

1 Thursday, 13 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
8 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
9 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

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

12 Just a reminder that next week we have no session on Monday, so
13 we will be Tuesday through Friday next week.

14 First, the Panel would like to note that the accused should
15 please wait for the Panel's authorisation before speaking in court,
16 particularly when a witness is testifying. Should the accused
17 require the assistance of counsel, he should attempt to do so more
18 discreetly. Please ask one of the team members nearby to summon your
19 lawyer if that's what you want, and we will always pause the
20 proceedings so you have an opportunity to consult with your attorney.

21 Moving forward, I'd be grateful if counsel for the accused could
22 assist in ensuring the witness's testimony is not disrupted.

23 Second, the SPO has tendered, and the Panel has admitted, the
24 transcript of an ICTY video interview with W04290 dated 19 November
25 2003 as P02026.

1 The Panel notes, however, that the SPO did not tender the
2 underlying video for admission. The Panel would therefore like
3 clarify whether the SPO intends to also offer the video for
4 admission?

5 MR. HALLING: We're happy to do so, Your Honour.

6 PRESIDING JUDGE SMITH: Is there any objection by the Defence to
7 admitting the video as well as the transcript? It might be of some
8 help to the Panel.

9 MR. MISETIC: No objection, Your Honour.

10 PRESIDING JUDGE SMITH: All right. So attached to P02026 will
11 also be the video.

12 Is that okay to do it that way, Madam Court Officer?

13 THE COURT OFFICER: That's absolutely fine, Your Honours. Thank
14 you.

15 PRESIDING JUDGE SMITH: Okay. Thank you.

16 We'll now continue hearing the evidence of Prosecution
17 Witness W04290.

18 Madam Court Usher, please bring the witness in.

19 [The witness takes the stand]

20 PRESIDING JUDGE SMITH: Good morning, Mr. Selimi.

21 THE WITNESS: [Interpretation] Good morning.

22 PRESIDING JUDGE SMITH: I note for the record that Duty Counsel,
23 Mr. Qerkini, is also in the courtroom as he has been throughout this
24 witness's testimony.

25 Mr. Selimi, I remind you to please try to answer the questions

1 clearly, with short sentences. If you don't understand a question,
2 feel free to ask counsel to repeat the question or tell them you
3 don't understand and they will clarify. Also, please remember to try
4 to indicate the basis of your knowledge of the facts and
5 circumstances upon which you will be questioned.

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

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

17 And if you feel the need to take a break, please let us know and
18 we will do our best to accommodate you.

19 We continue now with questions from the Judges. We will start
20 with Judge Mettraux, seated to my right, your left.

21 JUDGE METTRAUX: Thank you, Judge Smith.

22 WITNESS: SYLEJMAN SELIMI [Resumed]

23 [The witness answered through interpreter]

24 Questioned by the Trial Panel: [Continued]

25 JUDGE METTRAUX: And good morning, Mr. Selimi.

Witness: Sylejman Selimi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 A. Good morning.

2 JUDGE METTRAUX: I'd like to go back to a number of facts and
3 circumstances that you've discussed with the parties as I would like
4 to get a bit more clarity on some of the issues you've testified
5 about, and I'd like to start with the evidence you gave regarding the
6 Prekaz group. Do you understand?

7 A. Yes, I do.

8 JUDGE METTRAUX: Now, is it right that, as you said last week to
9 the SPO, you knew that before the war Adem Jashari had regular
10 contacts with the General Staff? Are you able to confirm this?

11 A. Yes.

12 JUDGE METTRAUX: And may I take it that you knew this because
13 he, Adem Jashari, told you so or was your source of information,
14 another one?

15 A. I did not know it. However, I knew that Adem Jashari maintained
16 contacts with other people in groups throughout the Drenica
17 operational zone and beyond, including in the West.

18 JUDGE METTRAUX: So let me read to you what you said. That's
19 Preparation Note 1, that's now Exhibit P2029, paragraph 13. You
20 said, and I quote:

21 "Adem Jashari was in continuous contact with the General Staff
22 ..."

23 Is that correct?

24 A. I don't know if the General Staff existed and to what extent.
25 However, I know that Adem Jashari, in general, kept contacts with

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1 various people throughout, and that is the context within which I
2 said that.

3 JUDGE METTRAUX: So are you changing your account now, that you
4 don't know of Adem Jashari having contacts with the General Staff?

5 A. I know that Adem Jashari had contacts with all the people around
6 him. I do not know who he maintained direct contacts with, but I
7 know that he was in contact with various people in various groups
8 because he was the principal man within the Kosovo Liberation Army.

9 JUDGE METTRAUX: Because when you were giving evidence, sworn
10 evidence, before the ICTY in January 2005, you were asked in court
11 whether during this time Adem Jashari was in contact with the
12 General Staff. And for the record, that's Exhibit P2027 at page 2060
13 and 2061. You said:

14 "Yes. It is normal that Adem Jashari had contacts -- contact
15 with the General Staff, and he had contacts that I was not aware of
16 because I was not at the level that I would know about his activity
17 and the General Staff. But it is known that he had contacts not only
18 with the General Staff but also with other countries, as far as I
19 know."

20 And it goes on. So I'll ask my question again: Were you aware
21 at the time or did you become aware at a later stage that Adem
22 Jashari had contacts or, as you said, continuous contacts with the
23 General Staff before the war?

24 A. I am repeating the same thing now which I stated then. Adem
25 Jashari had contacts with all. And I don't know where the

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1 General Staff existed then, but he did have contacts with the
2 General Staff and with everyone else.

3 JUDGE METTRAUX: Okay. Now we have it clear. You knew, in
4 particular, I hope you can confirm this, that he had contact with the
5 son of your uncle, Rexhep Selimi, before the war; correct?

6 A. Yes.

7 JUDGE METTRAUX: And that's because you introduced one to the
8 other; is that right?

9 A. Yes.

10 JUDGE METTRAUX: And that contact you made between Adem Jashari
11 and Rexhep Selimi was in 1994; is that right?

12 A. Yes.

13 JUDGE METTRAUX: And you also knew, and I hope you can confirm
14 this, that Hashim Thaci, Kadri Veseli, and Jakup Krasniqi had
15 contacts and, for some of them, meetings with Adem Jashari before the
16 war? Can you confirm this?

17 A. I was never present at any meeting, but I think and I know that
18 they did have contacts.

19 JUDGE METTRAUX: And, in fact, you know in particular because
20 Mr. Veseli and Mr. Thaci said so in your presence; is that right?

21 A. They did not say this in my presence, no. But --

22 JUDGE METTRAUX: We'll go to the "but" afterwards.

23 Can we please see Exhibit P186, please.

24 Do you recall being shown that document earlier this week, sir?

25 A. Yes, I do.

Witness: Sylejman Selimi (Resumed) (Open Session)

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Questioned by the Trial Panel (Continued)

1 JUDGE METTRAUX: And it's a record of a meeting at the Jashari
2 house in Prekaz on 18 February 2001, and present, among others, is
3 yourself, Hashim Thaci, Gani Koci, and Kadri Veseli. Do you recall?

4 A. Yes.

5 JUDGE METTRAUX: Can we please go to the fourth page of that
6 document. That's ERN 00226188.

7 Now, in the English I'll ask you to look at the statement that's
8 attributed to Mr. Hashim Thaci under Sami Lushtaku. Do you see that?

9 A. Yes, I do.

10 JUDGE METTRAUX: So in the English, it says that:

11 "Adem Jashari was already informed about the establishment of
12 the KLA. Many meetings were held and there was an intensive exchange
13 of opinions."

14 Do you see that?

15 A. Yes.

16 JUDGE METTRAUX: Then if we can scroll down the page a little
17 bit. There is another statement attributed to Mr. Thaci below
18 Kadri Veseli. Do you see that?

19 A. Yes.

20 JUDGE METTRAUX: And it says in the English:

21 "The proposal for the name ... came from Kosovo. We all know
22 that there is a document signed by Ahmet Haxhiu in 1991 which I
23 handed over to Adem Jashari."

24 Do you see that?

25 A. Yes.

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Questioned by the Trial Panel (Continued)

1 JUDGE METTRAUX: Let's go to the next page, please. And here,
2 if we can go to the bottom in the English, please, and the Albanian
3 as well.

4 There's a statement attributed to Kadri Veseli just under Gani
5 Koci. Do you see that?

6 A. Yes.

7 JUDGE METTRAUX: And what's attributed to Mr. Veseli is:

8 "We all know that we went to Adem and that everything was
9 decided in Adem Jashari's house. Adem Jashari was and remains the
10 commander."

11 Do you see that?

12 A. Yes, I do.

13 JUDGE METTRAUX: And if we go to the next page, please.

14 You will see that in the bolded part under number 3, it says
15 that:

16 "The following people took part in a meeting held in Adem
17 Jashari's house in April 1993."

18 And among the attendees were Kadri Veseli, Jakup Krasniqi,
19 Hashim Thaci. Do you see that?

20 A. Yes, I do. Correct.

21 JUDGE METTRAUX: So looking at this record of a meeting to which
22 you participated, does that help refresh your memory about the fact
23 that Mr. Thaci and Mr. Veseli said in front of you that they had met
24 with Adem Jashari before the war?

25 A. As you can see, this is a meeting which was held after the war,

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1 and the discussion was about earlier events. However, I cannot
2 recall the content of these conversations. I know that I took part
3 in that meeting. It included everyone. It was all inclusive. But I
4 cannot recall the details of what each and everyone said at that
5 meeting because I cannot recall, simply.

6 JUDGE METTRAUX: I see.

7 Can we go back to the first page of that document, please.

8 Now, can you look at the list of participants, if you may. Are
9 all the individuals in that list, like yourself, from the Drenica
10 region?

11 A. Yes, all of them.

12 JUDGE METTRAUX: Including Mr. Thaci and Mr. Veseli; is that
13 right?

14 A. I am not aware that Mr. Veseli is from Drenica.

15 JUDGE METTRAUX: What about Mr. Krasniqi? Do you know if he is
16 from Drenica? And I mean Jakup Krasniqi.

17 A. Yes.

18 JUDGE METTRAUX: What about Rexhep Selimi?

19 A. Yes, he is also from Drenica. Yes.

20 JUDGE METTRAUX: And yourself of course.

21 A. Correct, yes.

22 JUDGE METTRAUX: Now, do you recall who organised this meeting?

23 A. No, I don't.

24 JUDGE METTRAUX: Do you recall who invited you to attend that
25 meeting?

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Questioned by the Trial Panel (Continued)

1 A. I cannot recall exactly. Someone from the -- a family member,
2 Rifat or someone like that.

3 JUDGE METTRAUX: And you mean the family of Adem Jashari?

4 A. Yes, I mean the Adem Jashari family. I'm not sure who of the
5 family invited me to that meeting.

6 JUDGE METTRAUX: Now, last week, and if necessary we'll go to
7 the record of that, you also told the Prosecution - that's Prep
8 Note 1, paragraph 13 - that you knew that Adem Jashari was receiving
9 orders from the General Staff. Do you recall saying this?

10 A. Adem Jashari was the main person. He was the commander of the
11 Kosovo Liberation Army. My meetings with him were face-to-face.
12 Adem Jashari had contact with everyone --

13 JUDGE METTRAUX: Sir, that is not my question. I'll ask you to
14 focus more specifically on my questions and answer only that.

15 You said last week in your preparation session with the SPO at
16 paragraph 13, and if you want, I'll read it verbatim to you, that
17 Adem Jashari was receiving orders from the General Staff. Do you
18 recall saying this?

19 A. In that case, that is wrong. Adem Jashari did not receive
20 orders from the General Staff, but he issued orders or consulted the
21 General Staff with those individuals that were known to him.

22 JUDGE METTRAUX: So you're changing the order here. Last week
23 Adem Jashari was receiving orders from the General Staff. Today --
24 wait. Today, it's Adem Jashari who is giving orders to the
25 General Staff. Is that your evidence today?

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1 A. I think that is a mistake. I don't believe that I said that
2 Adem Jashari received orders. I have said he gave orders. He was in
3 a position to give orders. He was not in a position to be given
4 orders. He was the principal commander. Without Adem Jashari, there
5 wouldn't have been any KLA.

6 JUDGE METTRAUX: Can the Registry please bring up the video of
7 Mr. Selimi's interview with the ICTY. It is now part of P2026. It's
8 ERN V000-4792. And I'll ask the Registry to go to time stamp
9 00:50:30, please.

10 So what I'm about to show you, Mr. Selimi, is something you've
11 already seen earlier this week. It's the video of your interview
12 with the ICTY.

13 And for the record, the corresponding transcript is at page 15
14 and 16. So I'll ask the Registry to play that part.

15 So listen carefully, Mr. Selimi, and I'll ask you my question
16 afterwards.

17 MR. HALLING: And, Your Honour, do you want to do this in public
18 session?

19 JUDGE METTRAUX: I see no issue not to.

20 MR. HALLING: It's fine with us as well.

21 [Video-clip played]

22 "Were they in charge of Drenica at this time?

23 "At this time, they were still under Commander Adem Jashari. We
24 were all of his group, we were his circle. So when there were more
25 people coming and it started growing, then the aim became to expand

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Questioned by the Trial Panel (Continued)

1 the [indiscernible].

2 "Okay, but -- but did Adem Jashari then -- did he have a contact
3 or reporting responsibility to the General Staff? Do you know about
4 this?

5 "He had -- he had continual contacts with the General Staff.

6 "Okay, yeah.

7 "He was in frequent contact with them, and the members of the
8 General Staff also consulted Adem always because he was the main
9 figure in the army, the central figure.

