

1 Monday, 21 October 2024

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 1.00 p.m.

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

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

10 PRESIDING JUDGE SMITH: Thank you.

11 Good afternoon. I note that the accused are all present in  
12 court today. Judge Barthe will follow the hearing via videolink for  
13 personal reasons.

14 Today we will start hearing the evidence of Prosecution  
15 Witness W04240. Before we do, I recall that this afternoon we will  
16 have a break between 2.30 and 3.00 p.m., and we will resume from 3.00  
17 to 4.30 p.m. for the last session.

18 In addition, there is one clarification for the record. The  
19 Panel notes that Exhibit 1D00188 was erroneously assigned twice.  
20 First, U001-4078 to U001-4080/U001-4078-U001-4080-ET was marked for  
21 identification on 4 September 2024 as ID 00188. And I refer to  
22 transcript pages 19628 to 19629.

23 Secondly, SPOE003055948 was admitted on 16 September 2024 as  
24 1D0188 at transcript page 19732.

25 The Panel authorises Court Management Unit to assign the next

1 available ID number to page SPOE003059-48. The Panel will deal with  
2 the admissions of 1D00188 MFI in due course.

3 Madam Court Officer, if you can assign that number.

4 THE COURT OFFICER: Thank you, Your Honour. Page with the ERN  
5 SPOE00305948, previously admitted as 1D00188, will now be assigned  
6 new exhibit number 1D00195.

7 PRESIDING JUDGE SMITH: Thank you very much.

8 THE COURT OFFICER: Thank you.

9 PRESIDING JUDGE SMITH: Madam Court Officer, please bring us  
10 into private session to protect the identity of the witness.

11 [Private session]

12 [Private session text removed]

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[Open session]

THE COURT OFFICER: Your Honours, we are now in public session.  
And I can confirm that the protective measures have been removed, and  
from this point on, the witness will testify without face and voice  
distortion. Thank you.

PRESIDING JUDGE SMITH: Thank you.

Witness, the Court Usher will now provide you with the text of  
the solemn declaration which you are asked to take pursuant to our

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1 Rule 141(2). Take a look at the document and then read it aloud.

2 THE WITNESS: [Interpretation] There's no need to.

3 PRESIDING JUDGE SMITH: Read it aloud.

4 THE WITNESS: [Interpretation] Can I read?

5 Conscious of the significance of my testimony and my legal  
6 responsibility, I solemnly declare that I will tell the truth, the  
7 whole truth, and nothing but the truth, and that I shall not withhold  
8 anything which has come to my knowledge.

9 WITNESS: FADIL GECI

10 [The witness answered through interpreter]

11 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated  
12 now.

13 Witness, today we will start your testimony which is expected to  
14 last approximately two days. As you may know, the Prosecution will  
15 ask you questions first. Then the Defence has the right to ask  
16 questions of you. And members of the Panel might also ask questions  
17 of you.

18 The Prosecution estimate for your examination is two hours. The  
19 Defence estimates that it will need seven hours. As regards each  
20 estimate, we hope that counsel will be judicious in their use of  
21 their time. The Panel may allow redirect examination by the SPO if  
22 conditions for it are met.

23 Witness, please try to answer the questions clearly with short  
24 sentences. If you don't understand a question, feel free to ask  
25 counsel to repeat the question or tell them you don't understand and

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1 they will clarify. Also, please try to indicate the basis of your  
2 knowledge of facts and circumstances that you will be asked about.

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

7 Please also speak into the microphones and wait five seconds  
8 before answering a question, and then speak at a slow pace for the  
9 interpreters to catch up.

10 During the next days while you are giving evidence in this  
11 Court, you are not allowed to discuss with anyone the content of your  
12 testimony outside of the courtroom. If any person asks you questions  
13 outside this Court about your testimony, please let us know.

14 Please stop talking if I ask you to do so, and also stop talking  
15 if you see me raise my hand. These indications mean that I need to  
16 give you an instruction.

17 If you feel the need to take a break, please let us know and we  
18 will accommodate that.

19 We proceed now first with the questions by the Special  
20 Prosecutor's Office. They are seated to your left. Please give them  
21 your attention.

22 Mr. Pace, you have the floor.

23 MR. PACE: Thank you, Your Honour.

24 Examination by Mr. Pace:

25 Q. And good afternoon, Witness.

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1 A. Good afternoon.

2 Q. We've met before but I'll introduce myself again. I'm  
3 James Pace, a Prosecutor with the SPO. And as the Judge said, I'll  
4 be asking you questions for the next two hours or so.

5 Before I ask you for some of your personal details, I note that,  
6 as explained during your preparation session last week, rather than  
7 asking you questions concerning every relevant issue you may have  
8 information about, it may be possible to admit your prior statement  
9 containing such information into evidence. And in order to do that,  
10 there's a number of procedural steps to follow which I'll turn to  
11 after we establish your identity.

12 Could you please state your name and surname.

13 A. Fadil Geci.

14 Q. What is your date of birth?

15 A. 19 March 1961.

16 Q. What is your nationality?

17 A. Kosovar.

18 MR. PACE: I'd like to show the witness 053034-TR-ET Part 1 RED2  
19 side by side with the Albanian version, which is the same ERN but AT  
20 instead of ET. And I'd like to look at the first page of both,  
21 please.

22 Q. Witness, do you see two documents on your screen, on the left in  
23 Albanian and on the right in English?

24 A. Yes, yes.

25 Q. As you can see, they refer to an interview of yours with the SPO

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1 on 18 September 2018. Do you recall meeting the SPO for an interview  
2 on that day and on the following days?

3 A. Yes, that's correct that we met.

4 MR. PACE: And just for the record, this and any other item I  
5 use today, unless I say otherwise, can be for public broadcast. And  
6 I also note for the record the interview on the screen has eight  
7 parts.

8 Q. Witness, do you recall that you made certain clarifications and  
9 corrections to your SPO statement following your review thereof last  
10 week?

11 A. Yes, we did. There were some minor omissions, a letter here and  
12 there, which would have, however, changed the entire meaning of a  
13 particular sentence.

14 MR. PACE: The documents can be taken down from the screen.

15 Q. And, Witness, do you recall the clarifications and corrections  
16 being included in a note and that note being read back to you last  
17 week?

18 A. Yes.

19 Q. Subject to the clarifications and corrections in that note, is  
20 the information you provided in your SPO statement accurate and  
21 truthful to the best of your knowledge and belief?

22 A. True and only true.

23 Q. Subject to the clarifications and corrections in that note, does  
24 your SPO statement accurately reflect what you would say if you were  
25 examined about the events recorded therein?

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1 A. Correct. And I'm here for that.

2 MR. PACE: I'd like to seek admission of this prior statement,  
3 which has eight parts, and the three associated exhibits, the  
4 relevant ERNs of which are set out in our 17 October 2024 e-mail and  
5 in Annex 1 to Preparation Note 1. We also seek admission of that  
6 Preparation Note 1, which is 123191-123201.

7 PRESIDING JUDGE SMITH: Any objection?

8 MR. MISETIC: Subject to the objection to the associated exhibit  
9 previously made in writing, we have no additional objections.

10 MR. ELLIS: Nothing further, Your Honour.

11 PRESIDING JUDGE SMITH: 053034-TR-ET in eight parts, plus the  
12 Albanian, RED2, is admitted.

13 THE COURT OFFICER: Your Honour, document with ERN 053034,  
14 Part 1, English and Albanian, will be assigned Exhibit P01740.1.  
15 Part 2 will be assigned Exhibit P01740.2. Part 3, Albanian and  
16 English, will be assigned Exhibit P01740.3. Part 4 will receive  
17 number P01740.4. Part 5 will be assigned Exhibit P01740.5. Part 6  
18 will be assigned Exhibit P01740.6. Part 7, P01740.7. And, finally,  
19 Part 8 will be assigned Exhibit P01740.8. They're all classified as  
20 confidential at the moment.

21 MR. PACE: They can be public.

22 THE COURT OFFICER: Thank you.

23 PRESIDING JUDGE SMITH: Reclassified as public.

24 THE COURT OFFICER: Thank you, Your Honour.

25 PRESIDING JUDGE SMITH: 123191-123201, which is the prep note,



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1 is admitted.

2 THE COURT OFFICER: The preparation note will be assigned  
3 Exhibit P01741. It's currently classified as confidential.

4 PRESIDING JUDGE SMITH: The associated exhibits will be  
5 admitted. As to the objected matter, it goes to the weight of the  
6 exhibit but not its admissibility and will be admitted, all three.

7 THE COURT OFFICER: Associated exhibits, Your Honour, as  
8 tendered by the SPO are the following: 053035 to 053047, Albanian  
9 version, and its corresponding English translation with the ERN  
10 U000-8075 to U000-8089 will be assigned Exhibit P01742.

11 My understanding is that there is an additional page to the  
12 Albanian version that is missing which was also tendered.

13 MR. PACE: Yes, correct. And that was accepted in principle in  
14 the decision. And that is U000-8071-U000-8089, pages 8077 and 8078.  
15 And I also would like to note that, as set out in our Preparation  
16 Note and e-mail, the English version is -ET Revised.

17 THE COURT OFFICER: Yes. I propose that the additional page be  
18 assigned the same number as the Albanian original and the translation  
19 with a .1. So P01742.1.

20 The second associated exhibit is SPOE00082472 to 00082472, and  
21 its corresponding English translation will be assigned  
22 Exhibit P01743.

23 And, finally, the last associated exhibit with the ERN  
24 SITF00265515 to 00265516 will receive Exhibit P01744.

25 All associated exhibits are currently classified as confidential

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1 as well as the preparation note.

2 MR. PACE: They can all be public. Thank you.

3 PRESIDING JUDGE SMITH: Thank you.

4 And just for the record [Microphone not activated]. All the  
5 associated exhibits are admitted in accordance with the *prima facie*  
6 standard of 138(1) and 154.

7 [Microphone not activated].

8 THE COURT OFFICER: Thank you.

9 MR. PACE: Thank you. And, Your Honour, in the e-mail I  
10 referred to earlier, the SPO submitted a proposed summary of this  
11 witness's now-admitted Rule 154 statement. We've not received any  
12 objections, so with your leave I'll read that now.

13 PRESIDING JUDGE SMITH: You may go ahead.

14 MR. PACE: The following is a summary of the Rule 154 statement  
15 which has now been admitted in relation to this witness.

16 The witness fought during the war and occupied various positions  
17 within the LDK, including as a member of the LDK presidency in  
18 Skenderaj.

19 The witness provides information on the LDK's foundation,  
20 structure, membership, and activities, and relationship between the  
21 LDK and KLA, including threats and attacks by KLA members against LDK  
22 members.

23 The witness's evidence includes information concerning his  
24 knowledge of the authorship of the October 1998 KLA General Staff  
25 Communiqué 59, which labelled the witness's brother, Gani Geci, a

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1 collaborator, and the negative impact on consequences of this  
2 communiqué on the witness, his family members and others.

3 The witness also provides information regarding Hashim Thaci and  
4 Rexhep Selimi threatening Tahir Zemaj; the arrest, detention, and  
5 mistreatment of Kosovo assembly representatives in or around Qirez in  
6 September 1998; and the arrest, detention, killing, and/or other  
7 mistreatment of LDK members and other individuals including  
8 Sejdi Koca, Enver Maloku, Haki Imeri, Jakup Kastrati, Cen Desku.

9 The witness also provides information about his interactions  
10 with and/or knowledge of KLA members including Rexhep Selimi,  
11 Hashim Thaci, Jakup Krasniqi, Sylejman Selimi, Sami Lushtaku, and  
12 Sabit Geci.

13 And that concludes the summary.

14 Q. Witness, do you know Maxhun Smajli?

15 A. Yes, I knew him after the war.

16 Q. And who is he in brief?

17 A. He was a reporter during the war. A good guy.

18 MR. PACE: I'd like to call up P00934, which is  
19 U003-8815-U003-9043, and at the first page, please. Thank you.

20 Q. Witness, had you seen the document on your screen now before I  
21 showed it to you last week?

22 A. I saw it for the first time last week. I hadn't seen it before.

23 Q. I'm going to show you some pages from the book and ask you some  
24 questions.

25 MR. PACE: And could we please turn in this Albanian version to

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1 page 8854. And side by side with that, call up U003-8854-U003-8855  
2 at page 8854. And in the Albanian, we can zoom in on the image and  
3 the caption below it, please. Thank you. And the English can stay  
4 as it is -- or now scroll down a little bit, please. Thank you very  
5 much.

6 Q. Witness, do you recognise the image on your screen even though  
7 it's not particularly clear?

8 A. Yes, I do recognise it. However, I do not know where he took  
9 this from. I can distinguish the individuals here, though.

10 Q. And the caption refers to Besim Dajaku, yourself, Esat Geci, and  
11 Sami Hajra. First of all, is Esat Geci your brother?

12 A. Yes.

13 Q. And did he participate in fighting in Llaushe, which is also the  
14 location referred to in the caption?

15 A. All my brothers and my cousins were part of the war from the  
16 first days.

17 Q. Did Besim Dajaku take part in the fighting in Llaushe?

18 A. Besim Dajaku was constantly in war until after the war when he  
19 was killed by some forces that are now known where they came from.

20 Q. And did Sami --

21 A. He was the bodyguard of President Rugova.

22 Q. And did Sami Hajra fight in Llaushe during the war?

23 A. Yes, yes.

24 MR. PACE: I'd like to turn to the next page in both items,  
25 please. That's page 8855. In the Albanian, please zoom in on the

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1 top left corner and in English on the top half of the document.

2 Q. And, Witness, you can see on the left on your screen in  
3 Albanian. I'm going to be reading from the English. Interpretation  
4 will also be provided to you. You can either read or listen. So  
5 here we see the following from this book:

6 "On the way to Llaush, I met many armed people of different  
7 ages, who were hurrying, some on foot and some on tractors, some even  
8 on horses.

