and the
19 training courses that we would be able to conduct and train officers
20 at these levels.

21 Q. And could you assist us with how far you got in that process. I
22 understand that was the aim, but weren't there serious obstacles that
23 were encountered to achieve that?

24 A. There was continuous fighting going on in my zone. There were
25 difficulties, organisational difficulties. We had a lot to do, and

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1 it was never possible for me to have all the units structured and
2 complete.

3 Q. And do you recall, Mr. Selimi, that from this time on - we're
4 talking about November 1998 - for the first time at the General Staff
5 level that directorates were starting to be established in the
6 different areas? So directorates for information, for intelligence,
7 given numbers like G1, G2, G3. Do you remember that beginning to
8 happen at this time?

9 A. Yes, that is correct.

10 Q. And do you recall that it was at this time that in respect of
11 intelligence, that Mr. Kadri Veseli was appointed into the G2
12 directorate to start establishing that for the first time at the
13 General Staff level?

14 A. Yes, I recall it.

15 Q. Up until that time, you didn't know what Mr. Veseli's position
16 was; is that right?

17 A. That's right. I didn't know.

18 Q. But then thereafter, towards the end of 1998, this became
19 clearer once the directorates were starting to be established; is
20 that correct?

21 A. That's correct.

22 Q. It's right, though, that from that period onwards, this is late
23 1998, after the restructuring had started, you didn't have any direct
24 dealings with Mr. Veseli in his position as G2 head?

25 A. Correct, I didn't have any contacts. And I think I met him only

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1 on one or two occasions throughout this period of time.

2 Q. Yes. And on those occasions, it wasn't to have any formal
3 meetings with him. It was passing through. Would that be a fair
4 assessment?

5 A. I only knew him and met with him. I never had any conversation
6 regarding the organisation or anything of that nature. I remember on
7 one occasion I met him with the other persons who had been wounded
8 and did not have any such conversation.

9 Q. Yes, thank you. I'll come on to 1999 and that period tomorrow,
10 but just to finish looking at 1998 first.

11 In this time, we're talking about November, December now, in
12 your zone, was Mr. Kiqina by this time operating both in the brigade
13 fighting but then also as your intelligence person at the zone level?

14 A. Yes, both.

15 Q. And in the zone at this time, were you having regular meetings
16 or was that just very difficult because of the circumstances on the
17 ground?

18 A. No. The meetings were very rare and difficult to hold at the
19 zone level.

20 Q. Yes. So how did you manage to then communicate, or was it rare
21 and sporadic?

22 A. You mean with Mr. Kiqina or in general in the zone?

23 Q. At the zone command level. So at that level including with
24 Mr. Kiqina.

25 A. I had various difficulties, communication difficulties at the

1 zone level because of the fighting and other difficulties. I used a
2 radio device, which was often dysfunctional, and we used physical
3 contact.

4 Q. Yes. And did you ever get any written reports from Mr. Kiqina
5 at this time? We're right at the end now of 1998.

6 A. From what I can remember, I received orally a lot about the
7 movement of forces. The operational plan, however, was prepared by
8 the career officers who were in the zone with respect to the military
9 and police forces' movements at the time.

10 Q. Yes. And you've talked here about the career officers. Were
11 they able to deliver any training at this time given the realities
12 that you were facing?

13 A. We tried during a certain period of time to deliver some
14 trainings. I don't know if this was after the September offensive or
15 later. We tried to train and have some training courses for
16 officers.

17 Q. Yes. When you say you tried, were you able to get any done or
18 how far did you get?

19 A. Not for the career officers, but what I meant was career
20 officers would deliver training courses for other officers.

21 Q. Yes, I understand that they were the ones delivering the
22 training, but how much were they realistically able to do at this
23 time?

24 A. This was the plan. Very difficult to carry out, however,
25 because of the fighting and the series of considerable casualties and

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1 losses we sustained as a zone.

2 Q. Yes. And just finally, you've mentioned that Mr. Kiqina was
3 killed shortly before the end of the war. Where was that and do you
4 remember when?

5 A. He was killed while travelling from Drenica to Pashtrik. He was
6 killed in the place called Arllat, close to the road, when he was
7 killed by the Serb forces together with Ragip Halilaj.

8 Q. And that was in 1999?

9 A. 1999, right.

10 Q. And he continued in his role as both fighting in the brigade and
11 your intelligence officer right up until that moment; is that
12 correct?

13 A. I think it's correct. He barely carried out these functions.
14 He was mostly with the soldiers and participated in combat operations
15 and stayed with the soldiers of 111th Brigade.

16 Q. When you say "he barely carried out these functions," those
17 functions are the intelligence functions? Is that what you're
18 referring to?

19 A. Intelligence/counter-intelligence. Yes.

20 Q. Thank you.

21 MR. DIXON: Your Honours, I see the time. If we could break
22 there, that would be a convenient moment.

23 PRESIDING JUDGE SMITH: Thank you.

24 MR. DIXON: Thank you, Your Honours.

25 PRESIDING JUDGE SMITH: Witness, that's all for today. We'll

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1 need to see you tomorrow morning at 9.00. We'll continue with your
2 questioning at that time. Please don't speak with anyone about your
3 testimony outside the courtroom. And thank you for being with us
4 today.

5 And, Mr. Qerkini, thank you also.

6 THE WITNESS: [Interpretation] Thank you.

7 [The witness stands down]

8 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.,
9 Wednesday.

10 --- Whereupon the hearing adjourned at 4.30 p.m.

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