10 "But was -- I know that at this time Drenica was the -- was the
11 main area in Kosovo, but was there similar activity going on in other
12 parts of Kosovo?

13 "There were -- there were -- of course, there were other areas
14 as well, like in Dukagjin and Llap, for example, but we didn't know
15 them. They were the members of the General Staff. They had their
16 own people in this -- in this area.

17 "Okay. But the General Staff had a -- had like -- do you think
18 they had a plan or they had -- they had control over where -- what
19 was happening in the different areas, like in Llap, Dukagjin,
20 Drenica?

21 "Naturally -- naturally, there was some coordination. For
22 example, the legendary commander Adem Jashari, he would give us the
23 orders. And I [indiscernible] think that other people in other
24 areas, they also got their orders from somewhere. There was a plan
25 [indiscernible]. Everything was organised by the General Staff.

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Questioned by the Trial Panel (Continued)

1 "Okay. Do you think that they" --

2 JUDGE METTRAUX: Thank you.

3 Now, does that help refresh your memory, sir, about where the
4 orders were coming from and which direction they were going?

5 A. I don't know if this is meaningful where Adem Jashari was not a
6 member of the General Staff. I've explained this sequence of events.

7 JUDGE METTRAUX: No, no, no.

8 A. Adem Jashari was the main organiser --

9 JUDGE METTRAUX: No, Witness, I'm not asking you this. I'm
10 asking you whether you've heard yourself saying who was giving orders
11 to whom?

12 A. I can state throughout that the main man within the Kosovo
13 Liberation Army was Adem Jashari. I explained what I thought the
14 General Staff was organised like. That is simply my opinion. But
15 given that I myself was not a member of the General Staff, what I
16 stated there were my own opinions only.

17 JUDGE METTRAUX: I see. Now, I'll ask you about your role as
18 general commander of the KLA. I'll tell you what I understand the
19 circumstances to have been, and then I'll ask you my question.

20 So sometime between the middle or the end of February 1999, you
21 were chosen to be the new general commander of the KLA; is that
22 right?

23 A. Yes, correct.

24 JUDGE METTRAUX: And last week, you told the Prosecution -
25 that's Preparation Note 1, paragraph 6 - that you could not exercise

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1 your function as general commander until the Rambouillet delegation
2 came back because you needed to get back into communication with them
3 beforehand. Do you recall saying that and is that true?

4 A. Yes.

5 JUDGE METTRAUX: And in your *Zeri* interview, that's P1745, you
6 said, and I quote:

7 "Rexhep Selimi" -- so you're talking about that meeting with the
8 other operational zone commanders and a couple of representatives of
9 the General Staff. You said:

10 "Rexhep Selimi said that the UCK ... would approve who would be
11 elected commander from this meeting."

12 Is that correct?

13 A. Yes.

14 JUDGE METTRAUX: And that's what we heard Rexhep Selimi say on
15 the video yesterday. Do you recall?

16 A. Yes, that is correct.

17 JUDGE METTRAUX: So even before you were designated as the
18 choice of your fellow OZ commanders, it was agreed that the
19 General Staff would approve the choice; correct?

20 A. Yes.

21 JUDGE METTRAUX: And Tuesday this week, that's page 25021, you
22 explained that the operational zone commanders selected you then to
23 be approved, and then you were formally appointed afterwards by the
24 General Staff. Is that a correct understanding of the process?

25 A. Yes.

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1 Q. And then, as I understand it, you -- after this meeting, you
2 went back to Drenica; is that right?

3 A. Yes.

4 JUDGE METTRAUX: And I understood you to say that you did not
5 take up your new position as commander of the KLA until after you got
6 the approval of the General Staff; is that right?

7 A. I don't know that I said until I received the approval. I said
8 that I received my appointment and stayed in Drenica. I didn't go to
9 other areas.

10 JUDGE METTRAUX: Now, I'll ask you a few follow-up questions on
11 that, then. When you go back to Drenica, did someone replace you as
12 the operational zone commander?

13 A. Yes.

14 JUDGE METTRAUX: And can you tell us when that was?

15 A. On that same night when I was chosen, selected as general
16 commander. In that same decision, Sami Lushtaku was proposed or
17 appointed there.

18 JUDGE METTRAUX: And who is it that assigned or appointed
19 Sami Lushtaku to replace you in that capacity?

20 A. He was deputy commander, so automatically -- he was my deputy in
21 the operational zone in Drenica, and when I moved to my new position
22 as general commander, he moved to the position of Drenica operational
23 zone commander. There was no other -- any need for any other
24 decision.

25 JUDGE METTRAUX: I want to ask you what you did in that new role

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Questioned by the Trial Panel (Continued)

1 of yours, the short period of time when you were general commander of
2 the UCK.

3 We know, because you've said so, that you signed off on
4 preparations for Operation Arrow, and then you left the next day; is
5 that right? You left your position, I mean.

6 A. Yes.

7 JUDGE METTRAUX: Now, can you tell us what else you did as
8 commander of the KLA during these four, five, or six weeks that you
9 held the position?

10 A. I know that after I was made general commander I held a meeting,
11 probably a week later, a meeting in Berisha or some other village. I
12 don't know.

13 JUDGE METTRAUX: And who was at that meeting?

14 A. Bislim Zyrapi, Rexhep Selimi, I think Fatmir Limaj was present
15 as well, and some others. I think Commander Drini was there as well,
16 and somebody else I can't recall now.

17 JUDGE METTRAUX: And what was the purpose and result of that
18 meeting? What happened during that meeting?

19 A. During this meeting I met with them. And upon their proposal,
20 Commander Drini's proposals, some technical matters were discussed.
21 So this was a meeting amongst us. After which, I returned to
22 Drenica.

23 JUDGE METTRAUX: So other than moving Commander Drini around,
24 anything else you recall having decided as commander of the KLA at
25 that meeting?

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Questioned by the Trial Panel (Continued)

1 A. No, I don't know. I don't recall.

2 JUDGE METTRAUX: During that time as commander of the KLA, did
3 you report to anyone?

4 A. No.

5 JUDGE METTRAUX: Did you have a staff assigned by the
6 General Staff to support your new role or were you relying on your
7 Drenica staff?

8 A. There was no staff whatsoever, including in the General Staff.
9 When I went there, there were these individuals. And when I came
10 back, I found my staff, my people.

11 JUDGE METTRAUX: Other than the meeting we've just discussed,
12 did you, during that period of time, meet again with any of the
13 General Staff members - Mr. Thaci, Mr. Veseli, Mr. Bashota,
14 Mr. Krasniqi? Did you meet with any of them during that period when
15 you were the commander of the KLA? Fatmir Limaj?

16 A. No, I don't recall meeting any.

17 JUDGE METTRAUX: Did you issue any communiqué or political
18 statements during your time as commander-in-chief -- or commander, I
19 should say?

20 A. To my recollection, I didn't.

21 JUDGE METTRAUX: Did you have any meetings or contacts with the
22 staff from the various directorates of the General Staff?

23 A. With the exception of Bislum Zyrapi, I don't think I had any
24 other contacts.

25 JUDGE METTRAUX: So you had no contact, for example, with the

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1 head of the directorate for intelligence and counter-intelligence,
2 and no contact with the head of the directorate for military police;
3 is that right?

4 A. As far as I can remember, I did not have any contacts.

5 JUDGE METTRAUX: During that time, did you issue any order to
6 other members of the General Staff?

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

8 JUDGE METTRAUX: Did you issue any order to anyone during that
9 time other than the one that pertained to the move of
10 Commander Drini?

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

12 JUDGE METTRAUX: Now, I want to move to the next stage of your
13 career, if I can put it that way, the period of time when the
14 so-called Provisional Government of Kosovo is being created.

15 And I'll maybe ask the Registry to bring up ERN 125424.

16 And, sir, so that you know what you are looking at, it's the
17 record of your meeting of last week with the SPO. It's Preparation
18 Note 2. We don't have an Albanian, unfortunately, so I'll read out
19 to you the relevant part.

20 And I'll ask the Registry to please go to page 15, that's
21 ERN 125438, and I'll look at paragraph 91, please.

22 So the following is recorded as what you told the Prosecution,
23 Mr. Selimi. It says this:

24 "The Provisional Government of Kosovo also came into being right
25 around this same time, meaning that [yourself] never reported to them

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1 in [your] time as General Commander."

2 I'll stop there with, perhaps, the first question. Do you
3 confirm that during your time as commander of the KLA, you did not
4 report to the provisional government; is that correct?

5 A. Correct.

6 JUDGE METTRAUX: Then it goes on to say:

7 "This government came about when representatives of all
8 political parties got together and the delegation led by Hashim Thaci
9 was given the mandate to make this government."

10 Do you recall saying that?

11 A. Yes.

12 JUDGE METTRAUX: Then it goes on to say:

13 "W04290," that's yourself, "does not know exactly how Agim Ceku
14 reported to the Provisional Government, but he should have reported
15 to the Ministry of Defence and ultimately Prime Minister
16 Hashim Thaci."

17 Do you recall saying this?

18 A. Yes.

19 JUDGE METTRAUX: Can the Registry please bring up Exhibit P1101.

20 So, sir, I'll give you a moment to acquaint yourself with the
21 document. As you can see, it's a combat report. It's dated 26 May
22 1999.

23 And if we can go maybe to the next page. I'll come back to this
24 one.

25 If you look at it, it is signed by Agim Ceku in his capacity as

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1 chief of the General Staff. Do you see that?

2 A. Yes, correct.

3 JUDGE METTRAUX: And if we go back to the first page, please.

4 It is being sent to the defence minister, Mr. Azem Sylja. Do you
5 see that?

6 A. Yes, correct.

7 JUDGE METTRAUX: So is this document consistent with your
8 understanding that at the time Agim Ceku, as chief of staff of the
9 KLA General Staff, would have been reporting to the defence minister,
10 Mr. Azem Sylja?

11 MR. MISETIC: Just a correction, Judge. It's "should have been
12 reporting," is what he said, not "would have been reporting."

13 JUDGE METTRAUX: Is it consistent with what you said?

14 A. I believe it is.

15 JUDGE METTRAUX: And then you said that, in your understanding,
16 hierarchically, the minister of defence, as a cabinet member, would
17 have been reporting onwards to the prime minister; is that right?

18 MR. MISETIC: Again, I have to correct it. He did not say
19 "would have been." It's "should have been."

20 JUDGE METTRAUX: So I'll make Mr. Miseti happy.

21 In your understanding, hierarchically speaking, the defence
22 minister should have been reporting to the prime minister; is that
23 right?

24 A. I believe that according to the hierarchy it's correct.

25 JUDGE METTRAUX: Thank you.

Witness: Sylejman Selimi (Resumed) (Open Session)
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1 Now, I want to ask you about your role in the national guard. I
2 was not entirely clear what happened there and what you did. So,
3 first, you were appointed to head the national guard; is that right?

4 A. Yes, correct.

5 JUDGE METTRAUX: Can you first tell us who it is that appointed
6 you to that position?

7 A. The provisional government.

8 JUDGE METTRAUX: Well, is it the provisional government or is it
9 someone within the provisional government?

10 A. I had never seen the order for appointment until yesterday.
11 This was communicated to me over the phone, meaning that the
12 appointment was made by the provisional government. I had not seen
13 the decision that it was made by Mr. Thaci.

14 JUDGE METTRAUX: So let's take this one step at a time.

15 Rexhep Selimi, when he was interviewed by the SPO - that's
16 Exhibit 763.5, at page 13 - was asked that question. And can you
17 perhaps confirm that when you are appointed to be the head of the
18 national guard, Rexhep Selimi is a member of that provisional
19 government; is that right?

20 A. Yes.

21 JUDGE METTRAUX: So he is asked:

22 "Who appointed Sylejman Selimi as commander of the National
23 Guard?"

24 His answer is:

25 "The prime minister."

Witness: Sylejman Selimi (Resumed) (Open Session)
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1 Now, do you have any reason to dispute Rexhep Selimi's account
2 on that point?

3 A. No, I don't.

4 JUDGE METTRAUX: And, in fact, as you said, you were shown a
5 decree or decision appointing you to that position by the SPO; is
6 that right?

7 A. That's correct.

8 JUDGE METTRAUX: And that decree was signed by Hashim Thaci in
9 his capacity as prime minister; correct?

10 A. Correct.

11 MR. MISETIC: Mr. President, I have to object to that lack of
12 foundation in that question. If you could pull up the document to
13 see if it was signed by Mr. Thaci.

14 JUDGE METTRAUX: Can we please see Exhibit P112, please, in the
15 English; and the Albanian is in P813. And for the English, it would
16 be, I believe, at page 3. Thank you. If we can scroll down a little
17 bit. Thank you.

18 I'll first point to the one we are looking at right now,
19 Decree no. 84. I'll wait until the Albanian comes up for you,
20 Mr. Selimi.

21 So first we see Decree 84/99 that appoints Agim Ceku to be the
22 chief of staff of the General Staff. Do you see that?

23 A. Yes.

24 JUDGE METTRAUX: And if we can scroll down the page, we can see
25 that on the same date there is Decree 85. So take a second to read

Witness: Sylejman Selimi (Resumed) (Open Session)
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1 that.

2 And if we can turn the page, please. Top of the page, please.

3 Thank you.

4 Is this, sir, the decree that appoints you to be the head of the
5 national guard?

6 A. According to this, yes. But I had not seen this document until
7 yesterday.

8 JUDGE METTRAUX: And can you confirm that the decree comes with
9 -- or is attributed to the Prime Minister Hashim Thaci on behalf of
10 the Provisional Government of Kosovo? Do you agree with that?