9 "The streets of Llaush are filled with KLA soldiers. On the  
10 slope of the mountain, not far from Prekaz, I met Fadil and Esat  
11 Geci, Besim Dajaku, Sami Hajra and some others in their positions in  
12 a state of readiness, who did not allow me to go further because, as  
13 they told me, Serbian forces were retreating due to the resistance  
14 put up by Shaban Jashari and his family. But the village remains  
15 surrounded by many Serbian forces.

16 "Here I learnt that two girls from Shaban Jashari's family were  
17 wounded in the war with Serbian forces. A part of Serbian forces  
18 while retreating, in the village of Kline e Poshtme, as a sign of  
19 revolt killed Hysen Mangjolli from Mikushnica, while he was going to  
20 work."

21 Now, Witness, the author mentions meeting you, Esat Geci,  
22 Besim Dajaku, and Sami Hajra on the slope of the mountain, not far  
23 from Prekaz. Could this be where the photograph was taken, the  
24 photograph that we just looked at?

25 A. It could be. But, Your Honours, I am a person who -- all these

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1 major processes that unfolded in the Drenica region went through my  
2 house, and I waited for the moment to present this to the entire  
3 world. I don't know how many news journalists and reporters came by.  
4 One of them was this one who might not know at the time.

5 Q. And, Witness, Shaban Jashari is mentioned in the excerpt I read  
6 to you. Do you know who he is or he was?

7 A. Shaban Jashari is the father of the two legends of the Jashari  
8 family. So this is the second attack on the Jashari family. This  
9 was the second attack which resulted in the killings in Kline and  
10 Mikushnica. So this is what is described by the reporter here.

11 Q. And to your knowledge when did that second attack take place?  
12 What month and year, if you know?

13 A. This happened -- I've given the dates publicly. This was in  
14 January 1998, I think. I might be wrong with the dates, though.

15 Q. And do you recall, as mentioned here, Serbian forces retreating  
16 from Llaushe due to the resistance put up by Shaban Jashari and his  
17 family?

18 A. Your Honours, these two villages, Llaushe and Prekaz, we never  
19 knew which one was being surrounded, Llaushe or Prekaz. They were  
20 either both or one of them surrounded, and people from both villages  
21 would support the other side the Serbian forces attempted and tried  
22 to surround, including Llaushe. They would mostly position on higher  
23 ground observation posts to observe Llaushe.

24 Q. And do you recall Hysen Mangjolli being killed by Serbian forces  
25 as the Serbians retreated?

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1 A. Yes, that's correct. He was going to work at the ammunition  
2 manufacturer, and he was killed by the retreating Serb forces. Some  
3 civilians were killed, amongst them this person whom you mentioned.

4 MR. PACE: In the Albanian, let's please turn to page ending  
5 8875. And next to it, let's please call up the English translation  
6 which is U003-8875-U003-8875-ET. In the Albanian, let's zoom in on  
7 the third paragraph on the left; and in the English, on the third  
8 paragraph, please. Yes, thank you.

9 Q. And, Witness, I will be reading in English. What I read  
10 corresponds to what you have on your screen in Albanian from the  
11 words, and I'm sorry about my pronunciation, "*Pasi perfundova ...*"

12 So:

13 "At around 15.30, after I finished reporting on today's events,  
14 Hamit Krasniqi told me to meet with KLA military leader Fadil Geci  
15 from Llausha, who, as Hamid said, 'is looking for a trusted person  
16 that would help him cross the village of Dushjaka of Gjakova, through  
17 the village of Lugu i Tersenik - Drini, Lugu i Leshanit and Lugu i  
18 Baranit', something I accepted willingly. At around 19.30, through  
19 the villages of Kerrnice, Jashanice, Kopiliq i Gashit and Rashaniq, I  
20 arrived in village of Llaush. There I was stopped by some KLA  
21 members who after looking for my name in a list, asked me about the  
22 purpose of my visit. In the list I saw two names high in the KLA."

23 Witness, do you know Hamit Krasniqi mentioned here?

24 A. I don't know what Hamit Krasniqi told the reporter. What I  
25 know, however, is that Ismet Rraci was a great person. I knew

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1 Hamit Krasniqi, but I had close relations with Mr. Rraci. He was the  
2 chairman of the branch in Kline. And I asked Ismet to find people to  
3 make some movements in that direction.

4 Q. And when you say "that direction," are you referring to the  
5 direction mentioned here, the village of Dushjaka and there around?

6 A. In the direction of the border with Albania. Isn't that the  
7 direction I took. The border with Albania.

8 Q. And this excerpt refers to you looking for someone to help you  
9 cross the villages of Dushjaka of Gjakova, and others. Is that one  
10 of the villages you would have to cross on this occasion?

11 A. That was one of the roads that you could take to pass through  
12 that part. I was not familiar with the terrain and could easily come  
13 across Serbian forces.

14 Q. And to be clear, to your knowledge was Hamit Krasniqi taking  
15 part in the fighting in 1998 or 1999?

16 A. I'll repeat. All these activists were at the service of the  
17 war. All activists, including the chairman, they were at the service  
18 of the war to the best they could. I'll take my municipality,  
19 Skenderaj, as an example. From 63,000 inhabitants, and I had them  
20 all noted in an aid book for the referendum during the second and  
21 third elections. There were only three families that were outside  
22 our control.

23 Q. Witness, I understand you have information to provide, but I ask  
24 you to limit your answers to specifically what I'm asking about. If  
25 I would like further detail, I will certainly ask you for that.



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1           And this -- you're wanting to cross, as you mentioned, these  
2           locations. Do you recall roughly what month and year that would have  
3           been?

4           A. Immediately after the attack on Prekaz, sometime in May, my  
5           brother, in the beginning of May, went to Albania. The eldest  
6           brother, Halil. He went to the Ministry of Defence, Ahmet Krasniqi's  
7           ministry, and he was one of the founders of that ministry.

8           Q. Okay. Perhaps you didn't understand my question. I'll ask it  
9           again. You're looking for someone to help you cross the villages  
10          mentioned in the excerpt. When were you looking for them? What  
11          month and year?

12          A. It was in 1998 in May. Beginning of May.

13          Q. The author in this excerpt says that when he arrived in Llaushe,  
14          he was stopped by some KLA members who looked for his name in a list  
15          and asked him about the purpose of his visit. Do you recall such  
16          checks taking place in Llaushe, including in May 1998?

17          A. Look, that was sort of improvisation. We were just pretending  
18          as if we were checking things, because there was nothing to check.

19          MR. PACE: Your Honour, I seek to admit these two English  
20          translations into evidence. I note for the record that the book,  
21          P934, according to our information, is admitted only insofar as  
22          English translations are also admitted. So we seek to admit the two  
23          English translations I mentioned, which are 8854-8855, and 8875-8875,  
24          and, of course, that means we would then intend to rely on the  
25          corresponding Albanian pages within P934.

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1           PRESIDING JUDGE SMITH: Any objection?

2           MR. MISETIC: We have no objection.

3           MR. ROBERTS: Nothing from me.

4           PRESIDING JUDGE SMITH: Page 8854, page 8855, and page 8875 are  
5 all admitted. Those are part of U003-8854 to U003-8855.

6           MR. PACE: Just to clarify, the Albanian range is longer. It's  
7 the whole book. So it's P934, which is U003-8815 to U003-9043.

8           PRESIDING JUDGE SMITH: Correct. Thank you.

9           THE COURT OFFICER: Your Honour, those two translations will be  
10 added to Exhibit P0934.

11          PRESIDING JUDGE SMITH: Thank you.

12          Go ahead.

13          MR. PACE: Thank you, Your Honour. And we can take these two  
14 items off the screen. And instead, for now, I'd like to call up  
15 IT-05-87 6D0067. And we can zoom out and keep this first page on the  
16 screen for now. This first page, at the bottom it's indicated as  
17 6D00-0760.

18          Q. Witness, there is a document on your screen. It's in English.

19          MR. PACE: If we could go to the top of the screen, please -- of  
20 the document, please.

21          Q. The document, as you could see, refers to an interview with  
22 Sylejman Selimi in 2000. Had you seen this document before I showed  
23 it to you and read you parts of it last week?

24          A. I had not seen these notes before. That was the first time I  
25 saw them.

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1 MR. PACE: And if we could go in the English to the page ending  
2 0766, please. And then side by side with that we'll call up the  
3 Albanian, which is SPOE00360459-00360498, page ending in 467. And we  
4 can zoom in on the top half of both of these pages, please. Thank  
5 you.

6 Q. Witness, I'm going to read from the English version. You can  
7 follow on the left in Albanian and also it will be interpreted to  
8 you. In Albanian, once again, I'm sorry for the pronunciation, I  
9 will start from the first bullet point, "*Cilet njerez ...*"

10 So, in English, and this is a question by the interviewer, Sylva:

11 "Who composed the nucleus of Prekaz and the other villages,  
12 which would later get a military structure and spread all over  
13 Drenica?"

14 The answer here attributed to Sylejman Selimi:

15 "Adem Jashari, Hamez Jashari, Sahit Jashari, Sami Lushtaku, and  
16 Fadil Kodra composed the early group of the Prekaz fighters. Adem  
17 was the nephew of Gecaj of Llausha. Jetullah Geci, Sejdi Geci,  
18 Xhevahir Geci, and Osman Geci were the early fighters in Llausha.  
19 Adem was Sejdi's and Jetullah's nephew."

20 Witness, my question is, to your knowledge, is it correct that  
21 Adem, Hamez, and Sahit Jashari, Fadil Kodra, and Sami Lushtaku were  
22 among the early Prekaz fighters?

23 A. Yes, it is correct that these were amongst the first ones, but  
24 Rexha has forgotten some, because Gani Geci is even an earlier  
25 fighter. The Geci family, the Geci brothers are the first ones in

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1 all processes, with Adem Jashari, with the war, with peace. They are  
2 the first ones, the leading ones. And I'm here. You can ask me and  
3 I'll answer to your questions.

4 Q. And just to be clear then, the names that I read out to you,  
5 those did take part in early fighting in Prekaz and Llaushe, but  
6 you're adding that Gani Geci was also an early fighter. Is that  
7 understanding correct?

8 A. Not amongst the earliest ones but the first one, the very first  
9 one.

10 Q. So Gani Geci was the first one and did the other people named  
11 here --

12 A. [Overlapping speakers] ...

13 Q. -- also take part in early fighting --

14 MR. ROBERTS: [Microphone not activated].

15 PRESIDING JUDGE SMITH: Just a second, Mr. Pace.

16 THE WITNESS: [Interpretation] Adem Jashari was the first and  
17 then followed by the Geci family.

18 PRESIDING JUDGE SMITH: Yes, go ahead, Mr. Roberts.

19 MR. ROBERTS: Thank you, Your Honour. Just to be clear, it  
20 appears, without putting words in the witness's mouth, that he may be  
21 confused as to who this interview is with. If it is, as far as I  
22 understand, purported to be an interview with Sylejman Selimi,  
23 whereas I believe he made a reference to someone else.

24 PRESIDING JUDGE SMITH: Could we clarify that, Mr. Pace, please.

25 MR. PACE: Yes, I certainly said Sylejman Selimi.

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1 Q. And, Witness, I just want to be clear that the interview is here  
2 attributed to an interview with Sylejman Selimi. And then can I just  
3 ask you again that you were saying that the names of the people I  
4 mentioned were among the first to fight in Prekaz and Llaushe, and  
5 you're saying your brother Gani was the first; right?

6 A. Yes, the first. And Sylejman has it wrong there. He is  
7 misinterpreting the history. In one word, he's lying. And what I'm  
8 saying is a fact, what I'm saying here before you.

9 Q. I'll continue reading:

10 "Can it be said that the third point, as important as the  
11 fighting nucleus of Drenica, was Acaeva?"

12 And then Sylejman Selimi is purported to answer:

13 "Not initially. I was a member of the group that operated  
14 around Adem, and we carried out actions there where it was necessary.  
15 Rexhep Selimi lived in Klina and studied in Prishtina, and this way  
16 he was on the move. We can say that Acaeva can be spoken of later  
17 when I came into open contact with Hysni Shabani, where I stored the  
18 arms. Then I extended my contacts with Avni Haxha and the others.  
19 This group was continuously growing, up to 13 members that were  
20 organised as the UCK. They carried out guard duties in the village."

21 PRESIDING JUDGE SMITH: Slower, Mr. Pace.

22 MR. PACE:

23 Q. "I was always close to them. I advised and helped them. The  
24 number of soldiers grew from day to day and they were getting  
25 organised, until they managed to become a regular military unit

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1 within the 113th Brigade, which was commanded by Muje Krasniqi."

2 And, Witness, the question is, in 1998, did you know or hear of  
3 a Brigade 113 commanded by Muje Krasniqi?

4 A. I knew Muje Krasniqi. I knew him. I did not spend time with  
5 him, but I knew him and I had a respect for him. So in one word, I  
6 have heard about him.

7 Q. And have you heard of a Brigade 113 that he commanded as set out  
8 in this article?

9 A. Yes, yes, I had.

10 Q. Is Muje Krasniqi alive?

11 A. No, he is not alive. Muje Krasniqi died. He fell heroically on  
12 the border as a real man.

13 Q. Do you recall what month and year that was when he died?

14 A. I'm not good with dates. I apologise. But this date is public,  
15 the date of his death, of the tragedy that occurred during which Muje  
16 Krasniqi died.

17 Q. And I'm going to continue reading:

18 "Abedin Rexha also formed a strong group, by organising his  
19 circle. They extended it from Turiqec, Vojnik, and Kllodernica to  
20 Runik, and such organisations later became the nucleus of the  
21 112th Brigade, which was commanded by Abedin."

22 Witness, the question is, to your knowledge, did Abedin Rexha's  
23 area of responsibility extend to the locations I just referred to?

24 A. I did not understand the question. Could you please repeat it?  
25 Which locations?

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1 Q. Yes. So did Abedin Rexha's area of responsibility, to your  
2 knowledge, extend from Turiqec, Vojnik, Kllodernica to Runik?

3 A. That's what it was said. It was the beginning at the time.

4 MR. PACE: And, Your Honours, I seek admission of the pages  
5 shown to the witness. In English, those are 0760 and 0766, and the  
6 corresponding Albanian page which is the one ending 60467.

7 PRESIDING JUDGE SMITH: Objection?

8 MR. DIXON: Yes, Your Honour. There is an objection. I think  
9 this is a classic example, in our submission, of the need for the  
10 document to be marked for identification because the purported author  
11 is a Prosecution witness. He's due to come and he can then talk  
12 about the very document that is before Your Honours.

13 Of course, the evidence that the witness has given is there on  
14 the record. If it was to establish KLA organisational issues, that  
15 could have been done in a non-leading fashion. But, in any event,  
16 the evidence is there.

17 And for the purpose of admitting the document itself, we would  
18 submit that the proper course is to wait for the witness who the SPO  
19 claims authored the document to come to give that evidence. It can  
20 be marked for identification until then.

21 MR. PACE: Your Honour, if I may respond first, please.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 [Trial Panel confers]

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. PACE: Thank you, Your Honour. In decision F01596, the

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1 Panel considered that this document satisfied the authenticity  
2 criteria. The Panel rejected admission, in part, because of the lack  
3 of *prima facie* probative value without further contextualisation by a  
4 witness.

5 This witness has provided the necessary contextualisation,  
6 confirming or elaborating on excerpts from this interview he was  
7 directly involved in or had knowledge of the issues addressed in the  
8 excerpts. The fact that the witness who allegedly said the words  
9 that we're discussing is on the Prosecution's list is not relevant to  
10 admission. It may be relevant to weight.

11 And if I am not mistaken, the Panel has overruled such  
12 objections in the past. And in case it assists the Panel in their  
13 decision, I also refer to decision F01983, paragraphs 34 to 41, in  
14 relation to the admissibility of newspaper articles attributing  
15 statements to the KLA and/or the accused themselves.

16 I can make further submissions if those are necessary.

17 PRESIDING JUDGE SMITH: That's enough. Thank you.

18 Correctly stated, we have admitted documents similar to this in  
19 the past. The weight -- the objection certainly goes to the weight  
20 but not necessarily the admissibility of this document. So the pages  
21 listed and noted will be admitted.

22 You may assign numbers to them.

23 THE COURT OFFICER: Thank you, Your Honour.

24 So in English version, IT-05-87 6D00067, pages 1 and 7, and the  
25 corresponding Albanian version with the ERN SPOE00360467, will be



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1 assigned Exhibit P01745. If counsel can please clarify  
2 classification because English version is confidential and Albanian  
3 is public.

4 MR. PACE: Certainly. Both can be public. And to be clear,  
5 from the Albanian, the only page that should be admitted  
6 corresponding to what I read out is the one ending 0467.

7 THE COURT OFFICER: Yes, I believe I read that one. Thank you.

8 PRESIDING JUDGE SMITH: U0467, correct?

9 MR. PACE: SPOE00360467.

10 PRESIDING JUDGE SMITH: Thank you.

11 THE COURT OFFICER: They can be reclassified as public?

12 PRESIDING JUDGE SMITH: Reclassified as public.

13 THE COURT OFFICER: Thank you. Thank you, Your Honour.

14 PRESIDING JUDGE SMITH: Go ahead, Mr. Pace.

15 MR. PACE: I'd like to take these documents down and instead  
16 call up 098634-098660 side by side with the English version, which is  
17 the same ERN but -ET. And we'll first look at the first page of  
18 each, please. Thank you.

19 Q. Witness, on the left you see a document in Albanian; on the  
20 right, its English translation. Had you seen the document on the  
21 left before I showed it to you last week?

22 A. No, I have not seen any of the documents shown to me here  
23 before.

24 Q. Now, on this page, among the many words, we can identify  
25 Llaushe, Skenderaj, Drenica. Is that where you were from and where

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1 you were based in 1998 and 1999?

2 A. May I give you my answer?

3 Q. Yes, you may answer the question I asked you.

4 A. It is public knowledge that Prekaz for three or four days and  
5 Llaushe for one month was at the centre of awareness of the Albanians  
6 and of the internationals.

7 Q. Witness, I'm sorry, but it doesn't sound like you're answering  
8 my question. For now, were you based in Llaushe, Skenderaj, Drenica,  
9 in 1998, 1999, and is that where you lived?

10 A. Yes, that's where I lived. And Llaushe was the centre during  
11 the beginning, during those first days, and that's where I received  
12 delegations from everywhere, from different parts of the world and  
13 Albania.

14 PRESIDING JUDGE SMITH: Witness, try to listen to the question  
15 and just answer the question. Don't add additional material. The  
16 attorney will ask for more information if it's necessary. Okay?

17 THE WITNESS: Okay. Okay. [Interpretation] I'm trying, and I  
18 apologise.

19 MR. PACE:

20 Q. No need to apologise, Witness. And to be clear, did you take  
21 part in the fighting in Llaushe in 1998 and 1999?

22 A. All the time. We were the base there. I was responsible for  
23 the state of Kosovo of the Kacanik constitution. I was the  
24 responsible person for Drenica, and all those processes went through  
25 me. And here before you I take responsibility for everything that

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1 occurred during those processes, and I wish that others also take  
2 responsibility for the things they did.

3 Q. Again, Witness, with respect, you need less words to answer my  
4 question. Let's aim to do that moving forward. I have limited time  
5 with you. Do you understand?

6 A. Yes.

7 Q. Thank you.

8 MR. PACE: Let's please turn to page 098642 in both versions.

9 Q. Now, Witness, as you can see, the entries on this page in front  
10 of you, on the left in Albanian, on the right in English, are dated  
11 3, 4, 5, and 6 June 1998 and refer to Llaushe. Each of the entries  
12 on the page refers to fighting, shooting, or shelling on these dates.

13 My question is do you recall there being fighting, shooting, or  
14 shelling in June 1998 specifically in Llaushe?

15 A. Yes, I do recall. And everything in here is true.

16 Q. In Albanian, if we zoom in to the bottom right corner, please,  
17 there, Witness, we can see reference to "Llaushe combat zone  
18 commander" and a signature. Do you happen to recognise that  
19 signature?

20 A. It is quite interesting. I gave information through phone to  
21 the centre for information of Kosovo, Enver Maloku, information that  
22 was passed to all other centres in the world. I don't know whose  
23 signature this is, but the words are mine because I spoke on the  
24 phone and gave all the information.

25 Q. And as I mentioned, the reference above the signature is to

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1 "Llaushe combat zone commander." Are you saying that that was you at  
2 the time in June 1998 or would it have been somebody else to your  
3 knowledge?

4 A. If I go too long, you say, "Be short," but I have to explain. I  
5 was one of the persons responsible. Not a commander but person in  
6 charge. So I was in charge of this aspect. It looks something like  
7 Geci, but it's not mine. It could have been signed by somebody else.  
8 It's not my signature.

9 MR. PACE: Let's please turn to the next page, 098643, zooming  
10 in on the top entry in both English and the Albanian.

11 Q. Now, Witness, this is another page from the same item. We see  
12 that the top entry is dated 7 June 1998 and refers to Serbian  
13 military forces shelling the Gecaj, Rrecaj, and Zejnullahu  
14 neighbourhoods. Did you live in the Gecaj neighbourhood referred to  
15 at this time in June 1998?

16 A. Yes.

17 Q. And do you recall shelling there in the first week of June 1998  
18 as mentioned here?

19 A. On a daily basis.

20 MR. PACE: Let's turn to page 98655 in both versions, please,  
21 zooming in on the right page.

22 Q. And, Witness, the entries on this page are dated 19, 20, and  
23 21 July 1998 and refer to Llaushe. And each of these entries refers  
24 to gunfire, shelling, or attacks on these dates. Do you recall there  
25 being gunfire, shelling, or attacks at this time, so July -- towards

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1 the end of July 1998 in Llaushe?

2 A. Yes, I remember because I was from that area. I was there. So  
3 this is with me in my head. It was like music. We had gunfire and  
4 shelling every day. This was music to us.

5 Q. And at the time in July 1998, do you recall providing  
6 information such as that on the page before you to anyone for any  
7 reason?

8 A. Again, I was a representative for Drenica, a person people could  
9 turn to for anything. I had been elected. And this must certainly  
10 be one of the things that I said or gave.

11 Q. And do you recall whether there were other people that would  
12 have been providing information such as this at the time in July  
13 1998?

14 A. It might be. Based on the writings here, this is information I  
15 provided to the Kosovo information centre on a daily basis. I had my  
16 personal diary and notebook, but I do not possess it, unfortunately,  
17 anymore because it got burned down.

18 MR. PACE: Your Honour, in this case we seek admission of the  
19 whole item, which is 098634 to 098660, along with its English  
20 translation.

21 PRESIDING JUDGE SMITH: Objection?

22 MR. DIXON: Your Honours, we do object for the same reasons. We  
23 would add that the weight that could, in fact, be attached to such a  
24 document like this, which the witness is unable to talk to as a  
25 document -- he can talk to facts. We have the evidence of that about

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1 the Serb attacks and the dates for that, but that comes through his  
2 evidence himself. So the weight that can actually be attached to  
3 this is so minimal that it should, therefore, not be admitted at this  
4 stage. If there is somebody who authored this document -- as the  
5 witness said, he had a document similar previously, if he had it,  
6 that could have been admitted, but not this one through him when we  
7 don't have the author and any other details of how it was created.

8 MR. ELLIS: Your Honour, we would join that objection and also  
9 say if anything is to be admitted, in our submission it should only  
10 be the pages that were actually shown to this witness and commented  
11 on, not the whole book.

12 MR. PACE: If I may respond briefly, Your Honour.

13 PRESIDING JUDGE SMITH: Yes. Short.

14 MR. PACE: So the witness confirmed he's from the location  
15 referred to throughout the item and was based there in 1998 and 1999,  
16 and that he was taking part in attacks in June and July 1998 as  
17 referred to in this item. He stated that he had knowledge of the  
18 attacks. The pages not specifically shown to the witness, as  
19 Your Honours will see, contain similar nature to those that were  
20 shown to the witness.

21 And in terms of counsel for Mr. Veseli's submissions, he, in  
22 fact, spoke of weight. That's not what we're deciding at the time.  
23 We're deciding admission. And should that assist the Panel, I also  
24 refer to this Panel's decision F02644, paragraph 11, in relation to  
25 the admissibility of items when the authorship may not be known and

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1 also in relation to admission when the witness has only commented on  
2 some not all pages.

3 PRESIDING JUDGE SMITH: Thank you. My only question is why are  
4 we entering the other pages?

5 MR. PACE: Thank you, Your Honour. As I mentioned, it's because  
6 the other pages mention information similar to those shown to the  
7 witness. All the pages together are relevant to the existence of a  
8 non-international armed conflict and the KLA's organisation. I could  
9 go through those pages with this witness. I would submit that that  
10 would not be a good use of Court time.

11 MR. MISETIC: Mr. President, I'm sorry, I do have one --  
12 something I want to note for the record outside the presence of the  
13 witness if I may.

14 PRESIDING JUDGE SMITH: All right. Please take the witness out.

15 THE WITNESS: [Interpretation] Please don't.

16 [Trial Panel confers]

17 [The witness stands down]

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. MISETIC: We just wanted to make a submission on relevance  
20 and probative value. As I understand the witness's evidence, he at  
21 this time says he wasn't part of the General Staff's chain of  
22 command. He says he was under the Ministry of Defence. So we would  
23 oppose admission on the basis of relevance and probative value in  
24 terms of what exactly this is relevant to then, if that's the  
25 witness's evidence.

1 MR. PACE: May I respond, Your Honour?

2 PRESIDING JUDGE SMITH: Yes.

3 MR. PACE: Thank you, Your Honour. Regardless of who the  
4 witness says he was fighting on behalf of, that does not detract from  
5 my submission as to the relevance of this item, which would be the  
6 non-international armed conflict and the KLA's organisation. There  
7 is also other information provided by the witness in his now-admitted  
8 Rule 154 statement and his preparation note concerning the fighting  
9 of KLA forces and the fighters of the Ministry of Defence.

10 PRESIDING JUDGE SMITH: Okay. I have no doubt about the  
11 relevance of this material because of the armed conflict, but I do  
12 not see any reason to introduce the other pages that have not been  
13 identified and we don't know what they're about. We have no idea.  
14 So we will admit the pages that were mentioned and that's all.

15 You might want to list the pages again.

16 MR. PACE: Yes. The pages mentioned are the following which are  
17 098634, 098642, 098643, 098655.

18 PRESIDING JUDGE SMITH: Those enumerated pages are admitted.

19 THE COURT OFFICER: Thank you, Your Honour. Those pages,  
20 English and Albanian version, will be assigned Exhibit P01746. The  
21 current classification is confidential.

22 MR. PACE: It can be public.

23 PRESIDING JUDGE SMITH: Reclassified as public.

24 THE COURT OFFICER: Thank you.

25 PRESIDING JUDGE SMITH: Thank you.



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1 Go ahead, Mr. Pace.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: Thank you, Witness. We will proceed  
4 now.

5 Go ahead, Mr. Pace.

6 MR. PACE: Thank you.

7 And can we take this document down and instead please call up  
8 098249-098291 side by side with 098249-098291-ET. And in both,  
9 please show page 098264. And let's focus on the right-hand side.  
10 Thank you.