11 A. Correct.

12 MR. MISETIC: Just in relation to my earlier objection, if we
13 can check to see if it's signed.

14 JUDGE METTRAUX: Now, you explain that or I understood you to
15 explain -- or I'll ask it that way to you, because I'm not quite
16 clear what you said. Was the national guard ever created? In other
17 words, did it function in any way or did it not?

18 A. Until the formation of the institutions -- or, rather, until the
19 transformation of the KLA into KPC, the guard of Kosovo did not have
20 specific tasks. I led this with a group of people to fulfil
21 ceremonial duties and tasks.

22 JUDGE METTRAUX: Okay. So I need further specification there.
23 What staff was put at your disposal? How many people were under your
24 leadership within the national guard?

25 A. Between 10 and 15 people who were there.

Witness: Sylejman Selimi (Resumed) (Open Session)

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Questioned by the Trial Panel (Continued)

1 JUDGE METTRAUX: And what did you do concretely? Tell us what
2 as the national guard you did? Concretely, not in theories. But
3 what activity did you undertake?

4 A. We mostly were in the process of preparing ourselves to have a
5 structure. This was not put on paper, though, because we still
6 didn't know the shape, form, number, name, would it be a guard or
7 some other form. As a result of all this, we were not able to carry
8 out tasks or functions.

9 JUDGE METTRAUX: I see. So you did not, in fact, perform any
10 ceremonial duty. You can't think of a single ceremony that you
11 attended with the national guard, or is there?

12 A. Correct. There's no ceremonial event in which we took part. We
13 did not have the equipment or the structure to fulfil that, so we
14 were in the process or waiting for the future structure. This was
15 decided later on.

16 JUDGE METTRAUX: And who did you report to as the head of the
17 national guard, if to anyone, about your activities or, as you put
18 it, your preparations?

19 A. To Agim Ceku in his capacity as the chief of staff.

20 JUDGE METTRAUX: And how regularly would you report to him about
21 this?

22 A. We were in daily talks about the structure, the demobilisation
23 process, so we had constant daily contacts.

24 JUDGE METTRAUX: Thank you. Now, we've seen a moment ago the
25 decree, and I'll come back to it if necessary, the decree appointing

Witness: Sylejman Selimi (Resumed) (Open Session)

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Questioned by the Trial Panel (Continued)

1 Agim Ceku to be the chief of staff of the General Staff. Do you
2 recall the documents that I showed you a moment ago?

3 A. Yes.

4 JUDGE METTRAUX: Do you recall, I think it was yesterday or the
5 day before, Mr. Misetic asked you who had appointed Mr. Ceku, and he
6 showed you part of an interview of Mr. Ceku on this matter. Do you
7 recall this exchange?

8 A. Yes.

9 JUDGE METTRAUX: And in that interview, Mr. Ceku is recorded as
10 claiming that his appointment had been made by the General Staff. Do
11 you recall that?

12 A. Yes.

13 JUDGE METTRAUX: So assuming for a second that Mr. Ceku was
14 being truthful and that the record of his interview is correct, you
15 would agree, I suppose, that members of the General Staff or those
16 with contacts with them might have been in a position to know who
17 appointed him to that position. Would you agree?

18 A. Yes.

19 JUDGE METTRAUX: Now, Rexhep Selimi was asked that question.
20 That's P763.5, page 13:

21 "And who appointed Agim Ceku as chief of the General Staff of
22 the KLA?"

23 His answer:

24 "The prime minister."

25 Bislim Zyrapi was asked the same question, that's P1355,

Witness: Sylejman Selimi (Resumed) (Open Session)
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1 Part 11, page 20 and 21:

2 "Q. So just to be clear, was Agim Ceku appointed by
3 Hashim Thaci?

4 "A. Yes, later, yes."

5 And then further he says:

6 "Yes. Yes, because it was the prime minister at the time that
7 made the replacement of myself with Agim Ceku."

8 Now, do you have any reason to dispute the accounts of
9 Rexhep Selimi and Bislrim Zyrapi on that point?

10 A. No, I don't.

11 JUDGE METTRAUX: And would you agree with the suggestion that
12 their account is consistent with the decree we saw just a moment ago?

13 A. Yes, they seem to be consistent.

14 JUDGE METTRAUX: Now, I want to ask you about two small matters
15 that you discussed with counsel. The first one is Ferat Shala.

16 You indicated that Ferat Shala at some point went from the
17 Pellumbi unit to the General Staff. Do you recall that?

18 A. Yes, correct.

19 JUDGE METTRAUX: Do you recall having had any contact with Ferat
20 Shala after the month of May 1998?

21 A. I don't recall.

22 JUDGE METTRAUX: Do you recall seeing Mr. Ferat Shala in the
23 Drenica zone after May 1998?

24 A. I don't recall.

25 JUDGE METTRAUX: You said that you did not know what position he

Witness: Sylejman Selimi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 went up to hold within the General Staff. Would you know at least in
2 which directorate of the General Staff he moved to?

3 A. I did not have this information. I don't know.

4 JUDGE METTRAUX: So when in middle or end of February 1999 you
5 become the commander of the KLA, did you inquire what his role was,
6 or did you look into who were heading or deputies in the various
7 directorates of your command?

8 A. No, I did not inquire. I don't know.

9 JUDGE METTRAUX: You never discovered, for instance, at that
10 time in February 1999, who was heading your own directorate of the
11 intelligence at the time and who was, perhaps, deputising within that
12 structure?

13 A. We had some pieces of information but nothing detailed because I
14 stayed in Drenica. I didn't really deal with those matters. I knew
15 that Mr. Veseli was the director of G2, but he was not -- I do not
16 know what position Mr. Shala had there.

17 JUDGE METTRAUX: Did you come to learn that maybe after the war,
18 later, when you started interacting with other entities, what
19 Mr. Shala was doing or still not?

20 A. No, I didn't deal with Mr. Shala. I don't know. I don't
21 remember.

22 PRESIDING JUDGE SMITH: Witness, we'll take a ten-minute break
23 right now. Please do not discuss your testimony with anyone outside
24 the courtroom, and you can leave the courtroom with the usher.

25 [The witness stands down]

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

2 --- Break taken at 10.02 a.m.

3 --- On resuming at 10.13 a.m.

4 PRESIDING JUDGE SMITH: Please bring the witness in.

5 MR. DIXON: Your Honours, while the witness is being brought
6 in --

7 PRESIDING JUDGE SMITH: Just a second.

8 Go ahead.

9 MR. DIXON: I just wanted to raise it without the witness being
10 present. We have got some concerns about the questions that were
11 asked at the end regarding Mr. Shala.

12 These have already been expressed in our filing of November last
13 year, F02718, regarding measures taken to ensure the impartiality of
14 the proceedings.

15 And my concern, Your Honour, if I may just finish briefly so I
16 can put it on the record, is that these are not clarifying questions.
17 They are questions which are seeking to build a case, put a case from
18 the Bench. That's the matter we've addressed in our motion.

19 These are properly questions which should be asked in
20 re-examination and not by the Bench, is our submission. So I do wish
21 to reiterate that. And ask that there's a ruling made, Your Honours,
22 in respect of our outstanding motion.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. DIXON: Yes. This is the one of 13 November 2024, F02718.

25 PRESIDING JUDGE SMITH: Our ruling is we will continue with the

1 questions as we have. The questions are allowed by the rules, and
2 that's any question on any subject.

3 MR. DIXON: Yes.

4 PRESIDING JUDGE SMITH: And so that's what we will continue to
5 do. So your objection is overruled.

6 MR. DIXON: Yes. All I'm saying is in our motion we've asked
7 for certain protections for the rights of the accused, the appearance
8 of impartiality and fairness in the proceedings, and we wish those to
9 be addressed. And I'm reiterating them again today because they've
10 arisen in the questions that we've just witnessed in relation to
11 Mr. Shala, not clarifying questions but questions which are putting a
12 case, a case consistent with the Prosecution case.

13 PRESIDING JUDGE SMITH: Thank you for your input.

14 MR. DIXON: Thank you, Your Honours.

15 THE ACCUSED VESELI: [Microphone not activated].

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

17 [The witness takes the stand]

18 [Specialist Counsel confer]

19 PRESIDING JUDGE SMITH: All right. Mr. Selimi, we will continue
20 now with questions from the Bench.

21 Judge Mettraux.

22 JUDGE METTRAUX: Thank you, Judge Smith.

23 And thank you, Mr. Selimi, for your patience. I am almost done.
24 There's one last matter I want to ask you about. It's questions that
25 were asked by Mr. Dixon for Mr. Veseli. And ...

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Questioned by the Trial Panel (Continued)

1 PRESIDING JUDGE SMITH: Excuse me, could we be quiet, please, in
2 the courtroom.

3 JUDGE METTRAUX: Thank you.

4 You expressed the view repeatedly, as I understood, that you did
5 not believe the claim of Sabit Geci that he was part of the
6 intelligence and counter-intelligence service of the KLA. Did I
7 understand this correctly?

8 A. Yes.

9 JUDGE METTRAUX: And in that context, you were also asked by
10 Mr. Dixon about an article that you wrote and was published in
11 *Bota Sot*. Do you recall?

12 A. Yes.

13 JUDGE METTRAUX: That's Exhibit P185 for the record.

14 And I understood you to tell Mr. Dixon, in relation to that
15 article, that you wanted your own truth - in other words, your own
16 version, as you believed it - to be heard about -- by the public
17 about these accusations that you are addressing in that article. Did
18 I understand that correctly?

19 A. Yes.

20 JUDGE METTRAUX: So, now, if you did not believe that
21 Mr. Sabit Geci was part of the intelligence service, why did you
22 include it in an article where you wanted the truth to be heard?

23 A. I was referring to what had, in fact, occurred and to what
24 Mr. Geci had stated.

25 JUDGE METTRAUX: Yes. But if you said, as you did repeatedly

Witness: Sylejman Selimi (Resumed) (Open Session)
Questioned by the Trial Panel (Continued)

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1 yesterday, that you did not believe this account and you wanted the
2 truth to be known, why did you include it in your statement?

3 A. I don't know the reason. I only included it on the basis of the
4 statement made by Mr. Geci to me.

5 JUDGE METTRAUX: Thank you, Mr. Selimi. Those were my
6 questions.

7 PRESIDING JUDGE SMITH: Judge Gaynor.

8 JUDGE GAYNOR: Thank you, Judge Smith.

9 Good morning, Witness. The first subject I want to address are
10 interrogations at Likoc.

11 At page 25002 of the transcript of 11 February, that's two days
12 ago, you were asked:

13 "Were there interrogations of arrested persons at Likoc?"

14 And your answer was:

15 "There were no arrested persons in my opinion. There were,
16 perhaps, people questioned or interrogated or something of that sort
17 but not arrestees."

18 Do you remember giving that answer?

19 A. Yes.

20 JUDGE GAYNOR: Now, my question is where were those
21 interrogations?

22 A. Where they were detained at border points, for instance, or on
23 the points of entry or exit from Drenica, wherever they were
24 detained, and asked "Where are you heading towards?" or "Who are
25 you?" and questions of identity and something like that.

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Questioned by the Trial Panel (Continued)

1 JUDGE GAYNOR: And who carried out that questioning?

2 A. The individual who was manning that point would ask the
3 questions.

4 JUDGE GAYNOR: Well, would that be a soldier or a military
5 police officer?

6 A. Regardless of the tasks of the individual, if there was an
7 individual who was unknown in the area he would be questioned.

8 JUDGE GAYNOR: But who was doing the questioning? Just clarify
9 for us. Was it mainly soldiers or mainly military police officers?

10 A. I believe soldiers. If a policeman would have been there, it
11 would have been the policeman. But mainly it would have been
12 soldiers who were at that point.

13 JUDGE GAYNOR: On 11 February you also said:

14 "The military police dealt also with civilians or with the
15 disciplinary matters involving soldiers."

16 Now, do you remember giving that answer?

17 A. Yes.

18 JUDGE GAYNOR: Now, what kinds of matters involving civilians
19 would the military police be dealing with?

20 A. It was mainly to do with law and order in Likoc because there
21 were large numbers of people who had arrived. And so it was mostly
22 keeping law and order, procuring or securing medical supplies, and so
23 on.

24 JUDGE GAYNOR: I think you've told us - this is P2026 at page 43
25 - that the purpose of the military police was to improve discipline

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Questioned by the Trial Panel (Continued)

1 in the army. Do you remember saying that?

2 A. This is a role that they undertook, too, possibly; the
3 improvement of discipline, that is. Yes, it is accurate.

4 JUDGE GAYNOR: So if their role was to improve discipline in the
5 army, why were they dealing with civilians?

6 A. Because there was a need for them on the part of the civilians.
7 There was a market there, large numbers of people, and there was a
8 need to maintain law and order and discipline there.

9 JUDGE GAYNOR: Why was there a need? What are you referring to?
10 Could you be more specific, please?

11 A. Because there may have been occasions of abuse or confrontation.
12 There were large numbers of people who had arrived in Likoc from
13 other areas, so at a point -- at a certain point in time one of their
14 tasks was the maintenance of law and order.

15 JUDGE GAYNOR: And were you concerned about the presence within
16 the civilian population of people who were assisting the Serbian
17 forces?

18 A. No. At this point in time there were many displaced people, and
19 military police offered assistance to them but not from the point of
20 view of inquiring or questioning.

21 JUDGE GAYNOR: But did you have concerns that some of the
22 civilians were assisting the Serbian forces?

23 A. I did not have that concern. There was the larger concern
24 that -- the concern from the Serbian forces who had -- who were in
25 large numbers and were shelling, and there was a large population

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1 congregating on Likoc. So we tried to help them find their
2 whereabouts and assist them in other ways.

3 JUDGE GAYNOR: Now, at page 43 of P2026, you were asked:

4 "... did you create the military police in your area when you
5 created the brigades?"

6 And your answer was:

7 "By the order of the General Staff so as ... to improve
8 discipline. There was a team ... in every brigade, about five, six
9 ... seven or eight, which was under the brigade ... their
10 headquarters [was] in ... in Likovc, close to the general staff of
11 the zone."

12 You recall giving that answer?

13 A. Yes.

14 JUDGE GAYNOR: Now, when did you receive that order from the
15 General Staff?

16 A. The zone commander decided on the military police and sent its
17 proposals upwards to the General Staff.

18 JUDGE GAYNOR: Yes. But my understanding from the answer you
19 gave in your interview was that you created the military police by
20 the order of the General Staff. My question is when did you receive
21 that order?

22 A. I cannot recall having received that order. I can't recall.

23 JUDGE GAYNOR: One point I wanted to check was the call sign 101
24 which was assigned to you, who assigned that call sign to you?

25 A. In the majority of cases we decided that ourselves. And I did

Witness: Sylejman Selimi (Resumed) (Open Session)
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1 that within the operational zone, including drawing on call signs
2 which we used when we were simply guerrilla units. We took that
3 decision ourselves. I myself decided on 101. It seemed fairly
4 suitable to me.

5 JUDGE GAYNOR: I think we saw in a document earlier that there
6 were a number of different call signs with different numbers, so
7 surely there must have been somebody deciding who gets which number;
8 is that right?

9 A. No. In the majority of cases, it was us deciding amongst
10 ourselves. And on the basis of ours, others took a decision. But in
11 the majority of cases we did it ourselves. I decided, for instance,
12 on 101 for myself as the call sign.

13 JUDGE GAYNOR: I want to move now to the position of
14 Kadri Veseli as head of intelligence within the General Staff before
15 SHIK was formed. And you said you were aware that he was head of
16 intelligence. And my question is when did you become aware
17 Kadri Veseli was head of intelligence on the General Staff?

18 A. At the point where I was assigned to be commander of the
19 General Staff.

20 JUDGE GAYNOR: But previously, I think you agreed that you knew
21 that he was head of G2 on the General Staff. We're going back in
22 time, sometime during 1998. And I wanted to establish when that was.

23 A. I do not know exactly. Maybe towards the end of 1998 and the
24 beginning of 1999, but I cannot be certain about it.

25 JUDGE GAYNOR: How did you become aware that he was head of

Witness: Sylejman Selimi (Resumed) (Open Session)
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1 intelligence on the General Staff?

2 A. I learned that when I was appointed commander of the
3 General Staff. At that point, I learned of the existing structures.

4 JUDGE GAYNOR: All right. I want to clarify a point of
5 linguistics.

6 Could I ask Madam Court Officer, please, to bring up 1D00070.

7 This is a document which was shown to you. I understand,
8 Mr. Witness, that you do speak some English; is that right?

9 A. Yes, I understand.

10 JUDGE GAYNOR: Very well. Now, this document, which you've seen
11 before, was issued on 2 April 1999. And I want to just clarify that
12 the translation of a couple of expressions. You'll see the minister
13 of public information is the office at number 1 under the list of
14 ministers. And the word for public information is "*Informimit*
15 *Publik*." You see that?

16 A. Yes.

17 JUDGE GAYNOR: Now, could you have a look at number 6? That's
18 the minister of Kosovo intelligence service. And you see that the --
19 the original, obviously, is "*Sherbimit Informativ te Kosoves*."

20 A. Yes, correct.

21 JUDGE GAYNOR: And you accept that that is correctly translated
22 as "Kosovo Intelligence Service" in the English version?

23 A. I don't believe it to be correct. The minister of intelligence
24 and then -- and "*Sherbimit Informativ*" is something else.

25 JUDGE GAYNOR: Well, what is it then?

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1 A. If you follow the Albanian, it would have been "intelligence
2 service." Maybe this "*Sherbimit Informativ*" includes those. I
3 believe both -- both point to the same, minister of intelligence and
4 minister of *Sherbimit Informativ*.

5 JUDGE GAYNOR: Very well. Now, the expression "*Sherbimit*
6 *Informativ te Kosoves*," that is consistent with the acronym SHIK,
7 isn't it?

8 A. Yes, the acronym for it is SHIK.

9 JUDGE GAYNOR: And are you familiar with the National
10 Intelligence Service of Albania during the 1990s which also was known
11 by the acronym SHIK? It's not on this document. It's a separate
12 question.

13 A. Yes, I heard about it. Yes.

14 JUDGE GAYNOR: Do you happen to know the name of that agency?

15 A. The National Intelligence Service of Albania.

16 JUDGE GAYNOR: Thank you. And there the word "National" is
17 represented in the Albanian language by "*Kombetar*" which is why that
18 also has the acronym SHIK; isn't that right?

19 A. Yes, I think so. It is the Albanian intelligence service.

20 JUDGE GAYNOR: So is my understanding correct that during the
21 war in Kosovo, the expressions "SHIK" and "ZKZ" and "G2" were used on
22 an informal basis interchangeably to refer to the intelligence and
23 counter-intelligence service of the KLA?

24 A. They can't be the same. ZKZ is one thing. The intelligence
25 service is another thing. The intelligence and counter-intelligence

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1 service, you have within the structure a unit which deals precisely
2 with intelligence and counter-intelligence, conducting a
3 reconnaissance of the enemy forces and capabilities. So it's not the
4 same.

5 JUDGE GAYNOR: Very well. That may well be the case. But prior
6 to the establishment of the SHIK for Kosovo, the intelligence service
7 of the KLA was known as the ZKZ, was it not?

8 A. I cannot say it. I cannot say that it is the same as an
9 intelligence service as per the structure.

10 JUDGE GAYNOR: Let me ask you from this direction: When you
11 were typically referring to intelligence service during the war, what
12 expression did you use on an informal basis when you were discussing
13 the intelligence service with other persons?

14 A. We didn't use any term in particular or structure. I don't
15 recall having ever used the name "intelligence service."

16 JUDGE GAYNOR: Well, during the evidence in this trial, we've
17 heard reference to G2, to SHIK, to ZKZ. Could you enlighten us as to
18 which of those three terms, for example, you may have used when
19 referring to the intelligence service during the war?

20 A. The war circumstances are entirely different. At the time, I
21 did not use intelligence and counter-intelligence terminology in my
22 zone. I don't know about the other zones.

23 JUDGE GAYNOR: I'll move on to a separate subject, Mr. Witness.
24 This concerns the expression of dissent by zone commanders.

25 And for the other people in the courtroom, this is page 25060,

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1 and this was on 11 February.

2 And you said:

3 "It is correct that as zone commanders we did have concerns and
4 dissent, and I myself, I have given various opinions and concerns as
5 have other zone commanders, and this was all to do with the
6 improvement of the functioning."

7 Do you remember giving that answer?

8 A. Yes.

9 JUDGE GAYNOR: Did you often express your dissent to the
10 General Staff?

11 A. I often had dissatisfactions in relation to the General Staff.
12 I am able to explain further in detail the reasons for that.

13 JUDGE GAYNOR: Yes, please do so. And also could you indicate
14 who in the General Staff you expressed those concerns to.

15 A. I expressed my concerns in this meeting. In wartime, we're
16 using this big word "General Staff." In peaceful times, it's a large
17 entity with a whole infrastructure, staffed with a considerable
18 number of people. Whereas now we are talking about a General Staff
19 which was nearly non-existent, was poorly staffed with very few
20 people, disorganised. So every time we needed support or had a
21 request to them as a zone, we did not know who to direct it to. We
22 did not receive any logistical or other sort of support in terms of
23 our operations, weapons supply.

24 So we're talking about a General Staff with very few members
25 whom you probably never met, based in a small building premises

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1 consisting of a private house with two, three rooms. So these were
2 part of our complaints. And probably consisting of unprofessional,
3 non-military people. So these were sort of concerns that I expressed
4 probably on many occasions, including towards individuals.

5 JUDGE GAYNOR: And which individuals in particular?

6 A. For example, I expressed criticism towards the deputy commander
7 for operations, or perhaps also towards Mr. Krasniqi, because of
8 technical reasons, reasons which at the time during the war were
9 obvious to me. I did not have support. I did not get supplies. I
10 had no operational plan. For example, the deputy head of the
11 operations was never on the ground to help and support in the conduct
12 of the combat operations, provide support with weapons or other forms
13 of support.

14 So you need an operational general staff to be in charge and
15 provide the necessary required support to the zone. As a result, the
16 zone commander had to deal himself with all this: The operations,
17 the analysis, evaluation of the circumstances, and the actions to be
18 taken. And for these reasons, I've expressed my concern and
19 criticism.

20 JUDGE GAYNOR: So my understanding is that you saw the
21 expression of dissent as a way to make the KLA function better; is
22 that right?

23 A. That's correct.

24 JUDGE GAYNOR: Did you consider the expression of dissent by the
25 zone commanders to be insubordination?

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1 A. Every commander had their own needs and, perhaps, criticism
2 expressed towards the General Staff. And every commander was
3 independent in their decisions, depending on the terrain and
4 circumstances in their zone.

5 JUDGE GAYNOR: I want to move to the principal reason why some
6 zone commanders did not agree to the first draft of the agreement at
7 Rambouillet. And you said -- I don't have the precise page, but it
8 was on 11 February. You said:

9 "The draft contained a provision that the Serb forces would not
10 leave the territory, would not withdraw. We would have to disarm.
11 So that meant for the KLA to lay down weapons and for the Serb forces
12 to continue to stay in Kosovo."

13 Do you recall saying that?

14 A. Yes.

15 JUDGE GAYNOR: So as a military commander, it's perhaps not
16 entirely surprising that you were alarmed at the prospect of being
17 completely disarmed while the enemy forces remained in your territory
18 and they were completely armed. Is that a fair summary of your
19 concern?

20 A. Yes, that's correct. And also that this text, the first draft,
21 did not foresee the independence of Kosovo. And in our opinion, in
22 our view, it was not in our favour at all.

23 JUDGE GAYNOR: Did you consider the expression of dissent by the
24 zone commanders on those two points to be a form of insubordination?

25 A. We expressed our opinion. If, in fact, our opinion was not to

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1 be considered, it would have been difficult for the delegation to
2 come to a decision, because the zone commanders had responsibilities
3 and controlled the ground. I wouldn't say it was insubordination.
4 It was rather a suggestion, or a resistance.

5 JUDGE GAYNOR: And did you consider that the occasional
6 expression of dissent by the zone commanders strengthened or weakened
7 the command structures within the KLA?

8 A. I think this strengthened it. It did not weaken it. They also
9 strengthened the position of the delegation there.

10 JUDGE GAYNOR: I want to turn now to the subject of the process
11 of consultation for appointments within the KLA, including the
12 General Staff of the KLA.

13 At page 25058, you were asked:

14 "... did you believe that the zone commanders should be
15 consulted about appointments to the General Staff?"

16 And you agreed with that. You said:

17 "... yes, I think we ought to have been consulted in order for a
18 better and more successful organisation overall."

19 And when you were asked why, your answer was:

20 "Because zone commanders were the ones who had responsibility on
21 the ground."

22 And you went on to say:

23 "It would have been important for the organisation of the entire
24 structure of the Kosovo Liberation Army and of the General Staff in
25 particular."

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1 You remember giving those answers?

2 A. Yes.

3 JUDGE GAYNOR: Now, I want to explore in more detail the
4 explanations that you provide. Could you explain why you thought it
5 was good practice for zone commanders to be consulted about
6 appointments to the General Staff? Why was this good for the
7 structure or the functioning of the KLA?

8 A. I think the zone commanders knew better the terrain and the
9 situation on the ground, and they knew the people. In this sense, it
10 would have been better. This is what I thought at the time.

11 JUDGE GAYNOR: And did this process of consultation lead to a
12 greater acceptance by the zone commanders of the authority of the
13 General Staff?

14 A. The zone commanders had always the competence and the authority
15 to operate in the zone.

16 JUDGE GAYNOR: But my question is about the consultation
17 process. Did the fact that you were being asked your opinion - "you"
18 being the zone commanders - do you think that increased the chances
19 that you were going to accept who was going to be on the
20 General Staff?

21 A. I think this would have led to a better organisation, a more
22 successful one.

23 JUDGE GAYNOR: I want to turn to something you said in your *Zeri*
24 interview, which is P01745, at page 23 of the English.

25 And you were discussing the period around the culmination of the

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1 Serb offensives, and you were asked about the presence of
2 Hashim Thaci in the Drenica zone. And you said:

3 "Hashim Thaci had come to maintain contacts with the zone
4 commanders, to ascertain our needs and our situation in general. We
5 were waging the war. Hashim's presence was important for morale. He
6 was very calm in the war. He was not scared at all."

7 Do you remember saying that?

8 A. I would have said that in the interview? Because I don't recall
9 this. I haven't seen it.

10 JUDGE GAYNOR: Yes, you're right. That's what you're recorded
11 as saying in the interview. And I want to focus on his visit --
12 visit or visits to the Drenica. Did he make several visits?

13 A. I don't recall how many visits he made. I recall meeting
14 Mr. Thaci on one or two occasions, no more than that.

15 JUDGE GAYNOR: And when you met him, did you express to him the
16 concerns that you talked about a few moments ago, about the lack of
17 weapons, the lack of ammunition perhaps, the lack of proper planning?
18 Did you express those concerns to him?