11 Q. And, Witness, first of all, had you seen this document before I  
12 showed it to you last week?

13 A. No, I had not seen any of these documents. I saw them for the  
14 first time when you showed them to me.

15 Q. I'll read in English, and then I have a few questions:

16 "The problems faced by the Emergency Council were discussed in a  
17 meeting at the elementary school in Llausha on 5 June 1998. The  
18 meeting elected the new Emergency Council and decided to keep the  
19 warehouse at the same location as before. Those elected in the  
20 council included Nezir B. Geci, myself, Shaban Zyhrani, Haxhi Geci,  
21 Ramiz Haziri, Haxhi Qerimi, thus putting an end to all rumours. The  
22 situation with the collection of aid only got worse as the aid was  
23 reduced to a minimum, bringing up the issue of closing down the  
24 warehouse. However, an urgent intervention with some supplies  
25 remedied somewhat the alarming situation.

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1            "We also contacted the council at municipal level and discussed  
2            the very grave situation we were in."

3            Witness, we see this refers to an emergency council. Are you  
4            familiar with such a body in 1998 or 1999?

5            A. I am seeing this document for the first time. However,  
6            everything went through my house, my family.

7            Q. Okay. Could you answer the question which is were you aware of  
8            an emergency council in 1998 or 1999?

9            A. There was, because we were in an extraordinary situation, and we  
10           set that up - I did - with the chairmanship, the LDK failed state  
11           functions at the time. We were a party, but not only, because we  
12           held elections, a referendum, and conducted other business. We  
13           filled in state functions in that sense.

14           Q. You just mentioned -- you said "everything went through my  
15           house, my family." Could you tell the Judges where this emergency  
16           council was based in June 1998? The dates or the months referred to  
17           in this excerpt?

18           A. The emergency council had its seat in my house.

19           Q. And in this excerpt, we see a reference to a meeting in June  
20           1998, and the decision to keep the emergency warehouse -- the  
21           warehouse of the emergency council at the same location. Do you know  
22           why there would be a need for a decision to keep the location there  
23           at your house?

24           A. Things were already starting to become a little bit unstable.  
25           At that point it became known there were two directions, two

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1 organisations. But up until that moment, there was only one  
2 organisation. We were all together.

3 Q. And can you clarify for the Judges what two organisations you're  
4 referring to now? Just the names.

5 A. I need to clarify, and I apologise if I'm being too long. The  
6 state organisation, the protection of the constitution, and the war  
7 within our system, the one that was in place, was one direction which  
8 was embraced by everybody. 99 per cent of the people of Kosovo were  
9 united.

10 After the Jashari events, a group from abroad came in,  
11 represented by some of the people who are here and some others who  
12 were inside the country, and they divided the population. They sowed  
13 dissent. Because there were two groups in Kosovo: A group who was  
14 for a state and another group who was for to seize power. The group  
15 who was acting in favour of a state and state institutions was me,  
16 with Ibrahim Rugova as a leader; and the other group who was there to  
17 seize power was the group including these people who can themselves  
18 explain their actions.

19 Q. What is the name of this other group you're referring to?

20 A. The other group is the LPK group, the Marxist-Leninist  
21 organisation, with its seat in Russia. And the other group is the  
22 LDK group, with its seat in the United States. The first group  
23 called the United States an enemy. And we viewed and thought that it  
24 was only United States, the European countries, and God that could  
25 liberate us.

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1 Q. Witness, I appreciate you have a lot to say --

2 A. I personally supported obviously this group.

3 Q. -- again, but when I ask you for the name of an organisation,  
4 you need to limit yourself to that name. I will ask for further  
5 detail.

6 And going back to my question: Do you have any idea why, as  
7 reported here, there would need to be a decision to keep a warehouse  
8 in your house? Do you know why?

9 A. Our impact, our influence was huge in that area, in that  
10 environment. And there were people who did not like that, so they  
11 were -- they had a different agenda. And they tried, made attempts  
12 to remove it from our house.

13 Q. Who made attempts to remove the emergency council from your  
14 house?

15 A. These were the people of the LPK, who then later claimed to be  
16 the head of the KLA, just the head without -- no members. So these  
17 were the people.

18 Q. Do you have any knowledge about any specific instance when  
19 anyone from the LPK stated or asserted that the warehouse should be  
20 moved?

21 A. A conversation that occurred. The very fact that this  
22 conversation occurred, it's an indication of where it came from. And  
23 this became clearer after 1999. After the Jashari family, they tried  
24 to liquidate us, our brother, and remove our influence, pledging --  
25 peddling lies and manipulations.

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1 Q. Witness, my question is if you recall any specific instance --

2 A. And through the Communiqué 59.

3 Q. My question is whether you recall any specific instance when  
4 anyone from the LPK stated or asserted the warehouse should be moved.  
5 If you don't recall, you can say so.

6 A. Again, there were some people from Prishtine holding conferences  
7 who were pretending to teach us, people from the OMLK, a  
8 Marxist-Leninist movement. Their attempts were to remove this from  
9 Llaushe and set it up with their own people somewhere, and this is  
10 when the division started in Kosovo with these people.

11 Our group tried to keep it together in the interest of the  
12 state. This was the advice given by the President Ibrahim Rugova.

13 Q. Do you know --

14 A. A thousand men can be killed on one side, but no men can be  
15 killed on the other side, because this is what Serbia wants. And  
16 there will come a day when these people will be covered in shame and  
17 their children will be covered in shame. We must show patience and  
18 self-restraint. This is what we did, and I feel good about it.

19 Q. Witness, I've said many times now you need to answer my  
20 question. I will ask for further detail. The Judge will not give me  
21 additional time if I need it, or he may not give me when I ask for  
22 it. Please answer my questions and those alone. Do you understand?

23 A. Yes. I apologise, because sometimes you're asking for  
24 clarifications and I have to clarify. If you permit me to clarify,  
25 then I will clarify.

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1           PRESIDING JUDGE SMITH: Just a second.

2           Yes.

3           MR. ELLIS: Thank you, Your Honour. I apologise for  
4 interrupting my learned friend, but I'm noticing that sometimes the  
5 interpretation continues after my learned friend starts asking the  
6 next question.

7           And I think on that last answer, I'm told we missed a passage  
8 from the Albanian, which was that the witness said that:

9           "Those who wrote Communiqué 59, we should make the blood  
10 analysis and it will result that they are not Albanians."

11          So I'd just ask for a pause to be taken.

12          PRESIDING JUDGE SMITH: Thank you.

13          Please, Mr. Pace, I know you're trying to -- struggle with this  
14 witness's answers. Please try to give a little pause before you ask  
15 your next question.

16          MR. PACE: Certainly.

17          Q. Witness, in your answer you referred to people from Prishtine  
18 and conferences in relation to --

19          A. I agree.

20          Q. In relation to the request or suggestion that the emergency  
21 council be removed from your house. Could you tell the Judges, if  
22 you know, the names of any such persons that were suggesting this  
23 move of the emergency council from your house to elsewhere?

24          A. Yes. There are, as I mentioned earlier, a number of conferences  
25 held in Prishtine by representatives of the --

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1           PRESIDING JUDGE SMITH: Witness, stop. Listen to the question  
2 again and just answer the question.

3           MR. PACE:

4           Q. If you know, what is the name of people at such conferences  
5 stating the need for the move from your house to elsewhere for this  
6 council?

7           A. This was said by Gani Koci, their representative in Prishtine.

8           Q. Do you recall whether Jakup Krasniqi ever made any similar  
9 public assertions?

10          MR. ELLIS: Your Honour, I object to leading.

11          MR. PACE: Your Honour, it's an open question.

12          PRESIDING JUDGE SMITH: Overruled.

13          Go ahead.

14          THE WITNESS: [Interpretation] Jakup Krasniqi called us in  
15 Llaushe from Prishtine every day saying, "May God help you. God  
16 bless you. God bless you." We were at war. And at some point, he  
17 came to us, saluting with a clenched fist, and he just ended up being  
18 a leader.

19          He would call us through the landline every day -- perhaps not  
20 every day, but whenever he could, and he would say, "May God help  
21 you." And that was enough. It was a good word, "God help us."

22          MR. PACE:

23          Q. Witness, the document refers to emergency council members  
24 including Nezir B. Geci, Shaban Zyhrani, Haxhi Geci, Ramiz Haziri,  
25 and Haxhi Qerimi. Do you know whether these were indeed members of

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1 this council?

2 A. Yes. They were all the best young men of the village who  
3 performed their duties and tasks honourably in war and during the  
4 emergency-related tasks. Haxhi Geci was also a -- Haxhi Geci, my  
5 brother, was also the chairman of the subbranch there.

6 MR. PACE: Your Honour, we seek to admit this one page into  
7 evidence.

8 PRESIDING JUDGE SMITH: Any objection?

9 MR. MISETIC: No objection.

10 MR. DIXON: Your Honour, I would object on the same grounds,  
11 without repeating that again. But also to indicate that the evidence  
12 that this witness has given could have been elicited with open  
13 questions just focusing on the emergency council. No need to refer  
14 to the document. If there's somebody who authored this document or  
15 knows something about it, they could be asked about that at the  
16 appropriate time.

17 So it's just a question of, in our submission, how it could be  
18 presented more rationally.

19 MR. ELLIS: Your Honour, in relation to this document, we'd  
20 object to relevance of this page.

21 MR. PACE: Thank you, Your Honour. In relation to the  
22 suggestion as to rationality, I know that the witness addresses the  
23 emergency council in his now-admitted Rule 154 statement albeit, not  
24 specifically in relation to the matter addressed.

25 In terms of relevance, it is clearly talking about an LDK



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1 institution, and there is an implication of a need to move this away  
2 from them. And you heard the witness himself say that the  
3 institution mentioned here was in his own home, he's aware of persons  
4 making public statements about the need to move this away from over  
5 there, so it is certainly relevant to the LDK's activities at the  
6 time and the LDK and KLA relation.

7 PRESIDING JUDGE SMITH: It is relevant and it will be admitted.  
8 098249 to 098 -- I'm sorry, page 098264 plus the English translation  
9 is admitted.

10 THE COURT OFFICER: Your Honour, that page in English and  
11 Albanian will be admitted as Exhibit P01747. Current classification  
12 is confidential.

13 MR. PACE: And it can be public for that page. Thank you.

14 PRESIDING JUDGE SMITH: Reclassified as public.

15 Go on.

16 THE COURT OFFICER: Thank you.

17 MR. PACE: Sorry, Court Officer, the document can be taken down.

18 Q. Witness, you've mentioned Gani Koca. Do you recall Gani Koca  
19 ever visiting or staying at your family home in Llaushe?

20 A. Yes.

21 Q. When?

22 A. After the press conferences in Prishtine. Gani Koci is a  
23 distant paternal uncle of my father. And Gani and Besim Dajaku met  
24 with my brother. So they came to Llaushe to see if Llaushe was in  
25 danger. And since we're talking about the divisions, he said to him,

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1 "You will stay with us tonight."

2 Q. And to be clear, who is saying, "You will stay with us tonight,"  
3 and to whom?

4 A. Besim Dajaku told to Gani Koca and Gani Geci, my brother.

5 Q. And what month and year, if you remember, did Gani Koca visit or  
6 stay at your family?

7 A. This was after 1998, the emergencies in the beginning, and all  
8 this talk about the LPK taking control. They wanted to move aside  
9 and sideline Llaushe from these processes and continue with their own  
10 plan.

11 Q. Did I understand correctly that it was after 1998? So are you  
12 saying it's in 1999 or something else?

13 A. 1998. March, April, May 1998. Some people were still not  
14 really integrated within the LPK. They were still in Prishtine, but  
15 they were making attempts to take control of the presidency or of the  
16 head of the LPK without having any members, just like they did with  
17 the KLA.

18 Q. And to orient ourselves better in terms of timing, was this  
19 Gani Koca staying at your house before or after Communiqué 59 was  
20 published?

21 A. Before because these started shortly before. So this was before  
22 Communiqué 59 - March, April, May, June. This was the period of  
23 time. This war of sowing division was before. Before that, we were  
24 completely unified and united. 99 per cent of us.

25 PRESIDING JUDGE SMITH: Mr. Pace, it's time for the break.

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1 MR. PACE: Yes, we can break here.

2 PRESIDING JUDGE SMITH: Witness, we'll give you a half-hour  
3 break at this time. We'll be back in court at 3.00.

4 [The witness stands down]

5 MR. PACE: Your Honour, while we're still here, I do note that I  
6 am likely to request some more time for the examination of this  
7 witness. I had requested two. I already can estimate that I need at  
8 least an additional half an hour, hopefully not more, but I can cross  
9 that bridge when I come to it.

10 PRESIDING JUDGE SMITH: Thank you.

11 We're adjourned until 3.00.

12 --- Recess taken at 2.30 p.m.

13 --- On resuming at 3.00 p.m.

14 PRESIDING JUDGE SMITH: Mr. Pace, we're conscious of your  
15 request for additional time. We'll rule on that later. We'll see  
16 where we get before we make that decision.

17 Please bring the witness in.

18 [The witness takes the stand]

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

21 Go ahead, Mr. Pace.

22 MR. PACE: Thank you, Your Honour.

23 Q. And, Witness, before the break, you told us that Gani Koca had  
24 visited or stayed at your house before Communiqué 59 was published.  
25 Do you recall whether any KLA members came to see Gani Koca while he

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1 stayed in your family home?

2 A. Yes, I recall it very well, as if it happened today.

3 Q. And who came to visit him?

4 A. Rexhep Selimi, Hashim Thaci, the son of Haxhi from Buroje, and  
5 others which are not important as names.

6 Q. Were you personally present when Rexhep Selimi visited Gani Koca  
7 while Gani Koca was at your house?

8 A. Not Gani. My brother was present. I was present when  
9 Hashim Thaci came.

10 Q. I'm not sure I understand the answer. My question is whether  
11 you were present when Rexhep Selimi visited your house.

12 A. No, I wasn't. I personally was not present. I don't remember  
13 being present. I remember Hashim Thaci arriving and that I spoke to  
14 him directly.