19 A. I don't know. Mr. Thaci at the time was more in charge of the
20 information and political representative. I only know that I met
21 with him and discussed -- I -- with respect to internal matters, I
22 rather discussed this with my own people, people around me. I don't
23 recall having had any such specific conversation with Mr. Thaci.

24 JUDGE GAYNOR: But at the time of those quite serious Serb
25 offensives, you were consuming a great deal of ammunition, were you

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1 not?

2 A. Yes.

3 JUDGE GAYNOR: And were you afraid of running out of ammunition,
4 and were you concerned -- I think you've mentioned earlier you were
5 concerned about the quantity of weapons you had?

6 A. We often lacked weapons, but I do not recall having discussed
7 this with Mr. Thaci. This was obvious.

8 JUDGE GAYNOR: I believe those are all my questions. Thank you
9 very much, Mr. Witness.

10 PRESIDING JUDGE SMITH: Any follow-up from -- by the
11 Prosecution?

12 MR. HALLING: Briefly, Your Honour. And I am hoping to finish
13 by the 11.00 break.

14 PRESIDING JUDGE SMITH: Okay. And let me just ask ahead of
15 time, will there be some questions from the Defence side as well?

16 MR. MISETIC: Yes, I will use about an hour, Mr. President.

17 PRESIDING JUDGE SMITH: We will go ahead and finish this up,
18 then we'll break for the half hour, and then we'll come back.

19 Further Re-examination by Mr. Halling:

20 Q. Witness, I want to ask you just a few follow-up questions on
21 something you told Judge Gaynor just now. And this is at page 33 of
22 the realtime transcript. You were asked if you had concerns that
23 some of the civilians were assisting the Serbian forces, and you
24 said:

25 "I did not have that concern."

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1 Do you remember this part from earlier?

2 A. Yes, correct.

3 MR. HALLING: If the Court Officer could now please put P115 on
4 the screen in English and Albanian. This item is in the SPO's first
5 presentation queue.

6 Q. And, Witness, just to set the stage for this, on 5 February
7 1999, were you still the zone commander in the Drenica operational
8 zone?

9 A. 5 April -- 5 February? I think I was.

10 Q. Yes, 5 February. Yes.

11 A. Yes.

12 Q. So you can see on the top of the page, there's a -- it said
13 5 February 1999, what we have in the English. And then it says
14 "Radio Free Kosovo" on the top. And it says:

15 "Communiqué issued by the Headquarters of the Drenica
16 Operational Zone."

17 And I'll just read the beginning of it:

18 "The Headquarters of the Drenica Operational Zone appeals to and
19 obliges all citizens in the municipalities of Gllogoc, Klina, and
20 Skenderaj to stop, as a matter of urgency, all activities which
21 assist the enemy. In particular it asks that we should not submit
22 ourselves to narrow personal interests, such as the arranging of
23 personal documentation in the Serbian administration."

24 Now, Witness, this is talking about stopping -- citizens
25 stopping activities which -- assisting the enemy, including even

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1 personal documents. Was the zone and yourself really not concerned
2 about civilians assisting the Serbs?

3 A. I was referring to Likoc, the civilians who were in Likoc. And
4 the military police maintained order there. The question was were
5 you concerned of any potential informants, and my answer was I did
6 not have that concern.

7 Q. But if you did not have that concern, why did your zone issue a
8 communiqué appealing to all citizens to stop activities assisting the
9 enemy?

10 A. When this was issued, there were perhaps other circumstances.
11 I, first, don't know who issued this. Obviously, there was a concern
12 regarding people who would give information away or collaborate. My
13 previous answer was related to the question about the military police
14 in Likoc.

15 Q. You said in your last answer that you don't know who issued
16 this. Perhaps I can assist.

17 MR. HALLING: If we can go to the next page of this document.

18 Q. This is how this communiqué ends:

19 "The impression must not be created by any action, behaviour or
20 attitude on the part of us citizens that the occupying authority is
21 recognised in any way at all. It is unacceptable and reprehensible
22 for any sort of assistance to be requested from those who kill women,
23 old people and children, it is said in the Communiqué issued by the
24 Headquarters of the Drenica Operational Zone and signed by
25 Sylejman Selimi, the /Zone/Commander."

1 So, Witness, it was you who issued this communiqué, was it not?

2 A. Yes, correct.

3 MR. HALLING: Nothing further.

4 PRESIDING JUDGE SMITH: All right. We'll take the half-hour
5 break at this time, Witness. Please do not discuss your testimony
6 with anyone outside the courtroom.

7 [The witness stands down]

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

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

10 --- On resuming at 11.31 a.m.

11 PRESIDING JUDGE SMITH: Mr. Halling, we need to have some
12 guidance on witnesses for next week. We have very little information
13 at the present time and would like to have that week filled out with
14 people.

15 MR. HALLING: Your Honours, unfortunately, that doesn't look
16 like it's possible. We have had an issue with a witness who was
17 scheduled for next week who now can't testify until the week of
18 February 24. We have been trying to fill the week, but at the moment
19 the only confirmed witness for next Tuesday is W04491.

20 PRESIDING JUDGE SMITH: That's going to impact your time you
21 have to get this thing over with.

22 MR. HALLING: We're aware. We're accounting for that. But at
23 the moment, we don't have many witnesses left to replace the missing
24 days, and our efforts have been unsuccessful.

25 PRESIDING JUDGE SMITH: Well, we hope that you continue to try

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1 to find something and let us know as soon as possible.

2 Please bring the witness in.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: Witness, we have some questions from the
5 Defence as follow-up to the Judges' questions, which is part of our
6 process.

7 Go ahead, Mr. Misetic.

8 MR. MISETIC: Thank you, Your Honour.

9 Further Cross-examination by Mr. Misetic:

10 Q. Good morning, Mr. Selimi.

11 A. Good morning.

12 Q. Thank you. I'd like to start with some questions that
13 Judge Mettraux asked you about some decrees allegedly issued by the
14 Provisional Government of Kosovo on 28 April 1999 which allegedly
15 appointed Mr. Ceku as general commander. Do you recall those
16 questions by Judge Mettraux?

17 JUDGE METTRAUX: Chief of staff I think it was, Mr. Misetic.

18 MR. MISETIC:

19 Q. Chief of staff.

20 MR. MISETIC: Thank you for the correction, Your Honour.

21 THE WITNESS: [Interpretation] Yes.

22 MR. MISETIC:

23 Q. Did you notice that those decrees were unsigned?

24 A. Yes, I did.

25 Q. I will put to you --

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1 JUDGE METTRAUX: Mr. Misetic, I don't want to interrupt you, but
2 you made the point when I asked my questions about this -- whether
3 these decrees were signed or not, and I'm not quite sure what your
4 definition of a signature is. But in fairness to you, may I draw
5 your attention to P113, which you used on Tuesday, I thought, page
6 25075, where it is said that this enters into force and was signed by
7 Prime Minister Hashim Thaci.

8 So it might be helpful to determine what you say is a signature
9 and what is not because it's not clear to me.

10 MR. MISETIC: I will have to pull up the document now.

11 JUDGE METTRAUX: If it helps, it's the archive of Radio Free
12 Kosovo. The ERN is 0008557 to 0008560-ET, and I think you used it at
13 page 25075 and following.

14 MR. HALLING: Yes, Your Honour is correct. We used the same
15 document as well on Monday, and it's in the SPO presentation queue.

16 MR. MISETIC: Yeah, the claim is that it -- somebody claims that
17 there was a signed document, but there is no signed document.

18 JUDGE METTRAUX: Again, I'll repeat, I don't know what your
19 definition is, but the evidence says so here. So I'm not quite sure
20 what you -- if you mean --

21 MR. MISETIC: If I could just clarify. Are you saying that
22 because there is a hearsay claim that a document was signed, that
23 that constitutes a signed document?

24 JUDGE METTRAUX: No. What I'm saying is that a signature can be
25 anything other than a handwritten signature. And I'm not sure

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1 whether we misunderstand each other on that point.

2 MR. MISETIC: I don't think there is a misunderstanding. My
3 understanding of documents, particularly in this context, is they
4 bear an actual signature with a stamp. In the context, for example,
5 of all the official documents that we've seen from the KLA, that
6 would be the process but --

7 JUDGE METTRAUX: Go ahead.

8 MR. MISETIC: Thank you.

9 Q. I'll repeat my question. Did you notice that the documents that
10 were put to you, the decrees, did not have an actual signature on
11 them?

12 A. Yes, I saw it.

13 Q. Now, I will put to you that what you were shown came from a book
14 published by KosovaPress in 2016, and that there is no
15 contemporaneous evidence in this trial that any such decrees were
16 announced in 1999. Do you understand the point?

17 A. Yes, I do.

18 Q. Now, remember the date of this alleged decree, 28 April 1999.
19 Now, on my questioning on Tuesday, at transcript page 25075, lines 2
20 to 8, you told me that you stopped being the general commander about
21 two to three days after the NATO bombing began, so roughly around the
22 end of March; is that correct?

23 A. Yes, correct.

24 Q. Now, the KLA was not without a chief of the General Staff or a
25 general commander from the end of March until 28 April 1999. That's

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1 correct, isn't it?

2 A. Yes, Agim Ceku was the chief of staff.

3 Q. Right. So Agim Ceku was, in fact, the chief of staff sometime
4 from at least early April 1999; correct?

5 A. Yes.

6 Q. So someone must have appointed him to that position before this
7 alleged decree on 28 April 1999. That's also true, isn't it?

8 A. Yes, correct.

9 Q. Now, I put to you during my cross-examination the interview of
10 General Ceku, which I will tell you he gave in March 2000, so less
11 than a year after he became the chief of the General Staff, where he
12 said that it was the entirety of the General Staff that appointed
13 him.

14 Do you accept his recollection of his own appointment given
15 11 months after that appointment may be more accurate than the
16 recollections of people like Zyrapi and Rexhep Selimi given 20 years
17 after the event in the context of criminal investigations? Do you
18 accept that?

19 A. I don't know how Mr. Ceku perceived it, what kind of meeting
20 that was, what form was it held -- or format was it held under, after
21 I handed over my duties.

22 Q. Yes. Well, you also didn't know about any decision of
23 appointment by the -- allegedly by the Provisional Government of
24 Kosovo. Let me show you a document.

25 MR. MISETIC: This is, Madam Court Officer, in the original

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1 document SPOE00346185 to SPOE00346197 at SPOE00346187, and an English
2 translation provided by the Thaci Defence DHT05002 to DHT05002,
3 please. I think it's the next -- 187 should be the ...

4 Q. Now, you see on your screen a document with a stamp:

5 "[General Staff] of the KLA, in the context of reorganisation
6 and new circumstances, issues:

7 "[A] Decision:

8 "Agim Ceku is appointed Chief of the General Staff of the KLA.
9 This is an equivalent post to that of a general commander of the KLA
10 until his selection.

11 "Sylejman Selimi is appointed commander of the National Guard of
12 the KLA.

13 "[This] decision enters into force immediately.

14 "April 1999, Kosovo."

15 With a stamp of the General Staff. Do you see that?

16 A. Yes.

17 Q. Now, this makes sense and explains how General Ceku could have
18 been chief of the General Staff from early April 1999, doesn't it?

19 A. Yes.

20 Q. And you yourself testified that you only know of your own
21 appointment based on what you heard on television when I asked you
22 this during cross-examination; correct? You never received an
23 appointment letter to the national guard.

24 A. That's correct.

25 PRESIDING JUDGE SMITH: Excuse me, do you have the signed copy

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1 of this?

2 MR. MISETIC: It's the stamped copy. That's what we have.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MISETIC: That's what we got from the SPO, Judge.

5 Mr. President, I tender this document into evidence.

6 PRESIDING JUDGE SMITH: Any objection?

7 MR. HALLING: No objection to just the one page.

8 MR. MISETIC: And that's all we want, Judge.

9 PRESIDING JUDGE SMITH: I'm sorry. Is it 85?

10 MR. MISETIC: 87.

11 PRESIDING JUDGE SMITH: 87.

12 MR. MISETIC: Yes.

13 PRESIDING JUDGE SMITH: Okay. SPOE00341687 is admitted.

14 THE COURT OFFICER: Your Honours, that will be assigned 1D249.

15 I note it's public in Legal Workflow. It should stay public?

16 MR. MISETIC: I see no reason why it would be confidential.

17 PRESIDING JUDGE SMITH: Public, please.

18 MR. MISETIC: Thank you.

19 Q. You were asked by Judge Mettraux -- you were shown a document

20 from 26 May of General Ceku reporting to the defence minister

21 Azem Sylja, and then you were questioned about your testimony that, in

22 your opinion, Mr. Sylja should have been reporting to the

23 prime minister, Mr. Thaci. Do you recall that?

24 A. Yes.

25 Q. I'd like to show you some additional documents. And just keep

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1 in mind that report was 26 May, so that's at the beginning of
2 Operation Arrow, the second phase. Do you understand?

3 A. Yes.

4 MR. MISETIC: Madam Court Officer, in our original queue, if we
5 could please have Exhibit 1D00206, please.

6 Q. This is a news article that shows that while Operation Arrow was
7 underway, on 27 May, Mr. Thaci was in Paris. Do you see that?

8 A. Yes, correct.

9 Q. I'm not going to show you all the documents, but I will put to
10 you and read into the record in case the parties are interested:
11 P0522 establishes that on 30 May Mr. Thaci was in London; 1D00207
12 establishes that on 1 June Mr. Thaci was in Bonn; 1D00208 establishes
13 that on 3 June Mr. Thaci was in Cologne.

14 So essentially throughout the conduct of Operation Arrow,
15 Mr. Thaci was in Western Europe. You have no basis to know whether
16 Mr. Sylva could have even reported to Mr. Thaci while Mr. Thaci was in
17 Western Europe; is that fair?

18 A. Yes, correct.

19 Q. I'd like to ask you some questions to follow up on some
20 questions that Judge Barthe asked you and Judge Mettraux to an
21 extent -- actually, not to an extent. They both asked you a question
22 about your testimony that you could not take up your position as the
23 overall commander of the KLA, and you were waiting for the delegation
24 to return. And I'll pull that up.

25 Yes. You said in Prep Note 1, paragraph 6, that you "could not

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1 exercise [your] functions as General Commander until the Rambouillet
2 delegation came back because [you] needed to get back into
3 communication with them beforehand."

4 So I'd like to explore now the chronology of events.

5 MR. MISETIC: If we could please have on the screen,
6 Madam Court Officer, DHT05003 to DHT05009 at page DHT05007.

7 Unfortunately, we only have this in English, so I will read it to
8 you. If we could make it bigger and scroll down, please.

9 Q. This is Radio Free Europe published on 23 February, so roughly
10 ten days after that meeting that we discussed where you were selected
11 to be the new overall commander. And it says:

12 "The UCK General Staff has named Sulejman Selimi, a 29-year-old
13 regional commander and hard-liner, as its commander, RFE/RL's South
14 Slavic Service reported on 22 February. Unnamed UCK sources
15 confirmed the appointment, which the daily '*Kosova Sot*' had announced
16 earlier that day, but others denied it, according to Reuters. A
17 Serbian court had earlier sentenced Selimi in absentia to 20 years in
18 jail for terrorism."

19 Now, this article points out that you were publicly declared or
20 acknowledged in *Kosova Sot* on 22 February as the new overall
21 commander, and you'll recall earlier in my cross-examination I showed
22 you an article that confirmed -- where Albin Kurti stated that on
23 that same evening, 22 February, you had a meeting with Adem Demaci.

24 So do you accept that as of at least 22 February you were
25 holding yourself out as the new overall commander of the KLA?

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1 A. I don't know the exact date at this point.

2 Q. Do you have any reason to dispute this article's report that on
3 22 February you were announced in *Kosova Sot* as the new overall
4 commander of the KLA? Do you have any reason to dispute that?

5 A. No, I don't have any reason.

6 MR. MISETIC: Mr. President, I tender this document into
7 evidence, please.

8 PRESIDING JUDGE SMITH: Objection?

9 MR. HALLING: None, Your Honour.

10 PRESIDING JUDGE SMITH: Just the single page?

11 MR. MISETIC: Yes, that's fine.

12 PRESIDING JUDGE SMITH: DHT05007 is admitted.

13 THE COURT OFFICER: That will be assigned Exhibit 1D250. And I
14 note it's also public in Legal Workflow.

15 MR. MISETIC: That's fine. Public is fine.

16 PRESIDING JUDGE SMITH: Reclassified as public, please.

17 MR. MISETIC:

18 Q. Now, I'd like to establish with you when the delegation returned
19 to Kosovo.

20 MR. MISETIC: So if we could please first pull up 1D69, please.
21 It might be in our original queue. Yes, in our original queue.

22 Q. Now, Mr. Selimi, I am showing you this document, this is the
23 agreement between Hashim Thaci, Ibrahim Rugova, and Rexhep Qosja
24 signed in Rambouillet to form the Provisional Government of Kosovo.
25 Now, I'm only showing you this document just so you note the date in

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1 the upper left-hand corner is 23 February 1999.

2 So the day after you were publicly announced as the new
3 commander of the KLA, the Kosovo delegation was still in Rambouillet
4 completing at least one agreement. Do you accept that?

5 A. Yes.

6 Q. Okay. Now, I'd like to show you a book written by Nuhi Bytyqi,
7 specific dates of when some of the members of the delegation returned
8 to Kosovo.

9 MR. MISETIC: If we could please have Exhibit P1264 at page
10 SPOE00128796, please, and the same in the Albanian.

11 Q. This is Mr. Bytyqi's book.

12 MR. MISETIC: If we scroll down to the bottom of the page in
13 both versions, please. Actually, it should be page 796 in the
14 English, numbered page 426. Yes. And if we scroll down.

15 Q. So here's what Mr. Bytyqi writes:

16 "When the Kosovo delegation, some representing the KLA, returned
17 from Rambouillet on 25 February 1999, a reception was organised" - if
18 we could turn the page, please - "by the people, which was
19 magnificent, especially by the KLA officers and soldiers. The KLA
20 delegation members who arrived were Azem Sylja, Kosovo Liberation Army
21 general commander, Jakup Krasniqi, deputy commander, and Rame Buja,
22 KLA General Staff member. The head of the Kosovo delegation to
23 Rambouillet, Hashim Thaci, and Xhavit Haliti had gone to Tirana."

24 Do you accept Mr. Bytyqi's account that Jakup Krasniqi,
25 Azem Sylja, and Rame Buja did not come back to Kosovo until two days

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1 after you had publicly been announced as the new commander of the
2 KLA?

3 A. I have no knowledge of the time of their arrival, but I can see
4 the book by Mr. Bytyqi.

5 Q. Well, do you have any reason to dispute Mr. Bytyqi's account
6 that Mr. Thaci and Mr. Haliti did not come back to Kosovo but instead
7 went to Tirana?

8 A. I have no reason --

9 Q. Okay.

10 A. -- to go against it.

11 PRESIDING JUDGE SMITH: Mr. Misetic, you included Mr. Krasniqi
12 in those who did not come back to -- in your opening. If you look at
13 the transcript at line 15.

14 MR. MISETIC: Yes, that's how I read this.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. MISETIC: No, he did not come back until 25 February I said.

17 PRESIDING JUDGE SMITH: In the book it says he made a statement
18 for the media.

19 MR. MISETIC: On the 25th. That's how I understand it. They
20 returned on the 25th, and then he gave a speech.

21 PRESIDING JUDGE SMITH: I misread it then.

22 MR. MISETIC: Okay. Yes.

23 Q. Now, let's try to establish, Mr. Selimi, when Mr. Thaci actually
24 returned to Kosovo. And this is related to the question about your
25 appointment and whether you waited for the delegation to return, and

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1 it's also related to Judge Mettraux's question to you - specific
2 question - as to whether you had met with Mr. Thaci while you were
3 the general commander. So let me just show you this document.

4 MR. MISETIC: Madam Court Officer, if we could please have
5 DHT05010 to DHT05019 at page DHT05018, which is page 9 of the PDF.
6 And it's the same in the Albanian.

7 Q. Now, this was published on 9 March 1999, Witness. So let me
8 read it to you.

9 MR. MISETIC: And there is an Albanian version, I believe, AT.
10 No? Oh, sorry, it's just DHT1518 in the Albanian. I apologise.
11 DHT05018 to DHT05019-AT.

12 Q. So let me read it out. The report -- and, again, keep the date
13 in mind, 9 March 1999:

14 "Reuters reported today that 'in a statement by its news agency
15 *Kosova Press*, the KLA headquarters...conditioned their signing [[of]
16 the Rambouillet agreement] on a halt to all Serb military activities
17 in Kosovo. 'Talks will continue,' the KLA statement said. KLA
18 spokesman Jakup Krasniqi told ... *Koha Ditore* that the signing will
19 take place once all rebel leaders are back in Kosovo. That includes
20 Hashim Thaci [who] has been in Albania for several days.' Reuters
21 reported yesterday that 'Thaqi went to Albania after the negotiations
22 but [an unnamed western diplomat] said he may now have returned
23 secretly to Kosovo.' 'I understand he's back in Kosovo now and
24 should be able to get in touch with other KLA leaders,' the diplomat
25 said."

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1 *"The Independent* (London) reported today that at a ceremony
2 Saturday," March 8th, "marking the first anniversary of the killing
3 of the KLA founder Adem Jashari by Serbian security forces, KLA chief
4 of staff Suleyman Selimi 'warned...that the rebels would not accept a
5 compromise. 'Halfway measures to independence are unacceptable
6 unless they lead to full independence,' he said."

7 And if we scroll a little bit further down, there is a sentence
8 that begins:

9 "Hashim Thaci, in Tirana on Sunday ..." It's in the paragraph
10 above the paragraph that starts "*The Washington Post* ..." Towards
11 the middle of the paragraph. It says:

12 "Hashim Thaci, in Tirana on Sunday," which is March 7th, "was
13 quoted by Reuters [on] March 7 saying that 'the process continues and
14 has taken a very positive direction towards signing a deal.'"

15 So Mr. Thaci went to Tirana from Rambouillet and as of March 7th
16 was still in Tirana. The diplomat says that between March 7th and
17 March 9th -- an unnamed diplomat says he believes Mr. Thaci secretly
18 returned to Kosovo.

19 And if we go to the bottom of this report, "*The Washington Post*
20 reported ..." it says:

21 "*The Washington Post* reported Sunday that former US Senate
22 Majority Leader Robert Dole - sent as an envoy by the Clinton
23 Administration to push for the Kosovo Albanians to sign the
24 agreement, but denied a visa to enter Yugoslavia - 'said [Saturday]
25 at a news conference at the US Embassy [in Skopje, Macedonia] that

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1 the Albanian leaders 'will sign tomorrow.'

2 "Dole was reported to have spoken with KLA spokesman
3 Jakup Krasniqi on the phone, but the *New York Times* reported Sunday
4 that Thaci 'skipped the Albanians' meeting with Dole...on Friday,'"
5 March 7th, "'... Perhaps most embarrassing, Mr. Thaci... could not be
6 found, even after what an Administration official called a scouting
7 party was sent to look for him in Tirana, Albania.'" "

8 So, according to this article, Mr. Thaci went from Rambouillet
9 to Albania and was not in Kosovo through at least 7 March, when he
10 was known to be in Tirana, and could not have returned to Kosovo
11 before 8 March 1999. So you were the general commander of the KLA
12 for at least two weeks before Mr. Thaci returned to Kosovo. You did
13 not need to meet with him before you could begin to be the KLA
14 overall commander. Do you accept that?

15 A. Yes.

16 MR. MISETIC: Mr. President -- well, I have one more question on
17 this document.

18 Q. Is this article correct that on 8 March 1999, at the
19 commemoration of the fall of Adem Jashari, you were still publicly
20 opposing the terms of the Rambouillet agreement?

21 A. It is possible, yes.

22 MR. MISETIC: Mr. President, I tender this document into
23 evidence.

24 PRESIDING JUDGE SMITH: Any objection?

25 MR. HALLING: None, Your Honour.

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1 PRESIDING JUDGE SMITH: DHT05018, which is page 9 of the
2 document, is admitted.

3 THE COURT OFFICER: Your Honours, can I ask for a clarification
4 because we also see 05019 on the screen, which was the continuing
5 page.

6 MR. MISETIC: It's two pages.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MR. MISETIC: Yes.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. MISETIC: Yes. Thank you.

11 THE COURT OFFICER: DHT05018 to DHT05019 and its corresponding
12 Albanian will be admitted as 1D251. And it's marked public,
13 Your Honours.

14 PRESIDING JUDGE SMITH: It remains public?

15 MR. MISETIC: Yes. Thank you, Your Honour.

16 Q. Now, again related to this and the specific question asked to
17 you by Judge Mettraux about any meetings you may have had with
18 Mr. Thaci and he included any meetings you may have had with
19 Fatmir Limaj.

20 First, I'd like to see if we can refresh your recollection.

21 MR. MISETIC: If we could have the video, please, at P01294,
22 beginning at the 00:07:03 mark, please.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. MISETIC: P01294.

25 PRESIDING JUDGE SMITH: Thank you.

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1 MR. MISETIC: 00:07:03 mark. If we could stop right there.

2 Q. Mr. Selimi, do you recognise yourself as the person seated on
3 the right-hand side of this still?

4 A. Yes.

5 Q. Who is the person seated immediately to your right?

6 A. Mr. Thaci.

7 Q. Who is the person seated immediately to his right?

8 A. Mr. Limaj.

9 Q. Do you recognise the location?

10 A. I do not know exactly, but I know this was shortly before they
11 travelled to Rambouillet.

12 Q. Yes. So if I told you it's Lladrovci, would that refresh your
13 recollection?

14 A. Yes, I think it is Lladrovci. I wasn't able to remember the
15 name.

16 MR. MISETIC: If we could play the video, please.

17 [Video-clip played]

18 THE INTERPRETER: [Voiceover] "Remove the cigarette."

19 MR. MISETIC:

20 Q. Do you recall the event now? I believe you said you did. You
21 knew that it was as they were leaving for Rambouillet; correct?

22 A. Yes.

23 Q. Yes. And the date is 13 March 1999. Do you accept that?

24 A. Yes.

25 Q. Now, Mr. Thaci -- first of all, you saw that there was media

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1 there. Could you explain, do you have any recollection of why the
2 media was there?

3 A. Correct.

4 Q. Can you tell us why the media was there?

5 A. This was before the delegation travelled, I think.

6 Q. Yes. And do you recall that Mr. Thaci had come to seek your
7 consent as the overall commander to sign the Rambouillet agreement,
8 which only days earlier at the commemoration of Adem Jashari you had
9 said you opposed? Do you recall that?

10 A. This was a formal meeting. We met in Lladrovc before they left
11 to Rambouillet.

12 Q. Yes. But he also talked to you and he also spoke to Fatmir
13 Limaj, asking you to give your consent to sign the Rambouillet
14 agreement. Is that fair?

15 A. Yes, that's clear.

16 Q. And it's fair to say that it was Mr. Thaci looking for your
17 consent and not you looking for his consent so that you could be the
18 KLA commander; correct?