15 Q. Now, how do you know that Rexhep Selimi visited your house?

16 A. We talked amongst ourselves, the brothers, and Gani told me that  
17 Rexhep came.

18 Q. Did Gani, your brother, tell you anything else about  
19 Rexhep Selimi's visit to your house?

20 A. I didn't ask him for details, but he said one thing to me.

21 Q. Which is?

22 A. That Rexhep told him, "I am Rexhep Selimi, a big name." And  
23 Gani replied, "I am Gani Geci, and just leave. Go away from here."

24 Q. Turning to Hashim Thaci being at your house, which you say you  
25 were present for, what, if anything, did Hashim Thaci say during that

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1 visit to you or in your presence?

2 A. Yes, I remember it very well.

3 Q. Now, what did Hashim Thaci say to you or in your presence, if  
4 anything, during this visit?

5 A. When I entered, he was telling them that he had not been in a  
6 party, political party. And I said to him, "You were for a week  
7 chairman of the Youth Forum of the LDK in Skenderaj." And he said,  
8 "I lied." I said to him, "You lied. You were a liar then. You are  
9 a liar today. Everything that comes out of your mouth is a lie."

10 He took me by the hand -- if I may explain it in more detail. I  
11 can keep it short as well. And so he took me by the hand, and we  
12 went outside. I could not quite understand what was going on. I  
13 have said this there, but I will not be long here. It's in your  
14 materials. I don't think it's necessary for me to go into details.  
15 If it is, I will.

16 Q. Witness, perhaps it would help to clarify. In your prior  
17 statement, you mention an incident when Hashim Thaci, I believe,  
18 kissed your hands. Is this the same incident you're discussing?

19 A. Yes, that is true. I had never heard of a man kissing another  
20 man's hand. I didn't want to mention it here, but, yes, it is true.  
21 This is what happened. And I've stated here on a couple of occasions  
22 before that it is true. He is here and he can confirm that.

23 Q. Now, Witness, you mention Hashim Thaci was talking to someone  
24 when you entered. Who was Hashim Thaci talking to before you and him  
25 had the exchange you just described?

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1 A. The staff there, whoever was present there at the time. That is  
2 not of any importance. People who were there before I arrived.  
3 There were some people from our people there. But what I do remember  
4 is my direct confrontation with him. And that's where I saw,  
5 Your Honours, and whoever is listening to us, that a person who does  
6 such a gesture is a dangerous person for the Albanians and for  
7 everybody else, and I did not understand that at the time.

8 MR. PACE: I'd like to call up U002-3545-U002-3558 side by side  
9 with its English translation, which is the same ERN -ET. And on  
10 both, I'd like to go to page U002-3550, please.

11 Q. Witness, had you seen the page on the left-hand side before I  
12 showed it to you last week?

13 A. Again, I'll repeat. More than 90 per cent of this material is  
14 something that I have not seen before. Much has been written about  
15 me which I was not aware of, but thank you to those who wrote. And  
16 it is in the interest of the entire population of Kosovo and of the  
17 Albanians in general that I was representative of the state.

18 Q. I'm going to read from "On 25 April ..." You can follow in  
19 Albanian or you can listen.

20 "On 25 April I went to see Abedin Regja and proposed to him to  
21 appoint Kadri Haliti as the person in charge for Kastriot. Having  
22 consulted other comrades, he turned down my proposal. This made  
23 Kadri feel 'despised' and get involved initially with Bashkim Spahiu,  
24 Muhamet /Hajredini/, Sadik Halitaj and Megjit Halitaj, who, at the  
25 time, were doing destructive work by praising the government and

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1 scorning the KLA. Kadri was not the type that would do such things  
2 but he was manipulated by people who were under Fadil Geci's orders.  
3 Fadi Geci was from Llausha, a member of the LDK ... who was agitating  
4 in favour of the government, FARK ... and the LDK, which had great  
5 consequences."

6 "Surprisingly enough, later on, Rushit Haliti also got involved  
7 in this. He was an intellectual who I would never associate with the  
8 pacifists since he had been persistently against them until then. I  
9 do not know why but upon his return from Albania with Shaban Abazi,  
10 he joined in this activity."

11 My first question is do you know Kadri Haliti?

12 A. Yes, I know him very well.

13 Q. And did he fight during the war?

14 A. Yes, he did.

15 Q. Where?

16 A. In the area of Kastriot, a village in Skenderaj municipality.  
17 He's a very nice man, coming from a very nice and good family. He  
18 did his duties with honour.

19 Q. Do you know whether Bashkim Spahiu, Muhamet Hajredini, Sadik  
20 Halitaj, and Megjit Halitaj also fought during the war?

21 A. Again, I'll repeat the structure of the organisation at the  
22 level of Drenica. A month before that, there was a refreshment.  
23 People were selected -- elected by vote, and these were the people  
24 who defended the state of Kosovo. Some stated that publicly. Some  
25 stated that silently and did their duties silently. These were the

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1 ones who declared themselves publicly, and I knew that they were  
2 people who were active, but that was confirmed from this material  
3 that you showed me and which I saw for the first time.

4 Q. Do you know Rushit Haliti?

5 A. Rushit Haliti is a professor, a very honourable and nice person.  
6 Honour. Doctor of science. A complete person, an all-round person.

7 Q. And do you know Shaban Abazi who is also mentioned in the  
8 excerpt?

9 A. Yes, I do, not very well, but I do know him by appearance.  
10 However, I know Rushit very well.

11 Q. The excerpt states that you were agitating in favour of the  
12 government, FARK, and LDK. Were you a supporter of the government,  
13 FARK, and LDK around April 25th, which is referred to in this item?

14 A. I don't know who said that I was agitating. I was the main  
15 factor that initiated all the processes there in those parts. I was  
16 a representative of the state and of the referendum for independence.  
17 Who is someone who launches propaganda? Someone who supports the  
18 state or someone who works against the state? I protected Drenica  
19 and Albanians so that they would not kill each other, and this was  
20 done based on the directions given by Ibrahim Rugova. And everything  
21 that was damaging at the time, I removed it from the system in  
22 Drenica at the time.

23 Q. Witness, the excerpt says 25 April but we don't see a year.  
24 However, we also have mention of Abedin Rexha. Could you remind us  
25 when Abedin Rexha died?



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1 A. Please, let me explain something before you. You're all  
2 professionals in your work. Your Honours --

3 Q. Witness, please answer the question which is do you remember  
4 what year or when Abedin Rexha died?

5 A. Abedin Rexha was not killed officially, and I think you have to  
6 remove this from your head. Forensics, a group from EULEX did the  
7 autopsy. This is what I think as a lawyer myself.

8 Q. Witness, perhaps there was an issue with the translation. I  
9 asked you only when Abedin Rexha died. Was that in 1998; yes or no?

10 A. What I heard was when was he killed. This is what I heard. And  
11 I explained the reality. And I apologise.

12 Q. What year did Abedin Rexha die?

13 A. That was sometime in 1998. I already apologise for the dates.  
14 I told you that I am not good with the dates. The dates are public  
15 knowledge, though.

16 MR. PACE: Your Honour, we seek admission of this one page.

17 MR. DIXON: Your Honours, we do object. This one page starts  
18 off, as referred to by Prosecution counsel, "On 25 April ..." He  
19 correctly pointed out there was no year given. But then it goes on  
20 to say: "I went to see ..." The "I," we don't know who the "I" is.  
21 We have no idea who has written this. The witness wasn't even asked  
22 that. He could be asked questions about what happened, but we where  
23 we don't even know who is being referred to as the author, we say in  
24 those circumstances [Overlapping speakers] ...

25 PRESIDING JUDGE SMITH: Understood.

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1 MR. DIXON: [Overlapping speakers] ...

2 PRESIDING JUDGE SMITH: Can you please elucidate who wrote this?

3 We don't know that.

4 MR. PACE:

5 Q. Witness, do you know who wrote this?

6 PRESIDING JUDGE SMITH: Answer his question.

7 THE WITNESS: [Interpretation] Yes. I thought, more or less just  
8 like you, "I, Shaban Zyhrani." Based on the pronoun "I," Shaban  
9 Zyhrani. Based on the "I," I understood who was there. In his  
10 writing, Shaban Zyhrani mentions "I," and it is known that it was  
11 him.

12 MR. PACE: Thank you, Witness.

13 Your Honour, if I may respond to the objection.

14 PRESIDING JUDGE SMITH: Yes, you can. Go ahead.

15 MR. PACE: I'm going to quote from F02644, which was issued last  
16 week. In paragraph 11, Your Honours held:

17 "Admission of a document is not conditioned by proof of the  
18 identity of the author of the document."

19 And there is other relevant information, but I think that's  
20 enough to address the objection.

21 PRESIDING JUDGE SMITH: Thank you very much.

22 U002-3545 to U002-3558 is the cite. The admitted page is  
23 U002-3550.

24 THE COURT OFFICER: Your Honour, that page will receive  
25 Exhibit P01748. Current classification is confidential.

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1 MR. PACE: It can be public.

2 PRESIDING JUDGE SMITH: Reclassify it as public.

3 THE COURT OFFICER: Thank you.

4 MR. PACE: And if we can take this document down. And I would  
5 like to call up 05 -- sorry, this one has a P number now. So the P  
6 number is P01742. And I'd like to page 053038 on that, please. And  
7 side by side with that, I would like to call up the English  
8 translation, which I believe is now P0142-ET. Thank you.

9 Q. Witness, this item is discussed in your SPO interview. And in  
10 relation to the entry on our screen, you said you gave this report  
11 and someone else wrote it down.

12 MR. PACE: And in case necessary, the reference is to Part 6 of  
13 the interview, page 24.

14 Q. And, Witness, here on the screen we see the following words:

15 "- Drenica welcomes parliament being constituted."

16 My question, Witness, to you is do you recall yourself ever  
17 having publicly hailed the constitution of parliament in 1998?

18 A. Yes. And it was an honour to welcome all those who were wise  
19 and who wished the best for Kosovo.

20 MR. PACE: And I'd like to turn to page 053045 within the same  
21 document in Albanian, which in English is 8087. Thank you. Let's  
22 zoom in on the bottom half of the page in both the Albanian and the  
23 English.

24 Q. And, Witness, again this is a page from the same document  
25 discussed in your prior statement. And in the prior statement in

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1 relation to this entry, you said these were your words and that you  
2 must have given an interview at the time.

3 MR. PACE: And that's Part 6, page 26.

4 Q. Now, Witness, we see a reference to 2 June 1998 and to *Gazeta*  
5 *Shqiptare*. Do you remember an interview with *Gazeta Shqiptare* around  
6 that time?

7 A. Yes, I do remember. I had interviews with many other  
8 newspapers. One is here mentioned. And I did give an interview.  
9 And I urgently asked for understanding and that -- and explained why  
10 I hailed the government.

11 Q. I'm going to read your final answer on this page. Again, you  
12 can follow in Albanian on the screen or listen to the interpretation:

13 "F. Geci. Finally, I would ask once again that the assembly and  
14 parliament of Kosovo convene as soon as possible and that everything  
15 that has gone off track get back in place so we don't look ridiculous  
16 before the world due to this self-proclaimed institution that hasn't  
17 been given a single vote of the people.

18 "We support the leadership that has come from the bosom of the  
19 people, because they themselves have chosen them, and the people  
20 never are mistaken."

21 Witness, my question is what "self-proclaimed institution that  
22 hasn't been given a single vote of the people" were you referring to  
23 here?

24 A. Again, there were two groups here: One, represented by me here  
25 today, elected by the vote of the people; and the other who called

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1 the first group illegitimate and said that they were responsible.  
2 These were the members of the LDK, some of them present here. And we  
3 had to do everything that was possible to maintain the unity of the  
4 people. And we wanted to show the world that we were not  
5 fundamentalists, we were not terrorists. And I did everything I  
6 could to remove such elements from Drenica, and I did something very  
7 good that was in our general people. And this was in our interest  
8 and could only serve our interest, not that of the enemy.

9 [In English] Okay.

10 Q. Witness, the transcript records you of having said:

11 "... members of the LDK, some of them [are] present here."

12 Is that correct or did you mean something other than LDK?

13 A. [Interpretation] No, I meant LPK.

14 Q. Thank you. Thank you, Witness.

15 A. And those who called themselves the heads of the KLA.

16 MR. PACE: Court Officer, we can take this document down.

17 Q. And, Witness, in your SPO interview you stated in relation to  
18 Communiqué 59, and I'm reading from Part 2, page 13 and 14:

19 "... all of Drenica got on their feet to sign statements that  
20 this -- that communiqué was false, such as Sami Lushtaku and all ...  
21 all of the Drenica representatives, and this is an official  
22 document."

23 MR. PACE: And, Court Officer, could we please call up P00161  
24 side by side with P00161-ET. And we can look at the first page of  
25 both first.

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1 Q. Witness, please have a look at the Albanian on the left-hand  
2 side for a moment.

3 MR. PACE: And if we can scroll down. We can go down to the  
4 bottom. And now let's please turn to the second page in both items.

5 Q. Witness, had you seen the Albanian document on your screen  
6 before I showed it to you last week; yes or no?

7 A. Yes, I had seen this document before. It was in the hands of my  
8 brother Gani, who did a lot of work in this respect. And  
9 Communiqué 59 was like pouring petrol and putting Drenica on fire.  
10 It was ill-intended, it didn't do good to anybody and particularly  
11 not my family. It created a lot of hassle. And we had people who  
12 were injured as a result of it, two of my brothers.

13 Q. Witness, is this the signed statement about Communiqué 59 that  
14 you were referring to in the excerpt from your SPO interview that I  
15 read out shortly before we showed this document?

16 A. Yes. This is the statement that my brother Gani kept with him.  
17 He is very pedantic when it comes to papers and keeps them, and he  
18 did serve our family and the people. And this is a testament to who  
19 wrote the Communiqué 59 and who, in fact, is the Geci family. And we  
20 still have a representative in the Kosovo parliament today as a  
21 family.