19 A. That's correct.

20 Q. Just a few more questions, Mr. Selimi. You were asked by
21 His Honour Judge Barthe about a satellite phone when you were being
22 questioned about a phone call you made to Ahmet Krasniqi with
23 Mr. Shaqiri present. Do you recall that?

24 A. Yes.

25 Q. Yes. Who gave you a satellite phone?

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1 A. I don't know.

2 Q. When did you have a satellite phone?

3 A. After I was made -- elected commander of the zone.

4 Q. Do you know when after?

5 A. No, I don't.

6 Q. Now, Judge Barthe also asked you questions about your testimony
7 under my cross-examination about the discussion to arrest the members
8 of the General Staff. Now, on Tuesday when I asked you whether you
9 believed you had the power to arrest members of the General Staff,
10 you responded as follows, and this at transcript page 25090, lines 10
11 to 17:

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

16 And your answer was:

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

21 I then followed up with you in a question that's on transcript
22 page 25091, lines 7 to 10, to make sure your position was perfectly
23 clear:

24 "Q. The fact that there was even a discussion [about arresting
25 three members of the General Staff] suggests that you believe the

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1 Drenica zone commander had the authority to arrest these three
2 members of the General Staff. That's right, isn't it?"

3 And your answer was:

4 "I had the authority for the Drenica operational zone."

5 Do you recall giving that evidence?

6 A. Yes.

7 Q. The fact that the Drenica zone command was even having a meeting
8 to discuss the arrest of these three members of the General Staff
9 demonstrates that you believed that the Drenica zone operational
10 command had the authority to arrest them in the Drenica operational
11 zone.

12 JUDGE BARTHE: Mr. Misetic, excuse me for interrupting, but
13 could you please, in fairness to the witness, also read to the
14 witness what he said in answer to my -- response to my question.

15 MR. MISETIC: I'm getting to that.

16 JUDGE BARTHE: Yes.

17 MR. MISETIC: That's where I'm going to conclude.

18 JUDGE BARTHE: Yes.

19 MR. MISETIC: Can I have an answer to this question first,
20 though?

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. MISETIC: Yes.

23 Q. That's correct, isn't it? You believed within the Drenica
24 operational zone, as you told me on Tuesday, that the Drenica zone
25 operational command had the authority to arrest three members of the

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1 General Staff; correct?

2 A. First of all, no meeting was held to arrest members of the
3 General Staff. Secondly, with respect to the zone, the zone had its
4 competences in the operational zone, the Drenica zone. With respect
5 to arresting the members of the General Staff, it did not have this
6 authority, this competence, or their detention --

7 Q. Well, how do you explain --

8 A. -- nor was it ever -- no meeting was ever held to arrest them.

9 Q. Well, forgive me, but we went through this on Tuesday. I even
10 identified who the particular members of the command were present at
11 a meeting, and you confirmed many of the people --

12 A. Correct.

13 Q. Okay. So there was a meeting where it was discussed?

14 A. Correct. But not to arrest them.

15 Q. Well, what was the discussion then? What were you going to do
16 with them?

17 A. In order to seek many more clarifications, to have
18 consultations, but not to arrest them.

19 Q. Witness, the transcript is what it is from Tuesday, and we'll
20 review it. But now to get to Judge Barthe's point. He asked you
21 specifically whether there were any regulations that allowed you to
22 arrest members of the General Staff. Do you recall him asking that
23 question?

24 A. Yes.

25 Q. And you said there were no regulations that allowed it; correct?

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1 JUDGE BARTHE: Excuse me again for interrupting, but the answer
2 was:

3 "No, I did not have such powers or instructions or regulations
4 available."

5 This is what he said in answer to my question.

6 MR. MISETIC: Yes. But at -- your question was --

7 JUDGE BARTHE: He spoke of powers. And I was asking him --
8 before that, I was asking him whether he could -- whether he was
9 entitled to arrest members of the General Staff.

10 MR. MISETIC: Well, I think -- then I'll read the full --
11 because you -- you specifically used the word "regulations."

12 JUDGE BARTHE: Yes, I used the word "regulations," but the
13 witness said, I read it again:

14 "No, I did not have such powers or instructions or regulations
15 available."

16 And he said it again.

17 MR. MISETIC: Okay.

18 Q. Now, Witness, you also did not have powers, regulations, or
19 instructions that allowed you to arrest civilians; is that correct?

20 A. Correct.

21 Q. It doesn't necessarily mean that civilians weren't arrested,
22 does it?

23 A. Correct.

24 Q. Thank you.

25 MR. MISETIC: I have no further questions.

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1 PRESIDING JUDGE SMITH: Thank you.

2 Mr. Dixon.

3 MR. DIXON: Thank you, Your Honours.

4 Further Cross-examination by Mr. Dixon:

5 Q. Mr. Selimi, I have a few further questions arising to ask you.
6 Just launching off that last answer that you gave, because this was a
7 matter that was raised by Judge Barthe, can I just confirm that it's
8 correct that you didn't have any regulations from the General Staff,
9 or otherwise, on how to detain persons, who was responsible, what the
10 role of the military police was or others in that process; is that
11 right?

12 A. That's right.

13 Q. So you had nothing in writing or orally from the General Staff
14 on that subject?

15 A. Correct.

16 Q. I want to then go on to another matter that was raised by
17 Judge Barthe in his questions, and this was at page 83 yesterday of
18 the provisional transcript, where His Honour was asking you questions
19 about whether or not you had talked to Mr. Veseli about the events.
20 And I'll refer here to the events concerning Person 1. I will go
21 into private session a bit later for a few other questions where
22 details might come out, but for now I'll keep it general, that you
23 had no conversations with Mr. Veseli about the allegations in respect
24 of Person 1, and that you don't recall having a conversation with
25 anyone about it when you were asked those questions by Judge Barthe.

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1 Do you remember that?

2 A. Yes.

3 Q. And you were also shown a paragraph, paragraph 76, of your prep
4 note, where you had stated that you were looking to contact Mr. Geci
5 in order to say that they should not stay in the Drenica area any
6 longer. Do you remember that being put to you?

7 A. Yes.

8 Q. Is it right that when you spoke to Mr. Geci and Mr. Haxha or
9 others, depending who you say you spoke to, that you did tell them
10 that they had to leave your zone?

11 A. Yes.

12 Q. And they, in fact, did do so. Mr. Geci went off to Albania.
13 We've seen in the evidence what he was up to there. But he left and
14 went to Albania, didn't he?

15 A. It's not that he left, he fled, but Mr. Geci stayed for some
16 more time because he was seriously wounded, whereas Mr. Haxha went
17 back to his zone. Mr. Geci received medical treatment and needed
18 assistance in his movements, because this was an area where the
19 fighting was going on. It was only after that he went to Albania.

20 Q. Yes, we went through that yesterday. I'm not going to repeat
21 it. But he did end up going to Albania as you've now confirmed with
22 us. That's right, isn't it?

23 A. Yes. That's correct.

24 Q. So is it accurate to say that, in your mind, you believed you
25 had dealt with the problem? Mr. Haxha had gone and Mr. Geci went off

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1 to Albania, so they were no longer in your zone. You had resolved
2 issue; is that right?

3 A. Yes.

4 Q. So there was no need to raise it with anyone else. You had
5 taken care of it; is that correct?

6 A. Yes, correct.

7 Q. Now, we know that this matter reared its head again in 2002,
8 2003, when UNMIK commenced their investigation. That was the next
9 time it came up; wasn't that correct?

10 A. Correct.

11 Q. And UNMIK did conduct a full investigation into this matter as
12 far as you know. They interviewed you, we know. We've seen your
13 statement there. They interviewed Mr. Geci as well, didn't they?

14 A. Yes.

15 Q. Thank you. I now want to come to a matter that was addressed by
16 Judge Mettraux, where questions were asked - and this is at page 16 -
17 about what you were really up to in the six weeks when you were the
18 overall commander of the General Staff.

19 Do you remember being asked about who you'd contacted, what
20 orders you had issued, and the like? Did you answer that? Do you
21 remember --

22 PRESIDING JUDGE SMITH: You have to give him a --

23 MR. DIXON:

24 Q. -- addressing those matters?

25 PRESIDING JUDGE SMITH: He's still listening to the translation.

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1 MR. DIXON: Oh, sorry for jumping in.

2 THE WITNESS: [Interpretation] If you could please repeat the
3 question.

4 MR. DIXON:

5 Q. Yes, I'm sorry I interrupted, and that was probably something
6 that interfered then with the translation.

7 I was just asking whether you remember His Honour
8 Judge Mettraux's questions earlier on where you were asked about what
9 you were doing in the four, five, six weeks that you held the
10 position of commander of the KLA. Now I want to ask --

11 A. Yes.

12 Q. All right. Now, I want to ask you in -- in that time, we know
13 the Rambouillet talks were going on, but it's correct, isn't it, that
14 the fighting hadn't stopped in that period?

15 A. Yes.

16 Q. The VJ forces still had bases in Kosovo and they were deploying
17 including in Drenica where you were?

18 A. Yes, correct.

19 Q. And is it correct that during that time the Serbian forces did
20 carry out offensives in Drenica where they attacked and burnt several
21 villages, including Prekaz itself?

22 MR. HALLING: Objection, beyond the scope of Judges' questions.

23 PRESIDING JUDGE SMITH: Sustained.

24 MR. DIXON: Your Honour, I'm trying to establish what he was
25 doing in that time.

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1 PRESIDING JUDGE SMITH: Well, I know, but that doesn't -- ask
2 him a question about what he was doing then.

3 MR. DIXON: Well, I was about to come on to that. I was just
4 setting the foundation.

5 Q. My question is --

6 MR. DIXON: And I'll move on, Your Honours.

7 Q. -- were you dealing in that period with the Serbian offensives
8 that were taking place in Kosovo and in particular in Drenica at that
9 time?

10 A. Yes, correct.

11 Q. Okay.

12 A. I took part in the fighting.

13 Q. Yes. Can you assist us where you were participating in fighting
14 in that period, in that six-week period, please?

15 A. The fighting took place mostly around the village of Likoc,
16 Obri, where the Serbian forces penetrated with heavy weaponry, also
17 from the direction of Baice, and I remember that I was in these
18 positions, and also in Terdevc. I remember vividly Terdevc, where I
19 was together with a group of soldiers and a tank entered the
20 courtyard, and we -- fierce fighting ensued.

21 Q. So you were both commanding soldiers at that time and also
22 fighting yourself; is that right?

23 A. Yes. Every time I was able to and every time there was fighting
24 going on, I took part in the fighting.

25 Q. And would it be accurate to say that during that time, that four

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1 to six weeks, most of your time was spent on the fighting, preparing
2 and engaging in these battles?

3 A. Yes.

4 Q. So you didn't have time to look at restructuring the
5 General Staff or getting information about what each and every person
6 was doing. Would that be a fair assessment?

7 A. Correct.

8 Q. And this fighting went on right up until the NATO bombing
9 commenced in late March; is that right?

10 A. Yes.

11 Q. In fact, that's why the NATO -- sorry.

12 A. Correct.

13 Q. In fact, that's why the NATO bombing started, was to seek to end
14 the ongoing conflict that was taking place on the ground; isn't that
15 right?

16 A. That's correct.

17 Q. Now, you said in answer to Judge Gaynor that this word or these
18 words, you say:

19 "In wartime, we're using this big word 'General Staff.'"

20 This was at page 39, line 11. Do you remember saying that
21 earlier on?

22 A. Yes, correct.

23 Q. What did you mean by referring to the General Staff as "this big
24 word"?

25 A. If you allow me to expand a little bit to explain this to the

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1 Judges and to you.

2 The term "General Staff" implies a big thing. And at first
3 glance, one would think of a staff where many people work, with
4 premises filled with operation rooms, and with a chief of operations,
5 a professional team that is handling the situation on the ground,
6 distributing orders and tasks, a staff where should be between 60 and
7 100 people working. This would be the case in our time now.

8 But during the war, we're talking about a staff which I would
9 say was nearly inexistent. It was more of a political nature rather
10 than an operational staff with permanent members or members that are
11 identifiable, with a structure, an operation room, and officers
12 handling this war situation. Unfortunately, we did not have this. I
13 never saw this level of organisation of this structure.

14 As a result of this, many zone commanders on the ground had to
15 take their own decisions, react to the situation, and adapt to the
16 circumstances on the ground in wartime. Unfortunately, we needed
17 logistical, operational support, including with officers, technical
18 support, but we did not have that.

19 We often referred to the General Staff, members of the
20 General Staff, but we didn't even know the whereabouts of the members
21 of the General Staff. They were either abroad, or even on those
22 occasions when I tried to meet with them, it was very difficult. So
23 the connection between the General Staff and the zones was such a
24 problem that the zones had to take their own decisions and organise,
25 instruct, or engage in combat themselves, and take care of the

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1 soldiers and civilians present at the time.

2 I made this analogy with the permission of the Court. I draw
3 this comparison. Meaning that during the war, there was a staff,
4 referred to itself as such, which tried at times to support us, like
5 with professional officers, but there were a number of difficulties.
6 As I explained, they did not have the capabilities, the experience,
7 or the qualifications to provide this support. This was the
8 difficulty between the members of the General Staff and the zone
9 commanders who faced combat, fighting, and personnel-related matters.

10 Q. Yes. Thank you, Mr. Selimi. I think that's clear. Can I ask
11 whether you agree with me, then, that the General Staff was really
12 only a staff in name. Really what it came down to was it depended on
13 who from the staff was there at the time, who you were able to see,
14 who you were able to communicate with to get the job done?