22 MR. PACE: This document can be taken down. And I'd like to  
23 call up SITF00243024-SITF00243029 side by side with the English  
24 version, which is the same ERN with -ET at the end. And we'll look  
25 at the first page of both, please. Thank you.

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1 Q. Witness, we see that this is from the newspaper *Zeri*.

2 MR. PACE: At least we will if we scroll down to the bottom in  
3 the Albanian, please. Thank you.

4 Q. And we see that it's dated 30 October 1999. And if we go back  
5 up, we can see that it purports to contain an interview with  
6 Rexhep Selimi. Had you seen this document before I showed it to you  
7 last week?

8 A. No, I hadn't seen it. I heard about it.

9 MR. PACE: Now, if we can please turn to page SITF00243028 in  
10 the Albanian, and there I'd like to zoom on the fourth column, so the  
11 last column on the right. And in English that should be at page 7,  
12 and there we can zoom on the top half of the page, please. Thank  
13 you. In the English we need to go to page 7, please. One more.  
14 Yes. [Microphone not activated].

15 And in the Albanian, we would need to zoom out a little bit,  
16 still focusing on the fourth column I mentioned. I think that's okay  
17 for now. Thank you.

18 Q. So, Witness, I'm going to read to you from the English, and you  
19 can hear or read the Albanian. I'm reading from "When we speak ..."  
20 And this is from an answer attributed to Rexhep Selimi:

21 "When we speak about the initial KLA core, we must not forget  
22 Abedin Rexha - Sandokan. Abedin and three other brigade commanders  
23 died in battle. The Drenica Operational Zone lost four brigade  
24 commanders in war: Abedin Rexha, Fehmi Lladrovci, Ilaz Kodra and Muje  
25 Krasniqi. The murder of commander Sandokan is one in a series of

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1 treacherous murders. A traitor murdered Abedin Rexha in an ambush,  
2 similar to other cases in our history where traitors murder great  
3 men. We should not hide this fact, hiding it would be like killing  
4 Abedin all over again. We have to tell the truth about his murder.  
5 Abedin's murder is described in the KLA Communiqué no. 59; the  
6 communiqué states clearly that he was murdered by Gani Geci. Why did  
7 he kill Abedin? Was it politically motivated? He had warned that he  
8 would kill Abedin. Abedin Rexha was believed to be an important  
9 pillar of the KLA at the time, a pillar they wanted removed. That is  
10 what the people who were against the KLA said, I am referring to  
11 Bukoshi's forces, FARK, who had warned that they would kill Abedin  
12 Rexha. And they did kill him, Gani Geci killed him. We have to  
13 analyse this: Who killed him and why? In addition, who was killed?  
14 A brigade commander was killed, one of the founders of the Kosovo  
15 Liberation Army in Drenica, the founder of the 112 Brigade, a person  
16 of authority among the population. Why should we hide it? The truth  
17 should be told ..."

18 Witness, you said earlier that you hadn't seen the article but  
19 you had heard of it. Had you heard of what I just read out  
20 purporting to Rexhep Selimi's opinion on your brother at this time,  
21 October 1999?

22 A. Yes. Rexhep Selimi made a mistake when he wrote this because he  
23 knows very well that this is a lie. It's an entire lie. It was  
24 convenient to him because he was an LPK representative, and he wrote  
25 this narrative. However, this is not true. It's a lie, a complete



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1 lie.

2 The forces of Bujar Bukoshi, the government of Kosovo, were  
3 forces structured within the state institutions of Kosovo. That  
4 system we had in place.

5 Q. Your brother here, in October 1999, is labelled a traitor who  
6 murdered a KLA commander. At this time, October 1999, one year after  
7 Communiqué 59 was published, do you recall whether your brother,  
8 yourself, or your family were still hurt or negatively impacted by  
9 that communiqué?

10 A. Not that we suffered consequences, but we still haven't been  
11 rehabilitated completely. We still suffer some of those. And it's  
12 visible and obvious based on Rexhep Selimi's statement and the  
13 content of Communiqué 59. We still to this day suffer the  
14 consequences of that communiqué. My family is harmed until the  
15 entire population realises that Communiqué 59 was a lie and it was  
16 defamation.

17 Now, I would want the person who peddled those lies to come here  
18 and face me. And there are people, similar families who had values  
19 in the area of Drenica and suffered similar consequences. I am,  
20 however, thankful and grateful to Rexhep Selimi for saying the truth  
21 and telling the name of the person who wrote the communiqué.

22 So, Rexhep, you know it's -- that's not how things stand. You  
23 know very well that Gani Geci is not a traitor but rather one of the  
24 first fighters. But you had to say it at that time in those  
25 circumstances.

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1           PRESIDING JUDGE SMITH: Please just answer the question. Don't  
2 address people in the courtroom. Just answer the question.

3           MR. PACE:

4           Q. Witness, in brief, where, to your knowledge, did Rexhep Selimi  
5 say the truth and name the person who wrote the communiqué or on what  
6 occasion?

7           A. I saw that information when you showed me the statement of  
8 Rexhep Selimi. He also stated this on television, Dukagjini  
9 television, that Communiqué 59 was drafted by ill-intentioned person,  
10 that person is Hashim Thaci, a person who harmed Drenica through this  
11 communiqué because of his personal interests and in order to sideline  
12 the Geci family, just like Serbia sidelined the Jashari family. But  
13 he made a big mistake because this was a slave Russian mentality,  
14 mindset, and he did not know that America would step in and that he  
15 would end up one day like he is here today.

16           MR. PACE: Now, let's turn to the next page on both of these  
17 items, please. In the Albanian, let's zoom in on the second and  
18 third column, so towards the middle. And in English, we can also  
19 zoom in on the middle of the page.

20           Q. And I'm going to read from the English. Witness, you can follow  
21 in writing or interpretation. I'm reading from the subheading: "The  
22 person who murdered Abedin Rexha also wanted to murder me." So,  
23 Witness, here what I'm going to read is attributed to Rexhep Selimi  
24 in the interview in October 1999 we've been discussing.

25           "Selimi: I personally faced danger, because the person who

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1 murdered Abedin Rexha organised an attempt on my life, in the same  
2 location where Abedin was murdered. I survived because of their  
3 incompetence; they emptied three magazines in my direction, in the  
4 direction of my vehicle. There were other attempts as well; Serbia  
5 could not infiltrate the KLA for two reasons: it could not find  
6 people brave enough to risk infiltrating the KLA and it was difficult  
7 to infiltrate the KLA under the watchful eye of our intelligence  
8 service."

9 Now, Witness, my question is who do you understand Rexhep Selimi  
10 to be accusing of attempting to murder him according to this  
11 document?

12 A. Based on what you read, by the same hand, I would understand  
13 that he referred to either my family or my brother. It might be  
14 different, but I don't know. They know something, including Rexha,  
15 if he had any disputes with the Geci brothers or misunderstandings or  
16 -- Hashim knows very well if anything happened and when. They know  
17 better, this.

18 My brother knows. If he appears here one day, he will tell you  
19 all.

20 Q. Other than from this document, had you ever heard of an  
21 allegation by Rexhep Selimi of people who were attempting to murder  
22 him, as you would understand it, being members of your family or your  
23 brother Gani?

24 A. I've heard of that, too. I've heard that members of the  
25 government are flying. I heard that none of them would escape. And

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1 it's better than I -- I heard that, that they were not true  
2 professionals and do bigger harm to Albanians. So as Rexha says,  
3 they were not professionals and that he made it alive. I'm glad for  
4 him. Good for him.

5 I know Rexha's entire family. They were co-activists who acted  
6 with us. His paternal uncle, Hysni Shabani, Ismet Rrahmani, they  
7 were organised LDK activists. Hysni was a delegate in 1998 and he's  
8 mentioned, referred to by Sylejman Selimi, who was one of the  
9 founders of the KLA in Aqareve. He was a delegate who took up arms  
10 at the time, and he's a good man. Both of them, as a matter of fact,  
11 Sylejman and him.

12 Q. Witness, again, I'm raising my hand because you're going beyond  
13 the answer, and we are pressed for time.

14 MR. PACE: Your Honour, I seek admission of the pages shown to  
15 the witness.

16 PRESIDING JUDGE SMITH: Objection?

17 MR. ROBERTS: Yes, Your Honour, I would object. As the witness  
18 stated quite clearly, he hadn't seen it before. As you know, and as  
19 the Prosecution, to be fair to them, made clear, this is only  
20 attributed to Mr. Selimi. There's no evidence in relation to the  
21 circumstances in which this interview took place, who took -- who  
22 recorded it and how it was recorded.

23 So in those circumstances, given the importance to which a  
24 statement of the accused may be given credit by the Judges, we would  
25 suggest that it is not at this stage possible for admission. Thank

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1 you.

2 MR. PACE: If I may briefly respond, Your Honour. Thank you.

3 I'd like to now quote from decision F01983 by the Panel in this  
4 case on 5 December 2023, and I'm reading from paragraph 40:

5 "With regard to articles that attribute statements to the KLA  
6 and/or to any of the Accused, the Panel notes that the hearsay nature  
7 of these items and any limitations that might bear upon the Defence's  
8 ability to challenge or dispute the contents of these documents will  
9 be accounted for when assessing the weight of this evidence. The  
10 Panel is therefore satisfied that the *prima facie* probative value of  
11 these items is not outweighed by any prejudicial effect attaching to  
12 these items."

13 This is an identical situation we're in, Your Honours, and there  
14 is no reason not to admit the excerpts that I just pointed to.

15 That's just to address the objection. I can make further  
16 submissions as to the relevance of this item if those are needed.

17 PRESIDING JUDGE SMITH: Anybody else have anything they want to  
18 say?

19 Yes, for the reasons you've already stated from our prior  
20 ruling, the same circumstances arise here. To be consistent, we will  
21 admit SITF00243024 to SITF00243029 -- I'm sorry, 28 and 29. Are  
22 those the two pages, Mr. Pace?

23 MR. PACE: Sorry, Your Honour. To confirm, so they are pages --  
24 the first one, so 3024, and then pages 3028 and 29, yes.

25 PRESIDING JUDGE SMITH: Thank you.

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1 You may assign a number.

2 THE COURT OFFICER: And if I may add, the corresponding --

3 THE WITNESS: [Interpretation] Please.

4 PRESIDING JUDGE SMITH: Go ahead.

5 THE COURT OFFICER: If I may add, the corresponding English  
6 translation for the first page, SITF00243024; for page 5 in Albanian,  
7 SITF00243030; and for page 6 in Albanian, corresponding English is  
8 SITF00243031. These pages will be admitted as Exhibit P01749.  
9 Current classification is confidential.

10 MR. PACE: They can be public. Thank you.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 THE COURT OFFICER: Thank you.

13 PRESIDING JUDGE SMITH: Did you have something you wanted to  
14 say, Witness?

15 THE WITNESS: [Interpretation] I omitted to refer to a document  
16 shortly. In relation to this, the heads of Drenica --

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 THE WITNESS: [Interpretation] -- including Sylejman Selimi --

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 THE WITNESS: [Interpretation] It's related to that.

21 PRESIDING JUDGE SMITH: Let him ask the question.

22 MR. PACE:

23 Q. Yes, Witness. So let's call up another document instead of  
24 this. And then I think you will understand why there is no need to  
25 you to elaborate, but we'll see.

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1 MR. PACE: Can we call up P00760, please, side by side with the  
2 English, which is 760-ET.2. And can we go to page 076603. Thank  
3 you.

4 Q. Witness, had you seen the document on the left side of your  
5 screen in Albanian before I showed it to you last week?

6 A. No, I hadn't.

7 Q. We see that it says "Reaction," and the first line says:

8 "To a part of the interview that Rexhep Selimi, public order  
9 minister in Kosovo 'QPK'/Kosovo Provisional Government/, gave to Zeri  
10 ... on 30 October ..."

11 And then there's the title. And among the signatures at the  
12 bottom we see the first -- number 2, for example, Sylejman Selimi.

13 You told us you hadn't seen this document with a reaction to the  
14 Selimi interview. Had you heard of this document before, the one  
15 that is on your screen now?

16 A. Yes. I discussed this personally with Sylejman Selimi, and he  
17 told me, "You are right, Rexh is wrong, and we will react." And I'm  
18 grateful for this reaction, which is sufficient for the public  
19 opinion, saying that every word uttered by Rexhep Selimi was a  
20 slander because Gani Geci is not a traitor but a fighter. I'm  
21 grateful to all these men, good men of Drenica, who wished the best  
22 for Drenica and Albanian population.

23 Rexhep acted in a rush, depending on the circumstances. A man  
24 can make a mistake. We have to admit, to accept that. But it's  
25 still fine.

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1 MR. PACE: Can we take this document down and call up 078549-01.  
2 And alongside it, let's also call up the English translation, which  
3 is 078549-01-TR-ET.

4 Now, in the English translation, I'd like to go to page 2. I'm  
5 going to start from there. And in the video, I would like to start  
6 at minute 01:04. And we can play this with audio including for the  
7 public broadcast. And I would like to hear minutes 01:04 until  
8 minute 01:59.

9 We won't call up the Albanian on screen because this is  
10 Albanian, but for the interpreters' assistance, we are also at pages  
11 2 to 3 of 078549-01-TR.

12 And just so everyone knows what's going on, it's a short  
13 excerpt, when it's done I will read the same text into the record so  
14 everybody hears it in the relevant languages.

15 Q. Yes, Witness, do you see a video on your screen on the left?

16 A. Yes, yes, I do.

17 Q. [Microphone not activated].

18 MR. PACE: Sorry, the Court Officer will now play until minute  
19 01:59. Please listen and then I have some questions.

20 [Video-clip played]

21 THE INTERPRETER: [Voiceover] "You just said we should ask them.  
22 We've asked all of them. That's why we're asking you, too.