15 MR. HALLING: Your Honour, that's a compound question the way
16 that it's raised. We'd object.

17 PRESIDING JUDGE SMITH: You might break that up a little bit,
18 please, Mr. Dixon.

19 MR. DIXON: Yes, I will.

20 PRESIDING JUDGE SMITH: Ask direct questions.

21 MR. DIXON: Yes.

22 Q. A direct question would be: Would you agree with me that the
23 General Staff was really just a staff in name, that it depended
24 rather on the individuals and whether you had contact with them or
25 not?

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1 MR. HALLING: Objection, compound.

2 PRESIDING JUDGE SMITH: That's all right.

3 Try to answer it.

4 It's still complicated, overly complicated, Mr. Dixon.

5 MR. DIXON:

6 Q. Was the General Staff really just a staff in name? Let's start
7 there. Do you agree with me?

8 A. The General Staff did have its name. And at face value, you'd
9 think of a grand edifice, and I would have wished so much for it to
10 have been the case during the war. Unfortunately, the possibilities
11 were not there. We did not have a staff that would be able to
12 support the operational zones.

13 It was a staff that consisted of some members who you were more
14 likely to never meet than to meet. So it was not functional from
15 that point of view as I stated earlier.

16 Q. Yes. And the second part of my question, you've highlighted it
17 there. So it depended really on whether the person was there in your
18 presence, whether you could then meet with them, communicate with
19 them, and try and get the job done. That's how it worked in reality;
20 isn't it correct?

21 A. The war effort depended on the people who you knew and who were
22 close by you. I'm referring here to the Drenica operational zone. I
23 had been lucky enough to have known the brigade commanders from early
24 on. They were my friends. And I was also fortunate enough to be at
25 the head of the Drenica operational zone where a number of Adem's

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1 co-fighters and the founders of the KLA were there alongside me.

2 Even though we sustained heavy losses in Drenica, I was very
3 proud to have been at the forefront and at the head of the Drenica
4 operational zone to the best of my ability.

5 PRESIDING JUDGE SMITH: Please do your best just to answer the
6 question Mr. Dixon gives you.

7 THE WITNESS: Okay.

8 MR. DIXON: Yes.

9 Q. Thank you, Mr. Selimi. I'm going to move on to I think a
10 question that can be dealt with swiftly. That's something that was
11 asked by His Honour Judge Gaynor at page 38 of today's transcript.
12 This was where you were asked about the differences between ZKZ,
13 SHIK, and G2. Do you remember that?

14 A. Yes.

15 Q. What I wanted to clarify with you is, as you recall it, it's
16 right, isn't it, that ZKZ was the military intelligence in the KLA,
17 and that was in existence at the time when you were at the zone level
18 and also when you were the overall commander?

19 A. Yes.

20 Q. And separate from that, SHIK, the Kosovo civilian intelligence,
21 that formed in April 1999?

22 A. Yes, correct.

23 Q. So they were different bodies. ZKZ, military, was distinct and
24 separate from SHIK in April 1999?

25 A. Yes, correct.

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1 Q. And when SHIK was formed - that's the civilian intelligence - in
2 April 1999, the ZKZ, military intelligence, continued to exist in the
3 KLA at that time?

4 A. Yes, correct.

5 Q. It was not commanded by Mr. Veseli, that's the ZKZ. It was
6 commanded by somebody new who'd been appointed?

7 MR. HALLING: Your Honours, questions were about the
8 terminology. We're going beyond the scope of it now.

9 PRESIDING JUDGE SMITH: You are getting a bit --

10 MR. DIXON: Yes.

11 PRESIDING JUDGE SMITH: -- far --

12 MR. DIXON: The questions --

13 PRESIDING JUDGE SMITH: -- removed from the questions that the
14 Judges asked.

15 MR. DIXON: Yes. The questions were, I think, trying to clarify
16 whether there was a difference in the use of the terms, and I'm
17 trying to get the witness, from his understanding, because he was
18 there, to explain what they meant at that time. In particular --

19 PRESIDING JUDGE SMITH: Well, ask him a direct question and
20 let's see where we go from there.

21 MR. DIXON: Thank you, Your Honours.

22 Q. Particularly in March --

23 PRESIDING JUDGE SMITH: [Microphone not activated] ... short and
24 concise, please.

25 MR. DIXON: Yes.

Witness: Sylejman Selimi (Resumed) (Private Session)

Page 25296

Further Cross-examination by Mr. Dixon

1 Q. Mr. Selimi, a short question: The military ZKZ continued in the
2 KLA in April 1999; that's right?

3 A. Yes, correct.

4 Q. And it wasn't headed by Mr. Kadri Veseli, was it?

5 MR. HALLING: Objection, beyond the scope of Judges' questions.

6 PRESIDING JUDGE SMITH: Overruled, you can answer that.

7 [Microphone not activated].

8 THE WITNESS: [Interpretation] Yes, correct.

9 MR. DIXON:

10 Q. Right. Thank you.

11 MR. DIXON: I'm going to move on now to a final topic,
12 Your Honours, so we will finish soon. I just wanted to go into
13 private session for that for the protection of a person.

14 PRESIDING JUDGE SMITH: Into private session, please,
15 Madam Court Officer.

16 [Private session]

17 [Private session text removed]

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Witness: Sylejman Selimi (Resumed) (Private Session)

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Further Cross-examination by Mr. Dixon

1 [Private session text removed]

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Witness: Sylejman Selimi (Resumed) (Private Session)

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Further Cross-examination by Mr. Dixon

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Witness: Sylejman Selimi (Resumed) (Private Session)

Page 25299

Further Cross-examination by Mr. Dixon

1 [Private session text removed]

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Witness: Sylejman Selimi (Resumed) (Private Session)

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Further Cross-examination by Mr. Dixon

1 [Private session text removed]

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25 [Open session]

Witness: Sylejman Selimi (Resumed) (Open Session)

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Further Cross-examination by Ms. V. Alagendra

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

2 PRESIDING JUDGE SMITH: Thank you, Mr. Dixon.

3 Mr. Roberts, any questions?

4 MR. ROBERTS: Nothing from me. Thank you, Your Honour.

5 PRESIDING JUDGE SMITH: Ms. Alagendra?

6 MS. V. ALAGENDRA: Very few, Your Honour.

7 Further Cross-examination by Ms. V. Alagendra:

8 Q. Mr. Selimi, Judge Mettraux had referred you to paragraph 13 of
9 Preparation Note 1, where it records you as saying that Adem Jashari
10 was receiving orders from the General Staff.

11 Now, your evidence today is that that is wrong.

12 "Adem Jashari did not receive orders from the General Staff, but
13 he issued orders or consulted the General Staff with those
14 individuals that were known to him."

15 Do you remember saying that?

16 A. Yes.

17 Q. Now, you also went on to say that Adem Jashari "was not in a
18 position to be given orders. He was the principal commander."

19 That's correct, isn't it?

20 A. That's correct.

21 Q. Now, you were then shown a video-clip by Judge Mettraux of your
22 interview with the ICTY. And if I can read what the transcript here
23 shows. Now, that's page 12, lines 2 to 8, it says this, and you were
24 asked:

25 "Okay, but -- but did Adem Jashari then -- did he have a contact

Witness: Sylejman Selimi (Resumed) (Open Session)

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Further Cross-examination by Ms. V. Alagendra

1 or reporting responsibility to the General Staff? Do you know about
2 this?"

3 And your response at line 5 is:

4 "... he had continual contacts with the General Staff. He was
5 in frequent contact with them, and the members of the General Staff
6 also consulted Adem always because he was the main figure in the
7 army, the central figure."

8 Now, so it's correct, isn't it, Mr. Selimi, that the
9 General Staff was consulting with Adem Jashari as the main commander
10 not the other way around?

11 A. I don't know how to make it simpler. Adem Jashari was the
12 principal commander, the top commander, and it would be normal for
13 him to have conversations with other members of the General Staff.
14 Any patriot, anyone who would be keen to contribute to the liberation
15 of the country, he would speak to all of them. Adem Jashari was the
16 main figure of the Kosovo Liberation Army, the emblem. The
17 General Staff as such existed, but the main, the principal
18 personality there is Adem Jashari.

19 Q. Yes. Now, at lines 16 to 23 of page 12 of today's transcript,
20 I'm just reading back what was recorded in the transcript here, you
21 were asked from that video-clip, it appears that you were asked:

22 "Okay. But the General Staff had a -- had like -- do you think
23 they had a plan or ... they had control over where -- what was
24 happening in the different areas, like in Llap, Dukagjin, Drenica?"

25 And your answer on that video-clip, just so you understand me

Witness: Sylejman Selimi (Resumed) (Open Session)

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Further Cross-examination by Ms. V. Alagendra

1 clearly, Mr. Selimi, your answer on the video-clip as recorded here
2 is:

3 "Naturally -- naturally, there was some coordination. For
4 example, legendary commander Adem Jashari, he would give us the
5 orders."

6 So simply put, Mr. Selimi, what you're telling us is that Adem
7 Jashari reported to nobody. It was Adem Jashari that issued the
8 orders, that would give out orders; am I correct?

9 A. Yes, correct.

10 Q. All right. Now, you were asked by Judge Barthe about your
11 criticisms of Jakup Krasniqi and Sokol Bashota yesterday. Do you
12 recall that?

13 A. Yes.

14 Q. And you have told us that in your opinion they were
15 unprofessional, they had no military experience; right? And I just
16 want to be clear. Your criticism, am I right, of Jakup Krasniqi was
17 that he was not an appropriate person to hold the title of deputy
18 commander because he was a non-professional, he had no military
19 experience, and, in your opinion, he had no operational or commanding
20 functions? Is that correct? That was your criticism, yes?

21 A. Yes, correct.

22 Q. Thank you.

23 MS. V. ALAGENDRA: Those were my questions, Your Honour.

24 PRESIDING JUDGE SMITH: Thank you, Ms. Alagendra.

25 MR. MISETIC: I think we've lost the transcript.

1 PRESIDING JUDGE SMITH: We'll see if we can get it back. We
2 don't have much left here. Okay. We're on again. Wait until it
3 catches up.

4 Mr. Selimi, your time here is finished. I'm sure you're glad to
5 hear that. We thank you for being us these last few days. You may
6 leave the courtroom now. You've satisfied your obligation to this
7 Court. We wish you well.

8 THE WITNESS: [Interpretation] Thank you.

9 PRESIDING JUDGE SMITH: And thank you to Mr. Qerkini.

10 [The witness withdrew]

11 PRESIDING JUDGE SMITH: Yes, Mr. Dixon.

12 MR. DIXON: Your Honour, if we do have a quick moment, for me
13 to, perhaps, ask one of the more difficult issues in relation to
14 timetabling, because we are racing towards 4 April, I know we're
15 looking at next week and the weeks after, but whether there has been
16 any movement and when we can expect any decisions on timetabling
17 beyond the end of the Prosecution case. Because plans have to be
18 made with regard to various matters and half-time submissions and the
19 like, so we would be eager to know.

20 PRESIDING JUDGE SMITH: So we will hold -- when and if the
21 Prosecution rests, we will immediately hold a Status Conference. We
22 can't make very good plans until we know what the Defence plans are
23 following a Prosecution rest.

24 MR. DIXON: Yes.

25 PRESIDING JUDGE SMITH: So we will do our best as soon as we can

1 to get that information and give some timetables to it all.

2 MR. DIXON: Yes. I mean, we have --

3 PRESIDING JUDGE SMITH: But we can't do it today because we
4 don't know what your intentions are.

5 MR. DIXON: No, I certainly wasn't asking for a ruling today.
6 But we had set out some timetabling options for periods for filing
7 half-time submissions and responses.

8 PRESIDING JUDGE SMITH: And that we will put together in one
9 order as soon as possible, but it's limited to how much we can put
10 into it. But I understand your request, and we'll do our best to
11 inform you. Thank you again.

12 MR. DIXON: Thank you, Your Honours.

13 PRESIDING JUDGE SMITH: Yes, Mr. Laws. And I know you have the
14 need to advise your expert of some time as well. Go ahead.

15 MR. LAWS: Your Honour is ahead of me. I have two filings
16 relating to protective measures which are pending. They're both
17 *ex parte*, in fact, but I think I can speak about them relatively
18 freely.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MR. LAWS: I'm so sorry, Your Honour. You --

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. LAWS: Thank you.

23 I've got two filings related to protective measures pending.
24 They're both *ex parte* filings, but I think I can speak about them
25 relatively freely.

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MR. LAWS: I'm happy to do so, yes.

3 PRESIDING JUDGE SMITH: That's probably the safest bet.

4 Into private session, please.

5 [Private session]

6 [Private session text removed]

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1 [Open session]

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

3 PRESIDING JUDGE SMITH: Go ahead, Mr. Ellis.

4 MR. ELLIS: Your Honour, I'm grateful. I was just wondering if
5 the Prosecution had any opportunity to give any further update on the
6 witnesses for next week and the likely sitting schedule. I think
7 Your Honours will perceive that the interest is in relation to what
8 days we are likely to be sitting and that will affect travel
9 plans for team members.

10 PRESIDING JUDGE SMITH: Well, I believe the statement this
11 morning was there's one witness next week and it will be on Tuesday.

12 MR. HALLING: Correct, Your Honour.

13 PRESIDING JUDGE SMITH: I would still urge the efforts to try to
14 find somebody else so we don't waste that time, but you can't do what
15 you can't do. Thank you.

16 MR. ELLIS: Thank you.

17 PRESIDING JUDGE SMITH: We'll see you Tuesday at 9.00 a.m.

18 We're adjourned.

19 --- Whereupon the hearing adjourned at 1.03 p.m.