23 "Mr. Selimi: No, you have not asked them. You have not asked  
24 them. You have not asked Thaci, for instance. Has he denied that he  
25 wrote the communiqué?



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1 "I know well the reason he has apologised. Once again, did  
2 Hashim Thaci say he did not write communiqué?

3 "Now, let us not fuss over his exact words. I do not know his  
4 exact words. I do not know what he said exactly.

5 Mr. Selimi: No, it's very important to know it. If he says  
6 that he was not the one who wrote them.

7 "Unidentified journalist: In the context, he said he meant that  
8 he was distancing himself from that and that he had not written any  
9 of them.

10 "Mr. Selimi: This is not true.

11 "Unidentified journalist: As far as I understand [simultaneous  
12 speaking].

13 "Mr. Selimi: My answer is that this is not true.

14 "Moderator: Did Hashim Thaci wrote the communiqué?

15 "Mr. Selimi: Hashim Thaci?"

16 MR. PACE: Thank you.

17 Q. Witness, before I played you an excerpt from this video last  
18 week, had you seen this programme or heard of it?

19 A. Yes, I heard it directly. I just turned on the TV and listen to  
20 this.

21 Q. I'm going to read what we just heard just because it was so  
22 quick and for the record to capture it. The journalist or a  
23 journalist says:

24 "You said we should ask them. We have asked all of them. That  
25 is why we're asking you, too.

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1 "Mr. Selimi: No, you have not asked them. You have not asked  
2 them. You have not asked Thaci, for instance. Has he denied that he  
3 wrote the communiqués?

4 "Journalist: Yes, we asked him about the communiqués.

5 "Mr. Selimi: And did he say he never wrote any of them?

6 "Journalist: He has apologised ... We asked him here, too. He  
7 also had his dilemma, like you.

8 "Journalist: He has apologised to Gani Geci over Communiqué 59.

9 "Mr. Selimi: I know very well the reason he has apologised.  
10 Once again, did Hashim Thaci say he did not write communiqués?

11 "Journalist: Now let not fuss over his exact words. I do not  
12 know his exact words. I do not know what he said exactly.

13 "Mr. Selimi: No, it is very important to know it. If he says  
14 that he was not the one who wrote them, then ...

15 "Journalist: In the context he said he meant that he was  
16 distancing himself from that and that he had not written any of them.

17 "Mr. Selimi: This is not true.

18 "Journalist: As far as I understand ...

19 "Mr. Selimi: My answer is that this is not true.

20 "Moderator: Did Hashim Thaci wrote the communiqués?

21 "Mr. Selimi: Hashim Thaci?

22 "Moderator: Yes.

23 "Mr. Selimi: He led the political department of this country."

24 Witness, do you recall those words being said during the  
25 programme that you had watched?

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1 A. Yes, I heard these very well and very attentively. These bore  
2 significance for us. We inquired for a long time. I personally went  
3 to Hashim Thaci's family in Buroje after Communiqué 59 was drafted.  
4 I met there with --

5 Q. Your Honour, I really -- sorry. Witness, I don't mean to be  
6 rude, but as you will remember, and everybody, especially the Judges,  
7 know the incident of you going to Hashim Thaci's house is covered in  
8 your prior statements, which are now in evidence, so we cannot repeat  
9 that now.

10 MR. PACE: I'm going to now ask to play from the same video  
11 minutes 02:27 until --

12 THE WITNESS: [Interpretation] I agree.

13 MR. PACE: -- minute 03:35. So the same video, minute 02:27  
14 until 03:35. In English, we'll go to page 4 and it goes on to  
15 page 5. And it's the same in Albanian. So again, we'll play this  
16 with sound in Albanian. After we hear it, I will also read it into  
17 the record because it's another quite fast exchange.

18 [Video-clip played]

19 MR. PACE:

20 Q. Now I will read the transcript of what we just heard into the  
21 record, and then I have a question for you.

22 "Moderator: Programme director, can you please show us  
23 President Thaci's statement about the communiqué for Gani Geci?

24 "Mr. Selimi: If he says he was not the one who wrote the  
25 communiqués ... in the same programme on this issue.

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1 "Moderator: Can you read it?

2 "Journalist: Mr. Selimi, I can read it for you if you are  
3 interested. If you are not, I will not read it.

4 "Mr. Selimi: No ... yes, well, we wanted to hear the opinion  
5 ...

6 "Journalist: He says, I cannot remember all the declarations  
7 issued during the war. But just as it happens nowadays, there were  
8 some individuals then who abused with the KLA's name. Some  
9 declarations were issued from Banhofs ... to cause divisions in the  
10 KLA, to create confusion by attacking people. So he has shifted the  
11 responsibility from himself and he is saying that Communiqué No. 59  
12 is an abusive communiqué that has nothing to do with the KLA. The  
13 KLA's Political Director is saying that it was issued by ill-wishing  
14 individuals without the approval of the KLA staff. As to what he  
15 meant with this, he knows this better. He also said that this was an  
16 insult to Gani Geci, one of the first KLA fighters, as well as to his  
17 family, and he expressed his apologies and regret over this  
18 declaration and some other abusive declarations like it. This was  
19 Hashim Thaci's statement."

20 And then Mr. Selimi:

21 "I agree only with one of his sentences, with the passage in  
22 which he says that the declaration was issued by an ill-wishing  
23 person. However, that person is Hashim Thaci.

24 "Moderator: Did Hashim Thaci write Communiqué No. 59?

25 "Mr. Selimi: The person who wrote and issued Communiqué 59 is

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1 Hashim Thaci."

2 Witness, my question is do you recall this being said during  
3 this televised interview that you told us you had heard?

4 A. Yes, I heard this attentively. I took a deep breath once we  
5 understood who wrote it by name and surname. Rexhep Selimi knew and  
6 had the information but he did not tell up until that moment. He  
7 should have told about it before. Thank you, Rexh, for making this  
8 known. For the rest, you know. But for this, we are grateful, the  
9 Drenica region and the entire Albanian population. It's important to  
10 distinguish between lies and truths. It's a good deed that will  
11 never be forgotten.

12 However, for the rest, an analysis and -- a thorough analysis  
13 must be done because the outcome is not very clear.

14 MR. PACE: And, Your Honour, we seek admission of the video, the  
15 transcript, and the translation that I referred to.

16 PRESIDING JUDGE SMITH: Any objection?

17 MR. MISETIC: No objection.

18 PRESIDING JUDGE SMITH: No objection is --

19 MR. ROBERTS: Nothing from me.

20 PRESIDING JUDGE SMITH: -- heard. 078549-01 plus the English  
21 translation and transcript is admitted.

22 THE COURT OFFICER: Your Honour, the video transcript and the  
23 translation will be admitted as P01750. Classification is public.

24 Thank you.

25 MR. PACE: Thank you. We can take this document down. And I'd

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1 like to turn to a different document, and that is  
2 U015-8743-U015-9047, along with the English translation, which is  
3 U015-8743-U015-8935-ET Revised 1. And we'll look at the first page  
4 in both, please.

5 Q. Witness, had you seen the document on the left side of your  
6 screen in Albanian before I showed it to you last week?

7 A. No, never before that. That was the first time.

8 MR. PACE: Let's please turn to page 8747 in both versions.

9 Q. And, Witness, do you see here a reference to 2006 next to -- in  
10 between the copyright sign and Jakup Krasniqi's name?

11 MR. PACE: Can we perhaps zoom in a little bit on the middle of  
12 the page.

13 Q. Do you see that, Witness, copyright sign, 2006, and  
14 Jakup Krasniqi?

15 A. Yes, I see it for the first time. I didn't pay attention to  
16 these. This is the first time I see it.

17 MR. PACE: Let's please turn to page 8814 in both versions and  
18 zoom in on the last ten or so lines in both of them, and I will read  
19 an excerpt. Page 8814. Thank you. That's okay in the English. In  
20 the Albanian, we just need to go a bit further down.

21 Q. And I'm going to read in the English from "Over 200.000 ..."; in  
22 Albanian it starts "*Ne varrimin ...*"

23 Witness, I'm going to read and then I have a question. This is  
24 from the same item:

25 "Over 200.000 people from all over Kosovo took part in the

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1 funeral procession held on 3 March. People probably expected KLA to  
2 make an appearance once again. The organising committee managed to  
3 get things in order after an attempt to cause trouble by Geci  
4 brothers from Llausha. (They also tried to side-line people of  
5 greater merit during the recent elections in the LDK branch. It was  
6 the intervention of Adem Jashari that put the proceedings of the  
7 Skenderaj Council back on track.) They had an unpleasant encounter  
8 with Shaban Shala who, in spite of the threats, did not allow the  
9 agenda to be upset."

10 Witness, my first question is whether you know which funeral  
11 procession on 3 March attended by 200.000 people is being referred to  
12 here?

13 A. Yes, it's a first time I saw this. Jakup Krasniqi is a clever  
14 person, he's a historian, and he knows that history should be  
15 recorded in the right and just manner. But here he lied. He wrote  
16 what is not true about the Geci brothers. It is something else. And  
17 if you allow me, I will tell you what it is, what the truth is.

18 Q. First, please answer my question which is do you know which  
19 funeral procession is being referred to here?

20 A. The funeral procession of the victims of the events in Llausha  
21 and Likoshan. It is a funeral procession organised by the LDK. We  
22 were the organisers of this funeral procession together with the LDK  
23 branch of Drenas, Mr. Bardhi. We were the organisers. It was not  
24 Jakup Krasniqi or Shaban Shala or whoever. And --

25 Q. That's sufficient to answer my question. We see the reference

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1 to 3 March. What year was this procession held on?

2 A. In 1998.

3 Q. Now, we saw in this excerpt, and we heard when I read it, that  
4 there's a reference to the Geci brothers from Llaushe. Who do you  
5 understand this to be referring to?

6 A. When you say "Geci brothers," it's plural, and there are seven  
7 Geci brothers, and the seven of us took part in that funeral. We  
8 were organisers of that event. And things got mixed up when Luljeta  
9 Pula took the floor, a representative of the Social Democrats, who  
10 stated that the responsible person for this is Ibrahim Rugova, and  
11 this shocked all the people. And as I said, Jakup Krasniqi is a  
12 historian and he should not have written such a thing because it's  
13 not true.

14 Q. Now, can you clarify what Luljeta Pula was blaming  
15 Ibrahim Rugova for? What was she saying Ibrahim Rugova was  
16 responsible for, in brief?

17 A. At the time, the mandate of the parliament had expired, 1992,  
18 1998. And there was need for a legitimacy for the people to know who  
19 they are speaking to. These were extraordinary conditions.

20 Q. Witness, what was Luljeta Pula blaming Ibrahim Rugova for, in  
21 brief? In one sentence.

22 A. In one sentence, she said Ibrahim Rugova is responsible or the  
23 person to be blamed for these killings. But these -- this was  
24 election campaign. She was using the circumstances for the election  
25 campaign. And they should have known right then that -- who stood



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1 behind them.

2 Q. What killings?

3 A. The killings by Serbian forces. They killed four men in a  
4 family, four sons of Sheremet. And it was Sheremet's reaction, a  
5 very good man from Drenica. And the population was blocked --  
6 shocked with Luljeta Pula's words, and she was removed from the  
7 stage. This is not what Jakup wrote in his book. He failed to  
8 mention this.

9 MR. PACE: Let's please turn to page 8846 in both documents.  
10 And if we scroll down a little. The English is fine. And if we  
11 scroll down a little in the English.

12 Q. Witness, do you see here a mention in bold of Abedin Rexha? Do  
13 you see it on your screen?

14 A. Mmm.

15 Q. I take that as a yes.

16 MR. PACE: Can we please turn to the next page, 8847 --

17 THE WITNESS: [Interpretation] Yes.

18 MR. PACE: -- and zoom in on the first paragraph in the English  
19 and the Albanian, which I will now read.

20 Q. "During the summer 1998 offensive when he was most needed by the  
21 liberation war, and needed at the war front, he was killed by the  
22 hand of a criminal. They killed Abedin, but they didn't kill his  
23 ideal: Kosovo's freedom and independence. The treacherous and  
24 disloyal murder of Abedin Rexha, commander of the Arben Haliti  
25 112 Brigade was a great loss for the Rexha family, for the

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1 112 Brigade, and for the entire Kosovo Liberation Army."

2 And, Witness, who do you understand the author of this to be  
3 attributing Rexha's murder to here?

4 MR. ELLIS: Objection, calls for speculation.

5 MR. PACE: Your Honour, it's not calling for speculation.

6 PRESIDING JUDGE SMITH: Overruled. Go ahead.

7 MR. PACE:

8 Q. Witness, please answer. Thank you.

9 A. Could you please repeat your question a bit more in detail?

10 Q. Based on what I read out, who do you understand the author of  
11 this piece that I read out to be saying murdered Rexha?

12 A. This is public knowledge that my brother Gani Geci was attacked  
13 through the communiqués. I have explained. I don't know if I have  
14 to repeat it again. The forensics did that part and --

15 Q. No, you don't have to repeat that again. All I want to know is  
16 who you understand is being blamed here for Abedin Rexha's murder,  
17 here, the one that I read to you.

18 A. The author is directly blaming my brother Gani Geci, and not  
19 only him but the entire family, part of which I am, and trying to  
20 represent the entire organisation as criminal.

21 Q. We see reference here to the murder of Abedin Rexha as  
22 treacherous and disloyal. Was your brother Gani or your family  
23 considered treacherous and disloyal before Communiqué 59 was  
24 published?

25 A. Before Communiqué 59, we were the family who led all the

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1 processes. And take myself as an example, as a person who headed the  
2 processes in the 1990s. I was the chairman of the referendum. I was  
3 the first with my friends and comrades.

4 Q. Witness, the question is simple. We don't need to go back to  
5 the 1990s. Was Gani Geci considered treacherous and disloyal before  
6 Communiqué 59 was published, to your knowledge, or that's when this  
7 started?

8 A. That started after the Communiqué 59, the offence against my  
9 family. Gani Geci is the first firearm that fought against the  
10 Serbian forces together with Adem Jashari, who was the first, in  
11 1992. Am I a criminal because I defended the state of Kosovo and the  
12 constitution of Kosovo?

13 Q. Thank you, Witness.

14 MR. PACE: Your Honour, we seek admission of these pages, which  
15 should be added to P00189 which already contains admitted pages from  
16 the book that we're addressing.

17 PRESIDING JUDGE SMITH: Any objection? None.

18 MR. ELLIS: Not to those pages.

19 MR. MISETIC: No objection.

20 PRESIDING JUDGE SMITH: 8846 and 47 are admitted and will be  
21 added to P00189.

22 THE COURT OFFICER: Your Honour, my understanding is there was  
23 one more page, U015-8814.

24 MR. PACE: There are actually two more pages. So 8747 is the  
25 page with 2006 and the copyright to indicate the publication. And

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1 then 8814, 8846, 8847.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 Go ahead.

4 THE COURT OFFICER: Thank you. Those pages will be added to the  
5 Exhibit P00189. And classification, I believe, is public.

6 MR. PACE: Yes, public.

7 THE COURT OFFICER: It is public. Thank you.

8 PRESIDING JUDGE SMITH: Reclassified as public.

9 THE COURT OFFICER: Thank you.

10 MR. PACE: And let's take these documents down, and please call  
11 up 061381-061381 side by side with the English translation, which is  
12 the same ERN with ET at the end.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. PACE: Of course. 061381-061381. And, yes, those are the  
15 correct ones on the screen.

16 Q. Witness, the document on the left is in Albanian.

17 MR. PACE: If we can zoom a little bit more on the -- yes,  
18 that's good. Thank you.

19 Q. Witness, had you seen the document on the left before I showed  
20 it to you last week?

21 A. No, I hadn't. That was the first time I saw it.

22 Q. We see that it appears to be a Facebook post dated 15 February  
23 by a profile purporting to be Jakup Krasniqi's. I'll read the post,  
24 which is brief, and then I have some questions.

25 "Response.

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1 "President of Kosovo Hashim Thaci during his interview with the  
2 RTK on 13 February 2019, apologised to Gani Geci regarding the KLA's  
3 Communiqué No. 59.

4 "As he mentioned the KLA's spokespersons during his interview, I  
5 considered it necessary to issue a public statement in view of the  
6 fact that he said many things that are not consistent with the  
7 reality.

8 "- As the KLA's political leader, Hashim Thaci knows very well  
9 that the communiqués were not released 'from bahnhofs ... in order to  
10 divide the KLA'. If any such thing were to have happened, we would  
11 have responded at that time against any such tendency.

12 "- Hashim Thaci knows very well that no communiqués containing  
13 lists of names of Ibrahim Rugova or other Albanian political  
14 activists were released on behalf of the General Staff of the KLA,  
15 because we would have responded at that time, as our fight was  
16 directed against the occupier only.

17 "- Hashim Thaci knows very well that I and many of the  
18 commanders of the Drenica Operative Zone objected the  
19 Communiqué No. 59, because it relied on inaccurate and disparaging  
20 claims regarding Mr. Geci.

21 "- I would have voiced my objection if such claims would have  
22 been made against any Albanian family.

23 "- Hashim Thaci knows very well that since 1998 all communiqués  
24 were written in Kosovo, and if apologies need to be offered regarding  
25 Communiqué No. 59, they should be offered in honesty and not, as the

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1 proverbial expression goes, to 'throw the stone and hide the hand'."

2 Now, had you heard about Jakup Krasniqi's reaction to

3 Hashim Thaci's apology to your brother before?

4 A. No, I haven't heard it, but it was said that these words were  
5 said by Jakup Krasniqi, and I feel good about it. I feel good that  
6 he said that that was not true. This is what Jakup Krasniqi should  
7 say, say the truth. And thank you, Jakup, for saying this. And you  
8 should say who wrote the other communiqués that are a lie, that makes  
9 up people with Serbia as their collaborators, and many good people  
10 were killed for this reason.

11 Q. And, Witness, can you clarify. Do I understand correctly that  
12 you didn't hear of this specific Facebook post, but are you saying  
13 you heard that Jakup Krasniqi had said this about the authorship, or  
14 am I not understanding?

15 A. I did not hear, but it was said, it was conveyed that this is  
16 what Jakup Krasniqi said on TV. And on this occasion he said a  
17 truth, and I thank him for that. It is in our interest, Jakup and  
18 you other friends, to speak the truth, to speak based on facts, not  
19 on lies.

20 MR. PACE: Your Honour, we seek admission of this item and its  
21 translation.

22 PRESIDING JUDGE SMITH: Any objection?

23 MR. MISETIC: No objection.

24 THE INTERPRETER: Your Honour, could the counsel be asked to  
25 slow down when he reads, please.

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1 PRESIDING JUDGE SMITH: Yes, we will ask him.

2 U61381 to U61381, being the Facebook post, is admitted.

3 THE COURT OFFICER: Your Honour, the document, Albanian and  
4 English version, will receive Exhibit P01751. Current classification  
5 is confidential.

6 MR. PACE: It can be public.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 Reclassified as public, please.

9 THE COURT OFFICER: Thank you.

10 MR. PACE: The document can be taken down.

11 Q. Witness, do you know Rame Buja?

12 A. Yes, I know him very well. We worked together in LDK for nine  
13 years.

14 Q. Was he a KLA member in 1998 and 1999?

15 A. Yes.

16 Q. Do you know what his role or position was within the KLA?

17 A. I don't know. But I think that Rame Buja was a wise man, a  
18 respected one, and maybe the wisest of all of their groups. Someone  
19 who really applied his brain.

20 Q. Did you ever speak to Rame Buja about Communiqué 59?

21 A. Yes, I did. During the first the mandate as deputies, I said to  
22 him, "Go away. You were there and you didn't say a word about us,  
23 and you know us very well." He took me by the hand and led me to the  
24 office of the deputy speaker of the parliament, and he said, "I'll  
25 tell you something. I spoke to them. I told them, 'Don't do it."

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1 You're wrong,' and they did not listen to me. You suffered  
2 consequences, but I also suffered consequences for defending you."

3 He knows this. He said this to me directly.

4 Q. And you mentioned that this was during the first mandate as  
5 deputies. What year was that, please?

6 A. Yes. It was in 2002, around that time.

7 Q. Witness, did you ever hear of the Berisha brothers, also known  
8 as the Lutani brothers?

9 A. Yes, I've heard about them too.

10 Q. And did you hear anything in particular about them in 1998 or  
11 1999?

12 A. I heard that they had lost ties with the people of Kosovo and  
13 they were not in the path of God.

14 MR. PACE: Can we call up SPOE00313999-SPOE00313999 side by side  
15 with the English translation, which has the same ERN and -ET at the  
16 end. And if we can zoom in - yes, thank you - a little in the  
17 Albanian.

18 Q. Witness, as you can see, this refers to the KLA General Staff  
19 and to a Communiqué 80, and we see a 23 June date. Had you seen this  
20 document before I showed it to you last week?

21 A. I hadn't seen it as a document. But I know, as I told you, from  
22 the 63.000 inhabitants, there were three families that were sort of  
23 out or outside the people. Perhaps it's better to say not as entire  
24 families, but individuals from those families that had another path  
25 in their mind with Serbia.



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1 Q. And even though you hadn't seen this communiqué, had you ever  
2 heard from any source that there was a communiqué about these  
3 brothers?

4 A. Yes, yes. I kind of summarised what I wanted to say about this  
5 family, not the entire family but individuals, two, three  
6 individuals.

7 Q. So to be clear, you hadn't seen it, but you were aware of this  
8 communiqué's content in general?

9 A. Yes, that's correct. It's correct.

10 Q. And we see here in the first line that:

11 "Drenica Operative Zone Intelligence Service has undisputable  
12 information that, up to 1995, Sami, Vehbi and Gani Lutani  
13 collaborated with the Yugoslav Secret Services and later with  
14 Yugoslav Army Secret Service in Kosovo."

15 Had you heard in 1998 or 1999 the Lutani brothers being  
16 described as having collaborated with the Serbian authorities or the  
17 Yugoslav authorities?

18 A. I stated my opinion. I don't know if it's necessary to repeat  
19 it. As I said, 99 per cent of the people were united together, and  
20 there were these two, three families, certain individuals from those  
21 families that were apart.

22 Q. The second paragraph reads, in the third line:

23 "... they were wanted by KLA and on June the 19th, 1999 they  
24 were found and surrounded by the military police ... They called on  
25 them to surrender but they opened fire and as a result of the

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1 gunfight, Vehbi and Gani Lutani were killed, whereas Sami is still a  
2 wanted person. Two of our policemen were wounded."

3 To your knowledge, Witness, is it correct that two of the Lutani  
4 brothers were killed during a gunfight with KLA military police in  
5 June 1999 as stated in this item?

6 A. I don't have knowledge who, what, but I do know about this  
7 event. And I told you who these people were. If you ask me, I would  
8 have acted differently.

9 Q. Now, Witness, do you see a reference to *KosovaPress* on this  
10 document?

11 MR. PACE: And we can move a little bit on the left in Albanian.

12 THE WITNESS: [Interpretation] Yes.

13 MR. PACE:

14 Q. And, Witness, in your SPO interview, you said *KosovaPress* was  
15 formed the same day or the day after Enver Maloku was killed, and  
16 that the General Staff ran *KosovaPress* as they themselves proclaimed.  
17 And that is from Part 5, page 8. Witness, is that correct that  
18 *KosovaPress* was run by the General Staff as the General Staff  
19 proclaimed?

20 A. Yes. What I said is true, and what I'm saying here in front of  
21 you is true. A person who contributed more than we all contributed  
22 for Kosovo was killed. And it's good that this came out in  
23 *KosovaPress* a day after.

24 Q. And to be clear, I'm not saying it came out in *KosovaPress* a day  
25 after, but your answer is taken.

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1 MR. PACE: And, Your Honours, we seek to admit this communiqué  
2 and the English translation.

3 PRESIDING JUDGE SMITH: Any objection?

4 MR. DIXON: [Microphone not activated].

5 Yes, we do object, Your Honour. Your Honours have previously  
6 ruled in your decision on the SPO bar table motion of 27 July 2023  
7 that this item shouldn't be admitted as it lacks the usual indicia  
8 that would enable the Panel to verify its *prima facie* authenticity.

9 I understand that this exact same document, which is a Wayback  
10 Machine archived printout, was produced with nothing further  
11 explaining what the source or origin of the document was.

12 This witness has not been able to identify that this was a  
13 communiqué that he saw at the time. He has said that he's generally  
14 aware of it. That's as far as his evidence goes. And then he gives  
15 his evidence, of course, about the substance of the alleged killings.  
16 These are alleged killings that are not listed in the indictment.  
17 That should be noted as well.

18 But our primary objection is to the authenticity of the document  
19 not having been verified through this so-called archive internet.  
20 And we ask Your Honours to maintain your previous ruling that it  
21 lacks *prima facie* authenticity and to mark it only for identification  
22 purposes so that if there is any further evidence that is relevant as  
23 to authenticate the document, that can be heard in due course.

24 MR. PACE: May I respond, Your Honour?

25 MR. ELLIS: Your Honour, we join those objections.

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1 MR. PACE: Thank you, Your Honour. Briefly. Indeed, the  
2 purpose -- the reason we use this item with this witness is because  
3 of the rejection due to, as the Panel stated, an inability to verify  
4 *prima facie* authenticity.

5 The witness has testified he's aware of the contents of this  
6 item, which is relevant to its authenticity. And significantly, he  
7 provided information in his admitted statement in the excerpt I  
8 referred to, as well as in court today, about the entity *KosovaPress*  
9 that published this document, which seems to have been the sticking  
10 point in the Panel's decision not to admit it.

11 And I don't even need to say it, but the content of the item is  
12 relevant to the common criminal purpose.

13 PRESIDING JUDGE SMITH: Thank you. We'll mark it for MFI for  
14 now. We'll probably rule on it tomorrow.

15 And we've come to the time for -- to the end of today's hearing.

16 Witness, we're finished now with your testimony today. You'll  
17 have to be back tomorrow at 9.00 -- just a minute. Wait. Please do  
18 not speak to anyone outside the courtroom about your testimony. If  
19 anyone tries to talk with you about your testimony in court, please  
20 let us know immediately.

21 We wish you a happy evening. We'll see you tomorrow.

22 THE WITNESS: [Interpretation] Thank you.

23 [The witness stands down]

24 MR. PACE: And, Your Honour, just to update from my side. If  
25 you would indulge me, I would require a maximum of 15 minutes

1 tomorrow morning to conclude my examination.

2 PRESIDING JUDGE SMITH: We will give you the 15 minutes  
3 tomorrow.

4 [Trial Panel and Court Officer confers]

5 THE COURT OFFICER: Your Honour, just to assign MFI number to  
6 the document, it is SPOE00313999, and its English translation, will  
7 receive MFI number P01752. Classification is public. Thank you.

8 PRESIDING JUDGE SMITH: Anything to be raised at this time?

9 Could I have an update on if there's been any change on your  
10 estimates for cross-examination?

11 We'll start with you, Mr. Misetic.

12 MR. MISETIC: No change for me.

13 MR. DIXON: Your Honours, we did reduce ours quite  
14 substantially, that maintains, that ill, but it has been reduced  
15 already.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. DIXON: Thank you.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. ROBERTS: No change from the update that I submitted earlier  
20 today which was to 45 minutes, Your Honour. Thank you.

21 MR. ELLIS: I think more like an hour and a half, Your Honour.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 We'll grant you the 15 minutes, and we'll see you all tomorrow.

24 We're adjourned until 9.00 a.m. tomorrow.

25 --- Whereupon the hearing adjourned at 4.36 p.m.